

House Bill 1559 (AS PASSED HOUSE AND SENATE)

By: Representatives Burns of the 157th and Carter of the 159th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Guyton; to provide for incorporation, boundaries,
2 and powers of the city; to provide for a governing authority of such city and the powers,
3 duties, authority, election, terms, 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 mayor and mayor pro tempore and certain duties,
8 powers, and other matters relative thereto; to provide for administrative affairs and
9 responsibilities; to provide for boards, commissions, and authorities; to provide for a city
10 attorney, a city clerk, and other personnel and matters relating thereto; to provide for rules
11 and regulations; to provide for a municipal court and the judge or judges thereof and other
12 matters relative to those judges; to provide for the court's jurisdiction, powers, practices, and
13 procedures; to provide for the right of certiorari; to provide for elections; to provide for
14 taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to
15 provide for bonded and other indebtedness; to provide for auditing, accounting, budgeting,
16 and appropriations; to provide for city contracts and purchasing; to provide for the
17 conveyance of property and interests therein; to provide for bonds for officials; to provide
18 for prior ordinances and rules, pending matters, and existing personnel; to provide for
19 penalties; to provide for definitions and construction; to provide for other matters relative to
20 the foregoing; to repeal an Act incorporating the City of Guyton in the County of Effingham,
21 approved April 12, 1982 (Ga. L. 1982, p. 3806); to provide an effective date; to repeal
22 conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

1 destruction of animals and fowl when not redeemed as provided by ordinance; and to
2 provide punishment for violation of ordinances enacted under this charter;

3 (2) Appropriations and expenditures. To make appropriations for the support of the
4 government of the city; to authorize the expenditure of money for any purposes
5 authorized by this charter and for any purpose for which a municipality is authorized by
6 the laws of the State of Georgia; and to provide for the payment of expenses of the city;

7 (3) Building regulation. To regulate and to license the erection and construction of
8 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,
9 and heating and air-conditioning codes; and to regulate all housing and building trades;

10 (4) Business regulation and taxation. To levy and to provide for collection of regulatory
11 fees and taxes on privileges, occupations, trades, and professions as authorized by Title
12 48 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted; to
13 permit and regulate the same; to provide for the manner and method of payment of such
14 regulatory fees and taxes; and to revoke such permits after due process for failure to pay
15 any city taxes or fees;

16 (5) Condemnation. To condemn property, inside or outside the corporate limits of the
17 city, for present or future use and for any corporate purpose deemed necessary by the
18 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such
19 other applicable laws as are now or may hereafter be enacted;

20 (6) Contracts. To enter into contracts and agreements with other governmental entities
21 and with private persons, firms, and corporations;

22 (7) Emergencies. To establish procedures for determining and proclaiming that an
23 emergency situation exists within or outside the city and to make and carry out all
24 reasonable provisions deemed necessary to deal with or meet such an emergency for the
25 protection, safety, health, or well-being of the citizens of the city;

26 (8) Environmental protection. To protect and preserve the natural resources,
27 environment, and vital areas of the state through the preservation and improvement of air
28 quality, the restoration and maintenance of water resources, the control of erosion and
29 sedimentation, the management of solid and hazardous waste, and other necessary actions
30 for the protection of the environment;

31 (9) Fire regulations. To fix and establish fire limits and from time to time to extend,
32 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
33 general law, relating to both fire prevention and detection and to fire fighting; and to
34 prescribe penalties and punishment for violations thereof;

35 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
36 and disposal and other sanitary service charge, tax, or fee for such services as may be
37 necessary in the operation of the city from all individuals, firms, and corporations

1 residing in or doing business in the city benefiting from such services; to enforce the
2 payment of such charges, taxes, or fees; and to provide for the manner and method of
3 collecting such service charges;

4 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,
5 practice, conduct, or use of property which is detrimental to health, sanitation,
6 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the
7 enforcement of such standards;

