

Senate Bill 609

By: Senator Douglas of the 17th

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To reincorporate and provide a new charter for the City of Hampton in Henry County,
2 Georgia; to provide for boundaries and powers of the city; to provide for a governing
3 authority of such city and the powers, duties, authority, election, terms, method of filling
4 vacancies, compensation, qualifications, prohibitions, and removal from office relative to
5 members of such governing authority; to provide for inquiries and investigations; to provide
6 for organization and procedures; to provide for ordinances and codes; to provide for the
7 office of mayor and certain duties and powers relative to the office of mayor; to provide for
8 administrative responsibilities; to provide for boards, commissions, and authorities; to
9 provide for a city attorney, a city clerk, a city manager, and other personnel; to provide for
10 rules and regulations; to provide for a municipal court and the judge or judges thereof; to
11 provide for practices and procedures; 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 of
14 property; to provide for bonds for officials; to provide for eminent domain; to provide for
15 penalties; to provide for definitions and construction; to provide for other matters relative to
16 the foregoing; to provide for severability; to repeal a specific Act; to provide an effective
17 date; 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 constituted and declared a body politic and corporate under the name and style Hampton,
25 Georgia, and by that name shall have perpetual succession. Under that name, said city shall

1 continue to be vested with all of the property and rights of property which now belong to the
 2 corporation; may sue and be sued; may contract and be contracted with; may acquire and
 3 hold such property, real and personal, as may be devised, bequeathed, sold, or in any manner
 4 conveyed or dedicated to or otherwise acquired by it and from time to time may hold or
 5 invest, sell, or dispose of the same; may have a common seal and alter and renew the same
 6 at will; and may exercise in conformity with this charter all municipal powers, functions,
 7 rights, privileges, and immunities of every name and nature whatsoever.

8 **SECTION 1.11.**

9 Corporate boundaries.

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

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

22 **SECTION 1.12.**

23 Specific powers.

24 The corporate powers of the government of the City of Hampton, to be exercised by the
 25 governing authority, include, but are not limited to:

- 26 (1) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
 27 and collection of taxes on all property subject to taxation;
- 28 (2) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
 29 future by law;
- 30 (3) Business regulation and taxation. To levy and to provide for collection of regulatory
 31 fees and taxes on privileges, occupations, trades, and professions as authorized by Title
 32 48 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted; to
 33 permit and regulate the same; to provide for the manner and method of payment of such
 34 regulatory fees and taxes; and to revoke such permits after due process for failure to pay
 35 any city taxes or fees;

- 1 (4) 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 the city;
- 5 (5) Municipal debts. To appropriate and borrow money for the payment of debts of the
6 city and to issue bonds for the purpose of raising revenue to carry out any project,
7 program, or venture authorized by this charter or the laws of the State of Georgia;
- 8 (6) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
9 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
10 outside the property limits of the city;
- 11 (7) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
12 any purpose related to 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 (8) Condemnation. To condemn property, inside or outside the corporate limits of the
15 city, for present or future use and for any corporate purpose deemed necessary by the
16 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such
17 other applicable laws as are now or may hereafter be enacted;
- 18 (9) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
19 of public utilities, including but not limited to a system of waterworks, sewers and drains,
20 sewage disposal, gas works, electric light plants, cable television and other
21 telecommunications, transportation facilities, public airports, and any other public utility;
22 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and
23 to provide for the manner and method of collecting charges for such services and for
24 enforcing payment of same; charges for such services shall constitute a lien against the
25 property receiving such services and shall be enforced in the same manner and under the
26 same remedies as a lien for city property taxes;
- 27 (10) Public utilities and services. To grant franchises or make contracts for public
28 utilities and public service companies not to exceed periods of 50 years; or to impose
29 taxes on public utilities and public service companies; and to prescribe the rates, fares,
30 regulations, and standards and conditions of service applicable to the service to be
31 provided by the franchise grantee or contractor, insofar as not in conflict with valid
32 regulations of the Georgia Public Service Commission;
- 33 (11) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
34 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
35 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
36 walkways within the corporate limits of the city; and to grant franchises and rights of way
37 throughout the streets and roads and over the bridges and viaducts for the use of public

