

House Bill 764

By: Representative Peake of the 137<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To create and establish a new charter for Payne City and to define its territorial limits; to  
2 create a municipal government; to authorize said city to acquire and own property; to provide  
3 for the sale of property; to provide for the present mayor and council; to provide for  
4 ordinances; to provide for a mayor and four councilmembers and to prescribe their  
5 qualifications, manner of election, term of office, powers, rights, privileges, and duties; to  
6 provide for elections; to provide for filling vacancies; to provide for a municipal court; to  
7 provide for taxation; to authorize said city to regulate businesses, trades, and professions; to  
8 provide for zoning; to provide rules and regulations; to provide for a board of health; to  
9 provide for the purchase or sale of all public utility services; to authorize said city to supply  
10 utilities; to authorize said city to enforce collection of water, light, power, and sewer bills;  
11 to provide for a fire department; to provide for public parks, public buildings, municipal  
12 markets, and other public services; to provide for the control of domestic animals; to provide  
13 for sanitary and health regulations; to provide for the abatement of nuisances; to authorize  
14 said city to contract debts and to issue bonds; to authorize said city to condemn property; to  
15 provide the police; to provide for tax sales and other execution sales; to provide for an  
16 effective date; to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 SECTION 1.  
19 Corporate name.

20 Payne City, in the County of Bibb, State of Georgia, heretofore made a body politic  
21 incorporated by the Acts of the General Assembly of Georgia, shall continue a body politic  
22 incorporated and shall be known by the corporate name of Payne City and by that name shall  
23 be, and is hereby vested with, all the rights, powers, and privileges incident to municipal  
24 corporations in the state; and all powers, rights, privileges, titles, property, and easements  
25 heretofore belonging to Payne City are hereby vested in Payne City by the enactment of this

1 charter; and Payne City by and in that name may sue and be sued, contract and be contracted  
2 with, plead and be impleaded, have and use a common or corporate seal, make and enact by  
3 and through the mayor and council of Payne City such ordinances, rules, and regulations for  
4 the welfare and proper government of the city and for the transaction of the business thereof  
5 as they may deem good and proper, consistent with the laws and Constitution of the State of  
6 Georgia and of the United States.

## 7 SECTION 2.

### 8 Corporate limits.

9 The corporate limits of Payne City shall be as follows: Beginning at the intersection at  
10 eastern right of way line at Brookdale Avenue and its intersection with the southern right of  
11 way line of the Norfolk Southern railway and seeing it Land Lot # MRW2 and running on  
12 a southeasterly direction a distance of 1,145.15 feet to its intersection with the eastern right  
13 of way line of Gardner Street. Thence, in a southwesterly direction a distance of 1,050.12  
14 feet along right of way of Gardner Street to its intersection with northern right of way of Roff  
15 Avenue. Thence, following Roff Avenue in a northwesterly direction along right of way line  
16 a distance of 1,009.0 feet to a point, thence 90 degrees across right of way of Roff Avenue  
17 to intersection with the western right of way line of Roff Avenue. Thence, following the rear  
18 property lines of Jack L. Treadwell and James Phillip Garvin, Jr. (3395 and 3397 Roff  
19 Avenue respectively) a distance of approximately 301.05 feet to the northwest property  
20 corner of James Phillip Garvin, Jr. (3397 Roff Avenue) thence along the northern property  
21 line of Garvin a distance of approximately 162.0 feet until its intersection with the west right  
22 of way line of Roff Avenue. Thence of 90 degrees Roff Avenue 60 to the intersection with  
23 the eastern right of way line of Roff Avenue. Thence, turning northward along eastern right  
24 of way of Roff Avenue a distance of approximately 64.0 feet to its intersection with  
25 Brookdale Avenue. Thence, in a northeasterly direction along eastern right of way line of  
26 Brookdale Avenue a distance of approximately 665.45 feet to its intersection with the  
27 Norfolk Southern right of way line, our point beginning.