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

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

13 (14) Jail sentences. To provide that persons given jail sentences in the municipal court
14 may work out such sentences in any public works or on the streets, roads, drains, and
15 other public property in the city; to provide for commitment of such persons to any jail;
16 or to provide for commitment of such persons to any county work camp or county jail by
17 agreement with the appropriate county officials;

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

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

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

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

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

34 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
35 of public utilities, including but not limited to a system of waterworks, sewers and drains,
36 sewage disposal, gas works, electric light plants, cable television and other
37 telecommunications, transportation facilities, public airports, and any other public utility;

1 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and
2 to provide for the withdrawal of service for refusal or failure to pay the same;

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

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

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

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

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

16 (26) Public improvements. To provide for the acquisition, construction, building,
17 operation, and maintenance of public ways, parks and playgrounds, public grounds,
18 recreational facilities, cemeteries, markets and market houses, public buildings, libraries,
19 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, other
20 public utilities, public housing, airports, hospitals, terminals, docks, parking facilities, and
21 charitable, cultural, educational, recreational, conservation, sport, curative, corrective,
22 detentional, penal, and medical institutions, agencies, and facilities; and to provide any
23 other public improvements, inside or outside the corporate limits of the city; to regulate
24 the use of public improvements; and, for such purposes, property may be acquired by
25 condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are now
26 or may hereafter be enacted;

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

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

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

36 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,
37 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any

1 and all other structures or obstructions upon or adjacent to the rights of way of streets and
2 roads or within view thereof, within or abutting the corporate limits of the city; and to
3 prescribe penalties and punishment for violation of such ordinances;

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

6 (32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
7 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
8 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
9 walkways within the corporate limits of the city; and to grant franchises and rights of way
10 throughout the streets and roads and over the bridges and viaducts for the use of public
11 utilities;

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

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

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

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

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

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

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

5 (40) Urban redevelopment. To organize and operate an urban redevelopment program;
 6 and

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

18 **SECTION 1.13.**

19 Exercise of powers.

20 (a) All powers, functions, rights, privileges, and immunities of the city, its officers, agencies,
 21 or employees shall be carried into execution as provided by this charter. If this charter makes
 22 no provision, such shall be carried into execution as provided by ordinance or as provided
 23 by pertinent laws of the State of Georgia.

24 (b) Failure to exercise a power by the city shall not be a waiver or relinquishment of said
 25 power; the city may at any future time exercise or restrict such powers; and the failure to
 26 exercise such power shall not give any individual or entity any cause of action or claim
 27 against the city.

28 **ARTICLE II**

29 **GOVERNMENT STRUCTURE**

30 **SECTION 2.10.**

31 City council creation; number; election.

32 The legislative authority of the government of this city, except as otherwise specifically
 33 provided in this charter, shall be vested in a city council to be composed of a mayor and four

1 councilmembers. The city council established in this charter shall in all respects be a
 2 successor to and continuation of the city governing authority under prior law. The mayor and
 3 councilmembers shall be elected in the manner provided by this charter.

4 **SECTION 2.11.**

5 City council terms and qualifications for office.

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

12 **SECTION 2.12.**

13 Vacancy; filling of vacancies; suspensions.

14 (a) Vacancies—The office of mayor or councilmember shall become vacant upon such
 15 person's failing or ceasing to reside in the city or upon the occurrence of any event specified
 16 by the Constitution, Title 45 of the O.C.G.A., or such other applicable laws as are or may
 17 hereafter be enacted.

18 (b) Filling of vacancies—A vacancy in the office of mayor or councilmember shall be filled
 19 for the remainder of the unexpired term, if any, as provided for in Article V of this charter.

20 **SECTION 2.13.**

21 Compensation and expenses.

22 The mayor and councilmembers shall receive compensation and expenses for their services
 23 as provided by ordinance. The mayor and councilmembers shall be entitled to receive their
 24 actual and necessary expenses incurred in the performance of their duties.