1 utilities and public services; and to require real estate owners to repair and maintain in
2 a safe condition the sidewalks adjoining their lots or lands; and to enact ordinances
3 establishing the terms and conditions under which such repairs and maintenance shall be
4 effected, including the penalties to be imposed for failure to do so;

5 (12) Public improvements. To provide for the acquisition, construction, building,
6 operation, and maintenance of public ways, parks and playgrounds, public grounds,
7 recreational facilities, cemeteries, markets and market houses, public buildings, libraries,
8 sewers, drains, sewage treatment, airports, hospitals, terminals, docks, parking facilities,
9 and charitable, cultural, educational, recreational, conservation, sport, curative,
10 corrective, detentional, penal, and medical institutions, agencies, and facilities; and to
11 provide any other public improvements, inside or outside the corporate limits of the city;
12 to regulate the use of public improvements; and, for such purposes, property may be
13 acquired by condemnation under Title 22 of the O.C.G.A. or such other applicable laws
14 as are now or may hereafter be enacted;

15 (13) Building regulation. To establish minimum standards for and to regulate the
16 erection, construction, and repair of buildings and all other structures; to adopt building,
17 housing, plumbing, electrical, gas, and heating and air-conditioning codes; to regulate all
18 housing, building, and building trades; and to license the construction and erection of
19 buildings and all other structures for the health, sanitation, cleanliness, welfare, and safety
20 of inhabitants of the city;

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

24 (15) Urban redevelopment. To organize and operate an urban redevelopment program;

25 (16) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
26 the manufacture, sale, or transportation of any intoxicating liquors; the use of firearms;
27 to regulate the transportation, storage, and use of combustible, explosive, and
28 inflammable materials; the use of lighting and heating equipment, and any other business
29 or situation which may be dangerous to persons or property; to regulate and control the
30 conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows
31 of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit
32 professional fortunetelling, adult bookstores, and massage parlors;

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

- 1 (18) Health and sanitation. To prescribe standards of health and sanitation and to provide
2 for the enforcement of such standards;
- 3 (19) Pollution. To regulate the emission of smoke or other exhaust which pollutes the air
4 and to prevent the pollution of natural steams which flow within the corporate limits of
5 the city;
- 6 (20) Environmental protection. To protect and preserve the natural resources,
7 environment, and vital areas of the state through the preservation and improvement of air
8 quality, the restoration and maintenance of water resources, the control of erosion and
9 sedimentation, the management of solid and hazardous waste, and other necessary actions
10 for the protection of the environment;
- 11 (21) Fire regulations. To fix and establish fire limits and from time to time to extend,
12 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
13 general law, relating to both fire prevention and detection and to fire fighting; and to
14 prescribe penalties and punishment for violations thereof;
- 15 (22) Public hazards; removal. To provide for the destruction and removal of any building
16 or other structure which is or may become dangerous or detrimental to the public;
- 17 (23) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
18 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
19 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
20 paper, and other recyclable materials and to provide for the sale of such items;
- 21 (24) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
22 and disposal and other sanitary service charge, tax, or fee for such services as may be
23 necessary in the operation of the city from all individuals, firms, and corporations
24 residing in or doing business in the city benefiting from such services; to enforce the
25 payment of such charges, taxes, or fees; and to provide for the manner and method of
26 collecting such service charges;
- 27 (25) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
28 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
29 and sewerage system and to levy on those to whom sewers and sewerage systems are
30 made available a sewer service fee, charge, or sewer tax for the availability or use of the
31 sewers; to provide for the manner and method of collecting such service charges and for
32 enforcing payment of the same; and to charge, impose, and collect a sewer connection fee
33 or fees to those connected with the system;
- 34 (26) General health, safety, and welfare. To define, regulate, and prohibit any act,
35 practice, conduct, or use of property which is detrimental to health, sanitation,
36 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the
37 enforcement of such standards;

