

House Bill 496

By: Representative Greene of the 149th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Arlington; 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 a specific Act; to provide for effective dates; to repeal conflicting
21 laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

1 of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane
2 destruction of animals and fowl when not redeemed as provided by ordinance; and to
3 provide punishment for violation of ordinances enacted under this charter;

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

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

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

17 (5) Condemnation. To condemn property, inside or outside the corporate limits of the
18 city, for present or future use and for any corporate purpose deemed necessary by the
19 governing authority, utilizing procedures provided by the O.C.G.A. as the same shall
20 exist from time to time;

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

23 (7) Emergencies. To establish procedures for determining and proclaiming that an
24 emergency situation exists within or without the city and to make and carry out all
25 reasonable provisions deemed necessary to deal with or meet such an emergency for the
26 protection, safety, health, or well-being of the citizens of the city;

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

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

36 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
37 and disposal and other sanitary service charge, tax, or fee for such services as may be

1 necessary in the operation of the city from all individuals, firms, and corporations
2 residing in or doing business in the city benefiting from such services or to whom such
3 services are available; to enforce the payment of such charges, taxes, or fees; and to
4 provide for the manner and method of collecting such service charges;

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

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

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

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

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

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

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

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

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

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

- 1 telecommunications, transportation facilities, public airports, and any other public utility;
2 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and
3 to provide for the withdrawal of service for refusal or failure to pay the same;
- 4 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or
5 private property;
- 6 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
7 the authority of this charter and the laws of the State of Georgia;
- 8 (23) Planning and zoning. To provide comprehensive city planning for development by
9 zoning; and to provide subdivision regulation and the like as the city council deems
10 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;
- 11 (24) Police and fire protection. To exercise the power of arrest through duly appointed
12 police officers and to establish, operate, or contract for a police and a fire-fighting
13 agency;
- 14 (25) Public hazards; removal. To provide for the destruction and removal of any building
15 or other structure which is or may become dangerous or detrimental to the public;
- 16 (26) Public improvements. To provide for the acquisition, construction, building,
17 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
18 cemeteries, markets and market houses, public buildings, libraries, public housing,
19 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
20 recreational, conservation, sport, curative, corrective, detentional, penal, and medical
21 institutions, agencies, and facilities; and to provide any other public improvements, inside
22 or outside the corporate limits of the city; to regulate the use of public improvements;
23 and, for such purposes, property may be acquired by condemnation under procedures
24 provided by the O.C.G.A. as the same shall exist from time to time;
- 25 (27) Public peace. To provide for the prevention and punishment of drunkenness, riots,
26 and public disturbances;
- 27 (28) Public transportation. To organize and operate such public transportation systems
28 as are deemed beneficial;
- 29 (29) Public utilities and services. To grant franchises or make contracts for or impose
30 taxes on public utilities and public service companies and to prescribe the rates, fares,
31 regulations, and standards and conditions of service applicable to the service to be
32 provided by the franchise grantee or contractor, insofar as not in conflict with valid
33 regulations of the Georgia Public Service Commission;
- 34 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,
35 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
36 and all other structures or obstructions upon or adjacent to the rights of way of streets and

1 roads or within view thereof, within or abutting the corporate limits of the city; and to
2 prescribe penalties and punishment for violation of such ordinances;

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

5 (32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
6 of, abandon or close, construct, pave, curb, gutter, provide drainage for, adorn with shade
7 trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the
8 roads, alleys, and walkways within the corporate limits of the city; and to grant franchises
9 and rights of way throughout the streets and roads and over the bridges and viaducts for
10 the use of public utilities; and to require real estate owners to repair and maintain in a safe
11 condition the sidewalks adjoining their lots or lands and to impose penalties for failure
12 to do so;

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

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

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

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

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

36 (38) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
37 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 All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or
 21 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 **ARTICLE II**

25 **GOVERNMENT STRUCTURE**

26 **SECTION 2.10.**

27 City council creation; number; election.

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

1 councilmembers serving on the effective date of this charter shall continue to serve for the
2 remainder of their terms and until their successors are duly elected and qualified.