25 **SECTION 2.14.**

26 Conflicts of interest; holding other offices.

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

- 1 (b) Conflict of interest—No elected official, appointed officer, or employee of the city or
2 any agency or political entity to which this charter applies shall knowingly:
- 3 (1) Engage in any business or transaction or have a financial or other personal interest,
4 direct or indirect, which is incompatible with the proper discharge of that person’s official
5 duties or which would tend to impair the independence of that person’s judgment or
6 action in the performance of that person’s official duties;
- 7 (2) Engage in or accept private employment or render services for private interests when
8 such employment or service is incompatible with the proper discharge of that person’s
9 official duties or would tend to impair the independence of that person’s judgment or
10 action in the performance of that person’s official duties;
- 11 (3) Disclose confidential information, including information obtained at meetings which
12 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,
13 government, or affairs of the governmental body by which that person is engaged without
14 proper legal authorization or use such information to advance the financial or other
15 private interest of that person or others;
- 16 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,
17 from any person, firm, or corporation which to that person’s knowledge is interested,
18 directly or indirectly, in any manner whatsoever, in business dealings with the
19 governmental body by which that person is engaged; provided, however, that an elected
20 official who is a candidate for public office may accept campaign contributions and
21 services in connection with any such campaign;
- 22 (5) Represent other private interests in any action or proceeding against this city or any
23 portion of its government; or
- 24 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
25 any business or entity in which that person has a financial interest.
- 26 (c) Disclosure—Any elected official, appointed officer, or employee who shall have any
27 financial interest, directly or indirectly, in any contract or matter pending before or within
28 any department of the city shall disclose such interest to the city council. The mayor or any
29 councilmember who has a financial interest in any matter pending before the city council
30 shall disclose such interest and such disclosure shall be entered on the records of the city
31 council, and that person shall disqualify himself or herself from participating in any decision
32 or vote relating thereto. Any elected official, appointed officer, or employee of any agency
33 or political entity to which this charter applies who shall have any financial interest, directly
34 or indirectly, in any contract or matter pending before or within such entity shall disclose
35 such interest to the governing body of such agency or entity.
- 36 (d) Use of public property—No elected official, appointed officer, or employee of the city
37 or any agency or entity to which this charter applies shall use property owned by such

1 governmental entity for personal benefit, convenience, or profit except in accordance with
2 policies promulgated by the city council or the governing body of such agency or entity.

3 (e) Contracts voidable and rescindable—Any violation of this section which occurs with the
4 knowledge, express or implied, of a party to a contract or sale shall render such contract or
5 sale voidable at the option of the city council.

6 (f) Ineligibility of elected official—Except where authorized by law, neither the mayor nor
7 any councilmember shall hold any other elective or compensated appointive office in the city
8 or otherwise be employed by said government or any agency thereof during the term for
9 which that person was elected. No former councilmember and no former mayor shall hold
10 any compensated appointive office in the city until one year after the expiration of the term
11 for which that person was elected.

12 (g) Political activities of certain officers and employees—No appointed officer and no
13 employee of the city shall continue in such employment upon qualifying as a candidate for
14 nomination or election to any public office. No employee of the city shall continue in such
15 employment upon election to any public office in this city or any other public office which
16 is inconsistent, incompatible, or in conflict with the duties of the city employee. Such
17 determination shall be made by the mayor and city council either immediately upon election
18 or at any time such conflict may arise.

19 (h) Penalties for violation—

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

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

27 **SECTION 2.15.**

28 Inquiries and investigations.

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

1 notice to councilmembers shall not be required if the mayor and all councilmembers are
2 present when the special meeting is called. Such notice of any special meeting may be
3 waived by a councilmember in writing before or after such a meeting and attendance at the
4 meeting shall also constitute a waiver of notice on any business transacted in such
5 councilmember's presence. Only the business stated in the call may be transacted at the
6 special meeting.

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

11 **SECTION 2.20.**

12 Rules of procedure.

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

16 (b) All committees and committee chairpersons and officers of the city council shall be
17 appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have
18 the power to appoint new members to any committee at any time.