## 28 SECTION 3.

### 29 Mayor and council.

30 The municipal government of the city shall be vested in a mayor and four councilmembers  
31 whose qualifications and manner of election are prescribed in this section. The present  
32 mayor and councilmembers shall continue in office until their successors are elected and  
33 qualified as provided herein as well as all other subordinate officers elected by the mayor and

1 councilmembers, subject to the right to remove for good cause. The mayor and  
2 councilmembers and their successors and associates shall have perpetual succession and shall  
3 be able in law and equity to purchase, have, hold, enjoy, receive, possess, and retain to them  
4 and their successors in office for the use and benefit of Payne City and the citizens thereof  
5 in perpetuity, or for any term of years, any estate, real or personal and of every kind and  
6 nature within or without the corporate limits, for corporate purposes; to have and to hold all  
7 property now belonging to the city in its own name or the name of others for the use of the  
8 city for the purpose and intent for which the same was given, granted, dedicated, or  
9 purchased; and to use, manage and improve, sell, convey, rent, or lease the same. The mayor  
10 and councilmembers shall succeed to all the rights, powers, privileges, immunities, and  
11 liabilities of the present corporation. They shall and are hereby made responsible as a body  
12 corporate for all legal undertakings, liabilities, and debts of the present Payne City; and they  
13 shall have power to borrow money, give evidence of indebtedness of same, issue bonds from  
14 time to time, and do and perform all and every act necessary or incidental to the raising of  
15 funds for the legitimate use of the city. They shall have the right, power, and authority to  
16 govern themselves by such rules, laws, bylaws, regulations, ordinances, or other orders not  
17 in conflict with this charter or the Constitution of this state and the United States as they may  
18 deem proper.

#### 19 SECTION 4.

#### 20 Legislative authority.

21 The mayor and council shall constitute a legislative department of and for the city and as  
22 such shall have the full power and authority from time to time to make and establish rules,  
23 laws, ordinances, regulations, and orders as to them may seem right and proper regarding  
24 drainage, ditches, bridges, streets, railroad crossings, street railways, motor vehicles of all  
25 types, bicycles, warehouses, markets, stores, restaurants, cafes, opera houses, theaters, dance  
26 halls, skating rinks, bowling alleys, pool and billiard rooms, and all other places of  
27 amusement; also garages, shops, mills, factories, barbershops, taverns, telegraph and  
28 telephone companies, gas, water, lights and electrical companies, petroleum products, booths,  
29 stands, tents, businesses, establishments, filling stations, common earners, and all other  
30 matters and things whatsoever that may be by them considered necessary, proper, or incident  
31 to the good government of the city, to the peace, security, health, happiness, welfare,  
32 protection, or convenience of the inhabitants thereof, and for the preserving of peace, good  
33 order, and dignity of government. The enumeration of the powers in this section shall not  
34 be construed as restricted to the powers mentioned above in this section but shall include all  
35 and every other thing and act necessary or incident to municipal government that shall not

1 conflict with any special power or authority given by this charter and shall be construed as  
2 an addition to and in aid of such powers.

3 SECTION 5.

4 Election of mayor and council.

5 (a) The mayor and the four members of the council shall each be voted upon separately by  
6 the qualified voters of Payne City as set out in this section. The office of mayor, presently  
7 held by Richard Mullis, has a term in office set to expire December 31, 2009. The council  
8 of Payne City shall consist of four seats designated as Council Seat 1, Council Seat 2,  
9 Council Seat 3, and Council Seat 4. The seat presently held by Kathy Mullis shall be  
10 designated as Council Seat 1, with term in office set to expire December 31, 2009. The seat  
11 presently held by Sharon Mobley shall be designated as Council Seat 2, with term in office  
12 set to expire December 31, 2007. The seat presently held by John Faherty shall be  
13 designated as Council Seat 3, with term in office set to expire December 31, 2007. The seat  
14 currently vacant shall be designated as Council Seat 4, with a term set to expire December  
15 31, 2007.