3 **SECTION 2.11.**

4 City councilmembers;
5 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 one year prior to
9 the date of the election of mayor or members of the city council; each person holding city
10 office shall continue to reside therein during that person's period of service and to be
11 registered and qualified to vote in municipal elections of this city.

12 **SECTION 2.12.**

13 Vacancy and filling of vacancies.

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

17 (b) Filling of vacancies—A vacancy in the office of mayor or councilmember shall be filled
18 for the remainder of the unexpired term, if any, by appointment by the remaining
19 councilmembers if less than six months remain in the unexpired term, otherwise by an
20 election as provided for in Section 5.14 of this charter and Titles 21 and 45 of the O.C.G.A.
21 or such other laws as are or may hereafter be enacted; provided, however, that such office
22 shall also become vacant upon the unexcused absence of the officeholder from four
23 consecutive regularly scheduled meetings of the city council. Excused absences shall be
24 granted only by vote of the remaining city councilmembers and mayor as provided in Section
25 2.21 of this charter and shall be entered upon the minutes of the council meeting.

26 **SECTION 2.13.**

27 Compensation and expenses.

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

SECTION 2.14.

Holding other office;
voting when personally interested.

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

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

SECTION 2.15.

Inquiries and investigations.

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

SECTION 2.16.

General power; authority of the city council.

Except as otherwise provided by law or this charter, the city council shall be vested with all the powers of government of this city.

SECTION 2.17.

Eminent domain.

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

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 **SECTION 2.23.**

4 Action requiring an ordinance.

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

6 **SECTION 2.24.**

7 Emergencies.

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

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

28 **SECTION 2.25.**

29 Codes of technical regulations.

30 (a) The city council may adopt any standard code of technical regulations by reference
31 thereto in an adopting ordinance. The procedure and requirements governing such adopting

1 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements
2 of subsection (b) of Section 2.21 of this charter for distribution and filing of copies of the
3 ordinance shall be construed to include copies of any code of technical regulations, as well
4 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as
5 well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to
6 Section 2.26 of this charter.

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

9 **SECTION 2.26.**

10 Signing; authenticating;
11 recording; codification; printing.

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

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

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

SECTION 2.27.

Election of mayor; forfeiture; compensation.

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

SECTION 2.28.

Chief executive officer; delegation of powers.

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

SECTION 2.29.

Powers and duties of mayor.

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

- (1) See that all laws and ordinances of the city are faithfully executed;
- (2) Exercise supervision over all executive and administrative work of the city and over all employees and departments of the city and provide for the coordination of administrative activities;
- (3) Prepare and submit to the councilmembers a recommended operating budget and capital budget;
- (4) Submit to the councilmembers at least once a year a statement covering the financial conditions of the city and from time to time such other information as the councilmembers may request;
- (5) Recommend to the councilmembers such measures relative to the affairs of the city, improvement of the government, and promotion of the welfare of its inhabitants as the mayor may deem expedient;
- (6) Call special meetings of the councilmembers as provided for in subsection (b) of Section 2.19 of this charter;

1 (7) Preside at all meetings of the city council and vote only in the event of a tie or when
2 an affirmative or negative vote by the mayor constitutes a majority of four votes;

3 (8) Provide for an annual audit of all accounts of the city;

4 (9) Require any department or agency of the city to submit written reports whenever the
5 mayor deems it expedient; and

6 (10) Perform such other duties as may be required by law, this charter, or ordinance.

7 **SECTION 2.30.**

8 Mayor pro tempore; selection; duties.

9 By a majority vote, the councilmembers shall elect a councilmember to serve as mayor pro
10 tempore. The mayor pro tempore shall preside at all meetings of the councilmembers and
11 shall assume the duties and powers of the mayor upon the mayor's physical or mental
12 disability. The mayor pro tempore shall vote as a member of the city council at all times
13 when serving as provided in this section.