- 1 (27) Nuisance. To define a nuisance and provide for its abatement whether on public or
2 private property;
- 3 (28) Municipal property protection. To provide for the preservation and protection of
4 property and equipment of the city and the administration and use of same by the public;
5 and to prescribe penalties and punishment for violations thereof;
- 6 (29) Jail sentences. To provide that persons given jail sentences in the municipal court
7 may work out such sentences in any public works or on the streets, roads, drains, squares,
8 and other public property in the city; to provide for commitment of such persons to any
9 jail; or to provide for commitment of such persons to any county work camp or county
10 jail by agreement with the appropriate county officials;
- 11 (30) Public peace. To adopt ordinances and regulations for the prevention and
12 punishment of loitering, disorderly conduct, riots, public drunkenness, and disturbing the
13 peace in the corporate limits of the city and to prohibit or regulate by ordinance such
14 other conduct and activities within said city which, while not constituting an offense
15 against the laws of this state, are deemed by the governing authority to be detrimental and
16 offensive to the peace and good order of the city or to the welfare of the citizens thereof;
17 this state, is deemed by the governing authority to be detrimental and offensive to the
18 peace and good order of the city or to the welfare of the citizens thereof;
- 19 (31) Animal regulations. To regulate and license or to prohibit the keeping or running
20 at large of animals and fowl and to provide for the impoundment of same if in violation
21 of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane
22 destruction of animals and fowl when not redeemed as provided by ordinance; and to
23 provide punishment for violation of ordinances enacted under this charter;
- 24 (32) Motor vehicles. To regulate the operation of motor vehicles and exercise control
25 over all traffic, including parking upon or across the streets, roads, alleys, and walkways
26 of the city;
- 27 (33) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
28 number of such vehicles; to require the operators thereof to be licensed; to require public
29 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
30 regulate the parking of such vehicles;
- 31 (34) Public transportation. To organize and operate such public transportation systems
32 as are deemed beneficial;
- 33 (35) Retirement. To provide and maintain a retirement plan for officers and employees
34 of the city;
- 35 (36) Special assessments. To levy and provide for the collection of special assessments
36 to cover the costs for any public improvements;

1 (37) Contracts. To enter into contracts and agreements with other governmental entities
2 and with private persons, firms, and corporations;

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

7 (39) General welfare. To make, ordain, and establish such bylaws, ordinances, rules, and
8 regulations as shall appear necessary for the security, welfare, convenience, and interest
9 of the city and the inhabitants thereof and for preserving the health, peace, order, and
10 good government of the city;

11 (40) 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 (41) Police and fire protection. To exercise the power of arrest through duly appointed
14 police officers or in any other manner provided by the general laws of the State of
15 Georgia; and to establish, operate, or contract for a police and a fire-fighting agency;

16 (42) Emergencies. To establish procedures for determining and proclaiming that an
17 emergency situation exists within or outside 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; and

20 (43) 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; and to exercise all implied powers necessary or desirable to carry into
24 execution all powers granted in this charter as fully and completely as if such powers
25 were fully enumerated in this charter; and to exercise all powers now or in the future
26 authorized to be exercised by other municipal governments under other laws of the State
27 of Georgia. No enumeration of particular powers in this charter shall be held to be
28 exclusive of others, nor restrictive of general words and phrases granting powers, but
29 shall be held to be in addition to such powers unless expressly prohibited to
30 municipalities under the Constitution or applicable laws of the State of Georgia.

31 **SECTION 1.13.**

32 Powers and construction.

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

1 (b) The powers of this city shall be construed liberally in favor of the city. The specific
 2 mention or failure to mention particular powers shall not be construed as limiting in any way
 3 the powers of this city.

4 **SECTION 1.14.**

5 Exercise of powers.

6 All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or
 7 employees shall be carried into execution as provided by this charter. If this charter makes
 8 no provision, such powers, functions, rights, privileges, and immunities shall be carried into
 9 execution as provided by ordinance of the governing authority or as provided by pertinent
 10 laws of the State of Georgia.

11 **ARTICLE II**

12 **GOVERNING BODY**

13 **SECTION 2.10.**

14 Creation; composition; number; election.

15 The legislative authority of the government of the City of Hampton, except as otherwise
 16 specifically provided in this charter, shall be vested in a city council to be composed of a
 17 mayor and six councilmembers. The city council established in this charter shall in all
 18 respects be a successor to and continuation of the city governing authority under prior law.
 19 The mayor and councilmembers shall be elected in the manner provided by this charter.