16 (b) The terms of office for the mayor and council shall be for four years and until their  
17 successors are elected and qualified. On the first Tuesday in November, 2007, an election  
18 shall be held to fill Council Seats 2, 3, and 4, and the successful candidates shall take office  
19 on January 1, 2008. On the first Tuesday in November, 2009, an election shall be held to fill  
20 the posts of mayor and Council Seat 1, and the successful candidates shall take office on  
21 January 1, 2010.

22 SECTION 6.

23 Qualification of mayor and council.

24 No person shall be eligible for election as mayor or as councilmember of the city unless the  
25 person shall have resided in the city for not less than six months immediately preceding his  
26 or her election and shall be a qualified voter in the municipal election for officers of the city.

27 SECTION 7.

28 Oaths of mayor and council.

29 The mayor and councilmembers before entering upon their duties shall, before some officer  
30 authorized by law to administer oaths, take and prescribe the following oath:

1 "I do solemnly swear or affirm that I will to the utmost of my ability faithfully discharge  
2 my duties as mayor (or councilmember) of Payne City during my continuance in office, so  
3 help me God (optional)."

4 SECTION 8.

5 Vacancies.

6 In the event the office of mayor or any one or more of the councilmembers of the city shall  
7 become vacant by death, resignation, removal, or otherwise, the same shall be filled for a  
8 period not in excess of six months by any eligible person elected by ballot by the city  
9 council, and such person so elected shall hold office until his successor is duly elected and  
10 qualified. In case such vacancy occurs more than six months before the next regular election,  
11 the council of the city shall, within 30 days after such vacancy occurs, order an election to  
12 be held to elect a person to fill such vacancy.

13 SECTION 9.

14 Qualification of voters.

15 All persons residing within the city limits six months prior to any election who are 18 years  
16 of age or older and who are qualified to vote for members of the state legislature in the  
17 County of Bibb shall be entitled to vote for the mayor and councilmembers and in any other  
18 election held in and for the city.

19 SECTION 10.

20 Officers take office.

21 All officers elected in the regular November election shall take office on the first day of the  
22 following January.

23 SECTION 11.

24 Mayor pro tem.

25 At the first regular meeting after being elected or as soon thereafter as practicable, the mayor  
26 and council shall elect from the council a mayor pro tem who shall, in the absence, disability,  
27 or disqualification of the mayor, perform all of the duties and exercise all the rights, powers,  
28 and privileges of the office of mayor.

## SECTION 12.

## Quorum.

The mayor or mayor pro tem and three councilmembers shall constitute a quorum for the transaction of any business, but the vote of at least three councilmembers shall be required to determine all questions.

## SECTION 13.

## Absences.

In the event of the sickness, absence, or disqualification of the mayor and the mayor pro tem, any one of the councilmembers chosen by the council may perform the duties of mayor and shall be clothed with the rights, powers, and privileges of the mayor.

## SECTION 14.

## Mayor's duties and powers.

The mayor shall be the chief executive officer of the city and shall have general supervision of the affairs of the city and shall see that the laws of the city are executed and that the officers of the city are faithful in the discharge of their duties. He or she shall cause the books and records of the city and of its officers to be inspected. The mayor and council of the city shall have full power to fix the time, place, and rules of procedure of their regular sessions. The mayor shall have power to convene the council in special session whenever he or she deems proper. The mayor and council shall have full and ample power to do and perform any of their duties or powers at a special or call session, the same as that of regular sessions. The mayor shall preside at all meetings of and shall have the right to take part in deliberations of the body but shall not vote on any questions except in the case of a tie. The mayor shall sign all deeds and contracts; he or she shall approve all bills and vouchers for the payment of money. The mayor shall have veto power and may veto any ordinance, order, or resolution of the council, in which event the same shall not become law or enforceable unless subsequently passed over his or her veto by a vote of three of the councilmembers; provided, however, that unless the mayor shall file in writing with the clerk his or her veto of any measure passed by the council together with his or her reasons for disapproving of such measure within three days after its passage, said measure shall become a law as though approved by him or her. The mayor may approve in writing any measure passed by the council, and it shall go into effect immediately.