14 **ARTICLE III**

15 **ADMINISTRATIVE AFFAIRS**

16 **SECTION 3.10.**

17 Administrative and service departments.

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

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

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

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

31 (e) All appointed officers, directors, and department heads under the supervision of the
32 mayor shall be nominated by the mayor with confirmation of appointment by the city
33 council. All appointed officers, directors, and department heads shall be employees at will

1 and subject to removal or suspension at any time by the mayor unless otherwise provided by
2 law or ordinance.

3 **SECTION 3.11.**

4 **Boards, commissions, and authorities.**

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

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

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

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

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

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

24 (g) All members of boards serve at will and may be removed at any time by a vote of three
25 by the councilmembers unless otherwise provided by law.

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

SECTION 3.12.

City attorney.

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

SECTION 3.13.

City clerk.

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

SECTION 3.14.

Personnel policies.

All employees serve at will and may be removed from office at any time unless otherwise provided by ordinance.

ARTICLE IV**JUDICIAL BRANCH****SECTION 4.10.**

Creation; name.

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

SECTION 4.11.

Chief judge; associate judge.

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

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

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

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

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

SECTION 4.12.

Convening.

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

SECTION 4.13.

Jurisdiction; powers.

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

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

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for 180 days or 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 casemaking of prisoners bound over to superior courts for violations of state law.

- 1 (e) The municipal court shall have authority to establish bail and recognizances to ensure
 2 the presence of those charged with violations before such court and shall have discretionary
 3 authority to accept cash or personal or real property as surety for the appearance of persons
 4 charged with violations. Whenever any person shall give bail for that person's appearance
 5 and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by the
 6 judge presiding at such time and an execution issued thereon by serving the defendant and
 7 the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi.
 8 In the event that cash or property is accepted in lieu of bond for security for the appearance
 9 of a defendant at trial, and if such defendant fails to appear at the time and place fixed for
 10 trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the
 11 property so deposited shall have a lien against it for the value forfeited which lien shall be
 12 enforceable in the same manner and to the same extent as a lien for city property taxes.
- 13 (f) The municipal court shall have the same authority as superior courts to compel the
 14 production of evidence in the possession of any party; to enforce obedience to its orders,
 15 judgments, and sentences; and to administer such oaths as are necessary.
- 16 (g) The municipal court may compel the presence of all parties necessary to a proper
 17 disposal of each case by the issuance of summonses, subpoenas, and warrants which may be
 18 served as executed by any officer as authorized by this charter or by law.
- 19 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of
 20 persons charged with offenses against any ordinance of the city, and each judge of the
 21 municipal court shall have the same authority as a magistrate of the state to issue warrants
 22 for offenses against state laws committed within the city.

23 **SECTION 4.14.**

24 Certiorari.

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

29 **SECTION 4.15.**

30 Rules for court.

31 With the approval of the city council, the judge shall have full power and authority to make
 32 reasonable rules and regulations necessary and proper to secure the efficient and successful
 33 administration of the municipal court; provided, however, that the city council may adopt in

1 part or in toto the rules and regulations applicable to municipal courts. The rules and
 2 regulations made or adopted shall be filed with the city clerk, shall be available for public
 3 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court
 4 proceedings at least 48 hours prior to such proceedings.

5 **SECTION 4.16.**

6 Indigent defense and prosecutor.

7 (a) The mayor and city council shall have the authority to provide for a solicitor for the
 8 municipal court and to provide for the defense of indigent persons before the court charged
 9 with violations of state laws and municipal ordinances. The expense of such prosecution and
 10 defense may be paid in whole or in part from funds received as provided in subsections (b)
 11 and (c) of this section.