19 **SECTION 2.21.**

20 Quorum; voting.

21 Three councilmembers shall constitute a quorum and shall be authorized to transact business
22 of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote
23 shall be recorded in the journal, but any member of the city council shall have the right to
24 request a roll call vote and such vote shall be recorded in the journal. Except as otherwise
25 provided in this charter, the affirmative vote of three councilmembers, or in cases where a
26 bare quorum is present, a majority of the members of a bare quorum, shall be required for
27 the adoption of any ordinance, resolution, or motion. An abstention shall be counted as an
28 affirmative vote. The mayor and mayor pro tem shall each have a vote on the council.

29 **SECTION 2.22.**

30 Ordinance form; procedures.

31 (a) Every proposed ordinance should be introduced in writing and in the form required for
32 final adoption. No ordinance shall contain a subject which is not expressed in its title. The

1 enacting clause shall be "It is hereby ordained by the governing authority of the City of
2 Guyton, Georgia" and every ordinance shall so begin.

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

11 **SECTION 2.23.**

12 Action requiring an ordinance.

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

14 **SECTION 2.24.**

15 Emergencies.

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

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

5 **SECTION 2.25.**

6 Codes of technical regulations.

7 (a) The city council may adopt any standard code of technical regulations by reference
 8 thereto in an adopting ordinance. The procedure and requirements governing such adopting
 9 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements
 10 of subsection (b) of Section 2.22 of this charter for distribution and filing of copies of the
 11 ordinance shall be construed to include copies of any code of technical regulations, as well
 12 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as
 13 well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to
 14 Section 2.26 of this charter.

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

17 **SECTION 2.26.**

18 Signing; authenticating; recording; codification; printing.

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

21 (b) The city council shall provide for the preparation of a general codification of all the
 22 ordinances of the city having the force and effect of law. The general codification shall be
 23 adopted by the city council by ordinance and shall be published promptly, together with all
 24 amendments thereto and such codes of technical regulations and other rules and regulations
 25 as the city council may specify. This compilation shall be known and cited officially as "The
 26 Code of the City of Guyton, Georgia." Copies of the code shall be furnished to all officers,
 27 departments, and agencies of the city and made available for purchase by the public at a
 28 reasonable price as fixed by the city council.

29 (c) The city council shall cause each ordinance and each amendment to this charter to be
 30 printed promptly following its adoption, and the printed ordinances and charter amendments
 31 shall be made available for purchase by the public at reasonable prices to be fixed by the city
 32 council. Following publication of the first code under this charter and at all times thereafter,
 33 the ordinances and charter amendments shall be printed in substantially the same style as the

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

5 **SECTION 2.27.**

6 Election of mayor; forfeiture; compensation.

7 The mayor shall be elected and serve for a term of four years and until the mayor's successor
8 is elected and qualified. The mayor shall be a qualified elector of this city and shall have
9 been a resident of this city for 12 months immediately preceding the mayor's election. The
10 mayor shall continue to reside in this city during the period of the mayor's service. The
11 mayor shall forfeit that office on the same grounds and under the same procedure as for
12 councilmembers. The compensation of the mayor shall be established in the same manner
13 as for councilmembers.

14 **SECTION 2.28.**

15 Chief executive officer.

16 The mayor shall be the chief executive of this city. The mayor shall possess all of the
17 executive and administrative power granted to the city under the Constitution and laws of the
18 State of Georgia, and all the executive and administrative powers contained in this charter.

19 **SECTION 2.29.**

20 Powers and duties of the mayor.

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

- 22 (1) See that all laws and ordinances of the city are faithfully executed;
- 23 (2) Appoint and remove all officers, department heads, and employees of the city except
24 as otherwise provided in this charter;
- 25 (3) Exercise supervision over all executive and administrative work of the city and
26 provide for the coordination of administrative activities;
- 27 (4) Prepare and submit to the councilmembers a recommended operating budget and
28 capital budget;
- 29 (5) Submit to the councilmembers at least once a year a statement covering the financial
30 conditions of the city and from time to time such other information as the
31 councilmembers may request;

- 1 (6) Recommend to the councilmembers such measures relative to the affairs of the city,
2 improvement of the government, and promotion of the welfare of its inhabitants as the
3 mayor may deem expedient;
- 4 (7) Call special meetings of the councilmembers as provided for in subsection (b) of
5 Section 2.19 of this charter;
- 6 (8) Approve or disapprove ordinances as provided in Section 2.30 of this charter;
- 7 (9) Provide for an annual audit of all accounts of the city;
- 8 (10) Require any department or agency of the city to submit written reports whenever
9 the mayor deems it expedient;
- 10 (11) Vote on matters before the city council and be counted toward a quorum as any
11 other councilmember; and
- 12 (12) Perform such other duties as may be required by law, this charter, or ordinance.