## SECTION 15.

## Malpractice in office.

In case the mayor or any councilmember while in office shall be guilty of malpractice or willful neglect of office or abuse of powers conferred upon him or her, he or she shall be subject to be indicted before the Superior Court of Bibb County and shall be removed from office.

## SECTION 16.

## Clerk.

The mayor and council shall appoint a clerk whose performance and tenure shall be determined by the mayor and council. The clerk shall keep the minutes of the council in well-bound books to be furnished to the clerk by the city and shall preserve them and all records entrusted to the clerk. The clerk shall collect all municipal taxes for which collection is not otherwise provided and shall issue all licenses and collect all license fees and other moneys due the city. The clerk shall be the custodian of the funds and shall perform all other duties as may be imposed by the council.

## SECTION 17.

## Marshal and chief of police.

(a) The mayor and council of the city shall be authorized to appoint a marshal of the city to hold office for such time and upon such terms as the mayor and council shall prescribe. The mayor and council may also appoint one or more deputy marshals to assist the marshal in discharging his or her duties, such deputies to hold office for such time and upon such terms as the mayor and council shall prescribe. The marshal and deputies shall execute and enforce the ordinances, bylaws, rules, and regulations of the city as may be directed therein. The marshal shall have charge of the working of any offenders who have been committed to his or her custody by the court. The marshal shall collect all fees imposed by the municipal court and perform all other duties as may be required by the mayor and council.

(b) The mayor and council shall be authorized to appoint a chief of police of Payne City who shall hold the office at the pleasure of the mayor and council. The chief of police shall have the responsibility of preserving peace, good order, safety, and tranquility in the city; supervising, controlling, and directing the members of the police department; and carrying out the orders and directions of the mayor and the courts. The chief of police shall report, arrest, and prosecute all offenders of the laws and ordinances of the city as shall come to his

1 or her knowledge and cause such officers subordinate to do the same. The chief of police  
2 shall perform all other duties as may be required by the mayor and council.

3 SECTION 18.

4 Compensation of officers and agents.

5 The mayor and council of the city shall have the power to fix and determine the  
6 compensation for services rendered by all officers, agents, and employees of the city at such  
7 figure as in their discretion they deem reasonable and proper, for which compensation is not  
8 specifically provided in this charter.

9 SECTION 19.

10 Creation of municipal court.

11 (a) The mayor and council of the city shall have the power to establish a court to be known  
12 as the Municipal Court of Payne City which shall have jurisdiction and authority to try  
13 offenses against the laws and ordinances of Payne City and to punish for a violation of the  
14 same. Such court shall have the power and authority to enforce its judgments by the  
15 imposition of such penalties as may be provided by law; to punish witnesses for  
16 nonattendance; to punish any person who may counsel or advise, aid, encourage, or persuade  
17 another whose testimony is desired or material in any proceeding before the court to go or  
18 move beyond the reach of the process of the court; and to try all offenses within the territorial  
19 limits of the city constituting traffic cases which under the laws of Georgia are placed within  
20 the jurisdiction of municipal or police courts to the extent of and in accordance with the  
21 provisions of such laws and all laws subsequently enacted amendatory thereof.

22 (b)(1) The council shall appoint a person to serve as judge of the municipal court and  
23 such judge shall preside over the court. No person shall be so appointed unless he or she  
24 is a resident of Payne City or Bibb County; is a member in good standing of the State Bar  
25 of Georgia; and has been actively engaged in the practice of law, either as an attorney or  
26 as a judge, for at least two years preceding his or her appointment. The judge shall serve  
27 at the pleasure of the city council.

28 (2) The bailiff of the municipal court shall be appointed by the mayor, by and with the  
29 advice and consent of the City council. The duties of the bailiff shall consist generally  
30 of seeing that the courtroom is in proper condition for sessions of court, of assisting in  
31 keeping order while court is in session, and of doing such other acts of assistance as may  
32 be required by the judge of the court and the city clerk.