20 **SECTION 2.11.**

21 City council terms and qualifications for office.

22 The members of the city council shall serve for terms of four years and until their respective
 23 successors are elected and qualified. No person shall be eligible to serve as mayor or
 24 councilmember unless that person shall have been a resident of the city for 12 months prior
 25 to the date of the election of mayor or members of the city council; each shall continue to
 26 reside therein during that person's period of service and to be registered and qualified to vote
 27 in municipal elections of this city.

28 **SECTION 2.12.**

29 Vacancy; filling of vacancies.

30 (a) Vacancies—The office of mayor or councilmember shall become vacant upon the
 31 incumbent's death, resignation, forfeiture of office or removal from office, or occurrence of

1 any event specified by the Constitution, Title 45 of the O.C.G.A., or such other applicable
2 laws as are or may hereafter be enacted.

3 (b) Forfeiture of office—The mayor or any councilmember shall forfeit his or her office if
4 he or she:

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

7 (2) Is convicted of a felony or other crime involving moral turpitude.

8 (c) Filling of vacancies—A vacancy in the office of mayor or councilmember shall be filled
9 for the remainder of the unexpired term, if any, by appointment if less than 12 months remain
10 in the unexpired term, otherwise by an election as provided for in Section 5.15 of this charter
11 and Titles 21 and 45 of the O.C.G.A. or such other laws as are or may hereafter be enacted.

12 **SECTION 2.13.**

13 Compensation and expenses.

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

16 **SECTION 2.14.**

17 Conflicts of interest; holding other offices.

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

20 (b) Conflict of interest—No elected official, appointed officer, or employee of the city or
21 any agency or political entity to which this charter applies shall knowingly:

22 (1) Engage in any business or transaction or have a financial or other personal interest,
23 direct or indirect, which is incompatible with the proper discharge of that person's official
24 duties or which would tend to impair the independence of that person's judgment or
25 action in the performance of that person's official duties;

26 (2) Engage in or accept private employment or render services for private interests when
27 such employment or service is incompatible with the proper discharge of that person's
28 official duties or would tend to impair the independence of that person's judgment or
29 action in the performance of that person's official duties;

30 (3) Disclose confidential information, including information obtained at meetings which
31 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,
32 government, or affairs of the governmental body by which that person is engaged without
33 proper legal authorization or use such information to advance the financial or other
34 private interest of that person or others;

- 1 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,
2 from any person, firm, or corporation which to that person's knowledge is interested,
3 directly or indirectly, in any manner whatsoever, in business dealings with the
4 governmental body by which that person is engaged; provided, however, that an elected
5 official who is a candidate for public office may accept campaign contributions and
6 services in connection with any such campaign;
- 7 (5) Represent other private interests in any action or proceeding against this city or any
8 portion of its government; or
- 9 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
10 any business or entity in which that person has a financial interest.
- 11 (c) Disclosure—Any elected official, appointed officer, or employee who shall have any
12 financial interest, directly or indirectly, in any contract or matter pending before or within
13 any department of the city shall disclose such interest to the city council. The mayor or any
14 councilmember who has a financial interest in any matter pending before the city council
15 shall disclose such interest and such disclosure shall be entered on the records of the city
16 council, and that person shall disqualify himself or herself from participating in any decision
17 or vote relating thereto. Any elected official, appointed officer, or employee of any agency
18 or political entity to which this charter applies who shall have any financial interest, directly
19 or indirectly, in any contract or matter pending before or within such entity shall disclose
20 such interest to the governing body of such agency or entity.
- 21 (d) Use of public property—No elected official, appointed officer, or employee of the city
22 or any agency or entity to which this charter applies shall use property owned by such
23 governmental entity for personal benefit, convenience, or profit except in accordance with
24 policies promulgated by the city council or the governing body of such agency or entity.
- 25 (e) Contracts voidable and rescindable—Any violation of this section which occurs with the
26 knowledge, express or implied, of a party to a contract or sale shall render such contract or
27 sale voidable at the option of the city council.
- 28 (f) Ineligibility of elected official—Except where authorized by law, neither the mayor nor
29 any councilmember shall hold any other elective or compensated appointive office in the city
30 or otherwise be employed by said government or any agency thereof during the term for
31 which that person was elected. No former councilmember and no former mayor shall hold
32 any compensated appointive office in the city until one year after the expiration of the term
33 for which that person was elected.
- 34 (g) Political activities of certain officers and employees—No appointed officer of the city
35 shall continue in such employment upon qualifying as a candidate for nomination or election
36 to any public office. No employee of the city shall continue in such employment upon
37 election to any public office in this city or any other public office which is inconsistent,

1 incompatible, or in conflict with the duties of the city employee. Such determination shall
 2 be made by the mayor and city council either immediately upon election or at any time such
 3 conflict may arise.