13 **SECTION 2.30.**

14 Submission of ordinances to the mayor; veto power.

- 15 (a) Every ordinance adopted by the councilmembers shall be presented promptly by the city
16 clerk to the mayor after its adoption.
- 17 (b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the city
18 clerk with or without the mayor's approval or with the mayor's disapproval. If the ordinance
19 has been approved by the mayor, it shall become law upon its return to the city clerk; if the
20 ordinance is neither approved nor disapproved, it shall become law at 12:00 Noon on the
21 tenth calendar day after its adoption; if the ordinance is disapproved, the mayor shall submit
22 to the councilmembers through the city clerk a written statement of the reasons for the veto.
23 The city clerk shall record upon the ordinance the date of its delivery to and receipt from the
24 mayor.
- 25 (c) Ordinances vetoed by the mayor shall be presented by the city clerk to the
26 councilmembers at their next meeting. If the councilmembers then or at their next meeting
27 adopt the ordinance by an affirmative vote of three members, it shall become law.
- 28 (d) The mayor may disapprove or reduce any item or items of appropriation in any
29 ordinance. The approved part or parts of any ordinance making appropriations shall become
30 law, and the part or parts disapproved shall not become law unless subsequently passed by
31 the councilmembers over the mayor's veto as provided in this section. The reduced part or
32 parts shall be presented to the councilmembers as though disapproved and shall not become
33 law unless overridden by the councilmembers as provided in subsection (c) of this section.

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.

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

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

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

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

1 (3) A for-cause removal system, including provisions for such dismissal hearings as due
2 process may require; and

3 (4) Such other personnel policies as may be necessary to provide for adequate and
4 systematic handling of personnel affairs.

5 ARTICLE IV
6 MUNICIPAL COURT

7 **SECTION 4.10.**

8 Creation; name.

9 There shall be a court to be known as the Municipal Court of the City of Guyton.

10 **SECTION 4.11.**

11 Chief judge; associate judge.

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

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

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

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

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

25 **SECTION 4.12.**

26 Convening.

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

SECTION 4.13.

Jurisdiction; powers.

(a) The municipal court shall try and punish violations of this charter, all city ordinances, and such other violations as provided by law.

(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$200.00 or ten days in jail.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for 180 days or 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 5.11.

Election of the city council and mayor.

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

(b) There shall be elected the mayor and two councilmembers at one election and at every other election thereafter. The remaining two city council seats shall be filled at the election alternating with the first election so that a continuing body is created.

SECTION 5.12.

Nonpartisan elections.

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

SECTION 5.13.

Election by majority.

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

SECTION 5.14.

Vacancies.

In the event that the office of mayor or councilmember shall become vacant as provided in Section 2.12 of this charter, the remaining members of the city council shall by majority vote appoint a qualified person to fill such vacancy for the remainder of the unexpired term.

SECTION 5.15.

Other provisions.

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

1 ordinance may provide for the payment of these taxes by installments or in one lump sum,
2 as well as authorize the voluntary payment of taxes prior to the time when due.

3 **SECTION 6.12.**

4 Occupation and business taxes.

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

9 **SECTION 6.13.**

10 Regulatory fees; permits.

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

16 **SECTION 6.14.**

17 Franchises.

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

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

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

3 **SECTION 6.15.**

4 Service charges.

5 The city council by ordinance shall have the power to assess and collect fees, charges, and
6 tolls for sewers, sanitary and health services, or any other services provided or made
7 available within and outside the corporate limits of the city for the total cost to the city of
8 providing or making available such services. If unpaid, such charges shall be collected as
9 provided in Section 6.18 of this charter.