12 (b) In every case in the municipal court in which the court imposes a fine for a violation of
 13 a state law or a city ordinance, a fee may be imposed for purposes of subsection (a) of this
 14 section.

15 (c) At the time of posting bail or bond in any case before the municipal court, an additional
 16 sum shall be posted, and in every case in which the court orders the forfeiture of bail or bond,
 17 the additional sum posted shall be distributed for use as provided in subsection (a) of this
 18 section.

19 **ARTICLE V**

20 **ELECTIONS AND REMOVAL**

21 **SECTION 5.10.**

22 Applicability of general law.

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

25 **SECTION 5.11.**

26 Regular elections; time for holding.

27 Beginning in 2007 and every four years thereafter, on the Tuesday next following the first
 28 Monday in November there shall be an election for the mayor and the councilmembers for
 29 Posts 1, 2, and 3. Beginning in 2009 and every four years thereafter, on the Tuesday next
 30 following the first Monday in November there shall be an election for the councilmembers

1 for Posts 4, 5, and 6. The terms of office shall begin at the organizational meeting as
2 provided in Section 2.18 of this charter.

3 **SECTION 5.12.**

4 Nonpartisan elections.

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

7 **SECTION 5.13.**

8 Election by majority vote.

9 The mayor and councilmembers shall be elected by a majority vote of the votes cast for each
10 position.

11 **SECTION 5.14.**

12 Special elections; vacancies.

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

18 **SECTION 5.15.**

19 Other provisions.

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

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

3 **SECTION 6.12.**

4 Occupation and business taxes.

5 The city council by ordinance shall have the power to levy such occupation or business 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 Licenses; permits; fees.

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 reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect
14 the total cost to the city of regulating the activity and, if unpaid, shall be collected as
15 provided in Section 6.18 of this charter.

16 **SECTION 6.14.**

17 Franchises.

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

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.

Budget ordinance.

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

SECTION 6.25.

Operating budget.

On or before a date fixed by the city council but not later than 60 days prior to the beginning of each fiscal year, the 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 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 councilmembers 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. 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 July 1 of each year. If the city council fails to adopt the budget by said
3 date, the amounts appropriated for operation for the then current fiscal year shall be deemed
4 adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated
5 accordingly, until such time as the city council adopts a budget for the ensuing fiscal year.
6 Adoption of the budget shall take the form of an appropriations ordinance setting out the
7 estimated revenues in detail by sources and making appropriations according to fund and by
8 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 Levy of taxes.

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 Audits.

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

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

4 **SECTION 6.30.**

5 Procurement and property management.

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

7 (1) It is in writing;

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

10 (3) It is made or authorized by the city council and such approval is entered in the city
11 council journal of proceedings pursuant to Section 2.19 of this charter.

12 **SECTION 6.31.**

13 Purchasing.

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

16 **SECTION 6.32.**

17 Sale and lease of property.

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

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

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

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

5 **ARTICLE VII**

6 **GENERAL PROVISIONS**

7 **SECTION 7.10.**

8 Bonds for officials.

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

12 **SECTION 7.11.**

13 Prior ordinances.

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

17 **SECTION 7.12.**

18 Existing personnel and officers.

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

25 **SECTION 7.13.**

26 Pending matters.

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

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

3 **SECTION 7.14.**

4 Construction and definitions.

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

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

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

10 **SECTION 7.15.**

11 Severability.

12 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
13 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
14 nor impair other parts of this charter unless it clearly appears that such other parts are wholly
15 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
16 legislative intent in enacting this charter that each article, section, subsection, paragraph,
17 sentence, or part thereof be enacted separately and independent of each other.

18 **SECTION 7.16.**

19 Specific repealer.

20 An Act incorporating the City of Arlington in the County of Calhoun, State of Georgia,
21 approved in 1971 (Ga. L. 1971, p. 3885), and all amendatory Acts thereto, are hereby
22 repealed.

23 **SECTION 7.17.**

24 General repealer.

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