4 (h) Penalties for violation—

5 (1) Any city officer or employee who knowingly conceals such financial interest or
 6 knowingly violates any of the requirements of this section shall be guilty of malfeasance
 7 in office or position and shall be deemed to have forfeited that person's office or position.

8 (2) Any officer or employee of the city who shall forfeit that person's office or position
 9 as described in paragraph (1) of this subsection shall be ineligible for appointment or
 10 election to or employment in a position in the city government for a period of three years
 11 thereafter.

12 **SECTION 2.15.**

13 Inquiries and investigations.

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

20 **SECTION 2.16.**

21 General power and authority of the city council.

22 (a) Except as otherwise provided by law or this charter, the city council shall be vested with
 23 all the powers of government of the City of Hampton as provided by Article I of this charter.

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

31 (c) By ordinance the council may create, change, alter, abolish, or consolidate offices,
 32 agencies, and departments of the city and may assign additional functions to any of the
 33 offices, agencies, and departments expressly provided for by this charter.

SECTION 2.20.

Rules of procedure.

(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 of a journal of its proceedings, which shall be a public record.

(b) All committees and committee chairpersons shall be appointed by the mayor subject to the approval of a majority of councilmembers and shall serve at the pleasure of the mayor and council. The mayor or any councilmember may initiate the removal of any committee chairperson or committee member at any time, by moving the council to act on the recommended removal. Any removal is subject to approval by the majority of the council.

SECTION 2.21.

Quorum; voting.

The mayor and four councilmembers or the mayor pro tempore and any three councilmembers shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of ordinances shall be by voice vote, or as otherwise designated by the mayor, 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. Except as otherwise provided in this charter, the affirmative vote of the majority of the councilmembers present and voting excluding the mayor, except in the case of a tie, shall be required for the adoption of any ordinance, resolution, or motion. In the event any councilmember or the mayor leaves the meeting after the motion is made but before the motion is decided, he or she shall not be deemed absent for quorum purposes.

SECTION 2.22.

Ordinance form; procedures.

(a) Every proposed ordinance should 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 council of the City of Hampton hereby ordains..." and every ordinance shall so begin.

(b) An ordinance may be introduced by any councilmember and be 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 ordinances provided for in Section 2.24 of this charter. Upon introduction of any ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to each councilmember

1 and shall file a reasonable number of copies in the office of the clerk and at such other public
2 places as the city council may designate.

3 (c) All ordinances, bylaws, rules, and regulations now in force in the city not inconsistent
4 with this charter are declared valid and of full effect and force until amended or repealed by
5 the governing authority.

6 (d) Whenever possible ordinances should be prepared by the city attorney.

7 **SECTION 2.23.**

8 Action requiring an ordinance.

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

10 **SECTION 2.24.**

11 Emergencies.

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

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

1 the ordinances and charter amendments shall be printed in substantially the same style as the
 2 code currently in effect and shall be suitable in form for incorporation therein. The city
 3 council shall make such further arrangements as deemed desirable with reproduction and
 4 distribution of any current changes in or additions to codes of technical regulations and other
 5 rules and regulations included in the code.

6 **SECTION 2.27.**

7 City manager; appointment;
 8 qualifications; compensation.

9 The city council shall appoint a city manager for an indefinite term and shall fix the city
 10 manager's compensation. The powers, duties, and responsibilities of the city manager shall
 11 be defined by ordinance. The city manager shall be appointed solely on the basis of that
 12 person's executive and administrative qualifications.

13 **SECTION 2.28.**

14 Removal of city manager.

15 The city council may remove the city manager from office in accordance with the procedures
 16 established by ordinance.