10 **SECTION 6.16.**

11 Special assessments.

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

17 **SECTION 6.17.**

18 Construction; other taxes and fees.

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

22 **SECTION 6.18.**

23 Collection of delinquent taxes and fees.

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

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

3 **SECTION 6.19.**

4 General obligation bonds.

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

9 **SECTION 6.20.**

10 Revenue bonds.

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

14 **SECTION 6.21.**

15 Short-term loans.

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

18 **SECTION 6.22.**

19 Lease-purchase contracts.

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

SECTION 6.23.

Fiscal year.

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

SECTION 6.24.

Preparation of budgets.

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

SECTION 6.25.

Submission of operating budget to city council.

On or before a date fixed by the city council but not later than 60 days prior to the beginning of each fiscal year, the mayor shall submit to the city council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and other pertinent comments and information. The operating budget and the capital budget provided for in Section 6.29 of this charter, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

SECTION 6.26.

Action by city council on budget.

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

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

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

14 **SECTION 6.27.**

15 Tax levies.

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

22 **SECTION 6.28.**

23 Changes in appropriations.

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

28 **SECTION 6.29.**

29 Capital budget.

30 (a) On or before the date fixed by the city council, but not later than 60 days prior to the
 31 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital

1 improvements plan with a recommended capital budget containing the means of financing
 2 the improvements proposed for the ensuing fiscal year. The city council shall have power
 3 to accept, with or without amendments, or reject the proposed plan and budget. The city
 4 council shall not authorize an expenditure for the construction of any building, structure,
 5 work, or improvement unless the appropriations for such project are included in the capital
 6 budget, except to meet a public emergency as provided in Section 2.24 of this charter.

7 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
 8 year not later than the beginning day of each fiscal year. No appropriation provided for in
 9 a prior capital budget shall lapse until the purpose for which the appropriation was made
 10 shall have been accomplished or abandoned; provided, however, that the mayor may submit
 11 amendments to the capital budget at any time during the fiscal year, accompanied by
 12 recommendations. Any such amendments to the capital budget shall become effective only
 13 upon adoption by ordinance.

14 **SECTION 6.30.**

15 Independent audit.

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

21 **SECTION 6.31.**

22 Contracting procedures.

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

- 24 (1) It is in writing;
- 25 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of
 26 course, is signed by the city attorney to indicate such drafting or review; and
- 27 (3) It is made or authorized by the city council and such approval is entered in the city
 28 council journal of proceedings pursuant to Section 2.21 of this charter.

1

SECTION 6.32.

2

Centralized purchasing.

3

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

4

purchasing for the city.

5

SECTION 6.33.

6

Sale and lease of city property.

7

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

9

(b) The city council may quitclaim any rights it may have in property not needed for public purposes upon report 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.

13

(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 sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners where such sale and conveyance facilitates the highest and best use of the abutting owner’s property. Included in the sales contract shall be a provision for the rights of way of said street, avenue, alley, or public place. Each abutting property owner shall be notified of the availability of the property and given the opportunity to purchase said property under such terms and conditions as set out by ordinance. 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.

25

ARTICLE VII

26

GENERAL PROVISIONS

27

SECTION 7.10.

28

Bonds for officials.

29

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

30

31

SECTION 7.11.

Existing ordinances, resolutions, rules, and regulations.

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

SECTION 7.12.

Existing personnel and officers.

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

SECTION 7.13.

Pending matters.

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

(d) Except as specifically provided otherwise by this charter, the term:

(1) "City council" means the members of the city council and the mayor.

(2) "Councilmember" means a member of the city council other than the mayor.

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 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 independently of each other.

SECTION 7.16.

Specific repealer.

An Act incorporating the City of Guyton in the County of Effingham, approved April 12, 1982 (Ga. L. 1982, p. 3806), is hereby repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety.

SECTION 7.17.

Effective date.

This charter shall become effective on July 1, 2006.

SECTION 7.18.

General repealer.

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