17 **SECTION 2.29.**

18 Acting city manager.

19 (a) By letter filed with the city clerk, the city manager shall designate, subject to approval
 20 of the city council, a qualified city administrative officer to exercise the powers and perform
 21 the duties of city manager during the city manager's temporary absence or physical or mental
 22 disability. During such absence or disability, the city council may revoke such designation
 23 at any time and appoint another officer of the city to serve until the city manager shall return
 24 or the city manager's disability shall cease.

25 (b) If the city manager resigns or is otherwise terminated, then the city council shall convene
 26 at the earliest possible opportunity and appoint an acting city manager until a permanent
 27 replacement can be found.

28 **SECTION 2.30.**

29 Council's interference with administration.

30 Neither the city council nor its members shall give orders to any such officer or employee,
 31 either publicly or privately.

SECTION 3.10.

Administrative and service departments.

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

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

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

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

(e) All appointed officers and directors under the supervision of the city manager shall be nominated by the city manager with confirmation of appointment by the city council. All appointed officers and directors shall be employees at will and subject to removal or suspension at any time at the recommendation of the city manager, mayor, or any councilmember unless otherwise provided by law or ordinance.

SECTION 3.11.

Boards, commissions, and authorities.

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

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

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

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

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

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

8 (g) All board members serve at will and may be removed at any time by a vote of four
9 members of the city council unless otherwise provided by law.

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

18 **SECTION 3.12.**

19 City attorney.

20 The city council shall appoint a city attorney, together with such assistant city attorneys as
21 may be authorized, and shall provide for the payment of such attorney or attorneys for
22 services rendered to the city. The city attorney shall be responsible for providing for the
23 representation and defense of the city in all litigation in which the city is a party; may be the
24 prosecuting officer in the municipal court; shall attend the meetings of the city council as
25 directed; shall advise the city council, mayor, and other officers and employees of the city
26 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
27 required by virtue of such person's position as city attorney.

28 **SECTION 3.13.**

29 City clerk.

30 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk
31 shall be custodian of the official city seal and city records; maintain city council records
32 required by this charter; and perform such other duties as may be required by the city
33 council.

SECTION 3.14.

Tax collector.

The council may appoint a tax collector 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 the tax collector shall diligently comply with and enforce all general laws of Georgia relating to the collection, sale, or foreclosure of taxes by municipalities.

SECTION 3.15.

City accountant.

The council may appoint a city accountant to perform the duties of an accountant.

SECTION 3.16.

Consolidation of functions.

The council may consolidate any two or more of the positions of the city clerk, city tax collector, and city accountant or any other positions or may assign the functions of any one or more of such positions to the holder or holders of any other positions. The city manager may, with the approval of the city council, perform all or any part of the functions of any of the positions or offices in lieu of appointing other persons to perform the same.

SECTION 3.17.

Position classification and pay plans.

The city manager shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the city council for approval. Such plan may apply to all employees of the city and any of its agencies, departments, boards, commissions, or authorities. When a pay plan has been adopted, the city council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan. For purposes of this section, all elected and appointed city officials are not city employees.

SECTION 3.18.

Personnel policies.

All employees serve at will and may be removed from office at any time unless otherwise provided by ordinance. The 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 any position classification and pay plan, methods of promotion
 2 and application 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 layoff shall be effected; and

6 (4) Such other personnel policies as may be necessary to provide for adequate and
 7 systematic handling of the personnel affairs of the City of Hampton.

8 **ARTICLE IV**

9 **MUNICIPAL COURT**

10 **SECTION 4.10.**

11 Creation; name.

12 There shall be a court to be known as the Municipal Court of the City of Hampton.

13 **SECTION 4.11.**

14 Chief judge; associate judge.

15 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,
 16 or stand-by judges as shall be provided by ordinance.

17 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
 18 that person shall have attained the age of 21 years and shall be a member of the State Bar of
 19 Georgia and shall possess all qualifications required by law. All judges shall be appointed
 20 by the city council and shall serve until a successor is appointed and qualified.

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

22 (d) Judges serve at will and may be removed from office at any time by the city council
 23 unless otherwise provided by ordinance.

24 (e) Before assuming office, each judge shall take an oath, given by the mayor, that such
 25 judge will honestly and faithfully discharge the duties of the judge's office to the best of the
 26 judge's ability and without fear, favor, or partiality. The oath shall be entered upon the
 27 minutes of the city council journal required in Section 2.20 of this charter.

28 **SECTION 4.12.**

29 Convening.

30 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 six months or both 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 recognizances to ensure the presence of those charged with violations before such 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, that person's 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.

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

SECTION 4.14.

Certiorari.

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

SECTION 4.15.

Rules for court.

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

ARTICLE V**ELECTIONS****SECTION 5.10.**

Applicability of general law.

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

SECTION 5.11.

Qualifying; nomination of candidates; absentee ballots.

By ordinance the council may prescribe rules and regulations governing qualifying fees, nomination of candidates, absentee ballots, write-in votes, challenge of votes, and such other rules and regulations as may be necessary for the conduct of elections in the City of Hampton.

SECTION 5.12.

Regular elections; time for holding.

In odd-numbered years, on the Tuesday next following the first Monday in November there shall be an election for the mayor and the city council. The terms of office shall begin at the organizational meeting provided in Section 2.18 of this charter.

1 **SECTION 5.13.**

2 Nonpartisan elections.

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

5 **SECTION 5.14.**

6 Election by plurality.

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

8 **SECTION 5.15.**

9 Special elections; vacancies.

10 In the event that the office of mayor or councilmember shall become vacant as provided in
11 Section 2.12 of this charter, the city council or those remaining shall order a special election
12 to fill the balance of the unexpired term of such official; provided, however, if such vacancy
13 occurs within 12 months of the expiration of the term of that office, the city council or those
14 members remaining shall appoint a successor for the remainder of the term. In all other
15 respects, the special election shall be held and conducted in accordance with Chapter 2 of
16 Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

17 **SECTION 5.16.**

18 Other provisions.

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

22 **SECTION 5.17.**

23 Removal of officers.

24 (a) A councilmember, the mayor, or other appointed officers provided for in this charter
25 shall be removed from office for any one or more of the causes provided in Title 45 of the
26 O.C.G.A. or such other applicable laws as are or may hereafter be enacted, including but not
27 limited to causes established by ordinance.

28 (b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished
29 by one of the following methods:

30 (1) Following a hearing at which an impartial panel shall render a decision. In the event
31 an elected officer is sought to be removed by the action of the city council, such officer
32 shall be entitled to a written notice specifying the ground or grounds for removal and to
33 a public hearing which shall be held not less than ten days after the service of such

1 written notice. The city council shall provide by ordinance for the manner in which such
 2 hearings shall be held. Any elected officer sought to be removed from office as provided
 3 in this section shall have the right of appeal from the decision of the city council to the
 4 Superior Court of Henry County. Such appeal shall be governed by the same rules as
 5 govern appeals to the superior court from the probate court; or

6 (2) By an order of the Superior Court of Henry County following a hearing on a
 7 complaint seeking such removal brought by any resident of the City of Hampton.

8 ARTICLE VI

9 FINANCE AND FISCAL

10 SECTION 6.10.

11 Property tax.

12 The city council may assess, levy, and collect an ad valorem tax on all real and personal
 13 property within the corporate limits of the city that is subject to such taxation by the state and
 14 county. This tax is for the purpose of raising revenues to defray the costs of operating the
 15 city government, of providing governmental services, for the repayment of principal and
 16 interest on general obligations, and for any other public purpose as determined by the city
 17 council in its discretion.

18 SECTION 6.11.

19 Millage rate; due dates; payment methods.

20 The city council by ordinance shall establish a millage rate for the city property tax, a due
 21 date, and the time period within which these taxes must be paid. The city council by
 22 ordinance may provide for the payment of these taxes by installments or in one lump sum,
 23 as well as authorize the voluntary payment of taxes prior to the time when due.

24 SECTION 6.12.

25 Occupation and business taxes.

26 The city council by ordinance shall have the power to levy such occupation or business taxes
 27 as are not denied by law. The city council may classify businesses, occupations, or
 28 professions for the purpose of such taxation in any way which may be lawful and may
 29 compel the payment of such taxes as provided in Section 6.19 of this charter.

SECTION 6.13.

Regulatory fees; permits.

The city council by ordinance shall have the power to require businesses or practitioners doing business in this city to obtain a permit for such activity from the city and pay a regulatory fee for such permit as provided by general law. Such fees shall reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected as provided in Section 6.19 of this charter.

SECTION 6.14.

Franchises.

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

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

SECTION 6.15.

Service charges.

The city council by ordinance shall have the power to assess and collect fees, charges, and tolls for sewers, sanitary and health services, or any other services provided or made available within and outside the corporate limits of the city for the total cost to the city of providing or making available such services. If unpaid, such charges shall be collected as provided in Section 6.19 of this charter.

SECTION 6.20.

General obligation bonds.

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 such issue is undertaken.

SECTION 6.21.

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 6.22.

Short-term loans.

The city may obtain short-term loans and must repay such loans not later than the end of the fiscal year of each year, unless otherwise provided by law.

SECTION 6.23.

Lease-purchase contracts.

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 fiscal year in which it was executed and at the close of each succeeding fiscal 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 6.24.

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, unless otherwise provided by state or federal law.

1 encumbrance created in excess of the otherwise unencumbered balance of the appropriations
2 or allotment thereof to which it is chargeable.

3 **SECTION 6.28.**

4 Property tax levies.

5 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates
6 set by such ordinance shall be such that reasonable estimates of revenues from such levy
7 shall at least be sufficient, together with other anticipated revenues, fund balances, and
8 applicable reserves, to equal the total amount appropriated for each of the several funds set
9 forth in the annual operating budget for defraying the expenses of the general government
10 of the City of Hampton.

11 **SECTION 6.29.**

12 Changes in appropriations.

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

17 **SECTION 6.30.**

18 Capital budget.

19 (a) On or before the date fixed by the city council, but not later than 90 days prior to the
20 beginning of each fiscal year, the city manager shall submit to the city council a proposed
21 capital improvements plan with a recommended capital budget containing the means of
22 financing the improvements proposed for the ensuing fiscal year. The city council shall have
23 power to accept, with or without amendments, or reject the proposed plan and budget. The
24 city council shall not authorize an expenditure for the construction of any building, structure,
25 work, or improvement unless the appropriations for such project are included in the capital
26 budget, except to meet a public emergency as provided in Section 2.24 of this charter.

27 (b) The city council shall adopt by ordinance or resolution the final capital budget for the
28 ensuing fiscal year not later than the first regular meeting of the first month of each fiscal
29 year. No appropriation provided for in a prior capital budget shall lapse until the purpose for
30 which the appropriation was made shall have been accomplished or abandoned; provided,
31 however, the city manager may submit amendments to the capital budget at any time during
32 the fiscal year, accompanied by recommendations. Any such amendments to the capital
33 budget shall become effective only upon adoption by ordinance.

1 conveyances heretofore and hereafter so executed and delivered shall convey all title and
2 interest the city has in such property, notwithstanding the fact that no public sale after
3 advertisement was or is hereafter made.

4 **ARTICLE VII**

5 **GENERAL PROVISIONS**

6 **SECTION 7.10.**

7 Official bonds.

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

11 **SECTION 7.11.**

12 Prior ordinances.

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 Existing personnel and officers.

18 Except as specifically provided otherwise by this charter, all personnel and officers of this
19 city and their rights, privileges, and powers shall continue beyond the time this charter takes
20 effect for a period of 60 days before or during which time the existing city council shall pass
21 a transition ordinance detailing the changes in personnel and appointed officers required or
22 desired and arranging such titles, rights, privileges, and powers as may be required or desired
23 to allow a reasonable transition.

24 **SECTION 7.13.**

25 Pending matters.

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

SECTION 7.14.

Construction.

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

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

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

SECTION 7.15.

Severability.

If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be held to be invalid or unconstitutional such invalidity or unconstitutionality shall not affect or impair other parts of this charter, unless it clearly appears that such other parts are wholly and necessarily dependent upon the part or parts held to be invalid or unconstitutional, it being the legislative intent in enacting this charter that each article, section, subsection, paragraph, sentence, or part thereof be enacted separately and independent of each other.

SECTION 7.16.

Specific repealer.

An Act incorporating the City of Hampton in the County of Henry, approved April 17, 1975 (Ga. L. 1975, p. 4092), is repealed in its entirety and all amendatory Acts thereto are likewise repealed in their entirety.

SECTION 7.17.

Effective date.

This Act shall become effective on January 1, 2007.

SECTION 7.18.

General repealer.

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