## SECTION 20.

## Convening.

The municipal court shall be convened at such times as designated by ordinance or at such times as deemed necessary to keep current the dockets thereof.

## SECTION 21.

## Jurisdiction; powers.

(a) The municipal court shall try and punish for crimes against Payne City and for violation of its ordinances. The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed a fine of \$200.00. The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00.

(b) The municipal court shall have authority to establish a schedule of fees to defray the costs of operation and shall be entitled to reimbursement of the costs of meals, transportation, and caretaking of prisoners bound over to superior courts for violations of state law.

(c) The municipal court shall have authority to establish bail and recognizances to insure the presence of those charged with violations before the court and shall have discretionary authority to accept cash or personal or real property as surety for appearance of persons charged with violations.

(d) The municipal court shall have authority to bind prisoners over to the appropriate court when it appears by probable cause that a state law has been violated.

(e) The municipal court shall have authority to administer oaths and to perform all other acts necessary or proper to the conduct of the court.

(f) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summons, subpoenas, and warrants which may be served as executed by any officer as authorized by this charter or by state law.

(g) The municipal court is specifically vested with the entire jurisdiction and powers throughout the entire area of Payne City granted by state laws generally to municipal courts and particularly by such laws as authorize the abatement of nuisances.

## SECTION 22.

## Appeal.

The orders, verdicts, judgments, and sentences of the court shall be subject to appellate review by writ of certiorari in the appropriate Bibb County Superior Court or as otherwise provided by general state law.

## SECTION 23.

## Rules for court.

With the approval of the council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the council may adopt in part or in total the rules and regulations relative to the procedure of the operation of the superior court under the general laws of the State of Georgia. The rules and regulations made or adopted for the court shall be filed with the city clerk and shall be available for public inspection. Upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to the proceedings.

## SECTION 24.

## Finances.

The mayor and council of the city shall have power to control the finances and property of the city, to appropriate money, and to provide for the payment of the debts and expenses of the city.

## SECTION 25.

## Remission of sentences and fines.

Every person convicted in the municipal court of a violation of any city ordinance, law, or regulation shall have the right to appeal from the action of the judge to the mayor and council, which body shall have full power after a hearing to commute, remit, suspend, or modify the sentence or fine imposed.

## SECTION 26.

Counsel.

Be it further enacted that all persons put on trial in the municipal court shall have opportunity to employ counsel if they so desire.

## SECTION 27.

Taxes.

The mayor and council of the city are hereby authorized and empowered to impose, levy, and collect ad valorem taxes on all property, real and personal, within the corporate limits of the city; and upon all goods and monies whose owner resides within the corporate limits of the city which are subject to taxation by the laws of this state for the ordinary current expenses of the city, the mayor and council may impose, levy, and collect a tax of taxable property as assessed in the manner herein provided; and for the paving and repair of streets and sidewalks and for the payment of the principal and interest of the public debt of the city, the mayor and council may impose, levy, and collect such additional taxes as may be necessary and proper in the manner prescribed by the Constitution of Georgia. The taxes shall have the same lien and priority as taxes due the state and county, except that they shall be second and postponed thereto.

## SECTION 28.

Tax executions.

The mayor and council of the city shall have the power and authority to provide by ordinance when the taxes of the city shall fall due, but until otherwise provided, all ad valorem taxes owed to the city shall fall due annually on the first day of October, and tax executions shall be issued against all persons who have not paid their taxes by the time fixed and defined. All tax executions shall be signed by the clerk and be executed in the name of the mayor.

## SECTION 29.

Licenses and specific or occupation tax.

Be it further enacted that the mayor and council of Payne City shall have full power and authority to license, regulate, control, or prohibit theatrical exhibitions, carnivals, dance halls, skating rinks, shows, and exhibits of all kinds; automobiles, trucks, taxis, and public and private vehicles of all kinds; traveling vendors; hotels, boardinghouses, restaurants, lunch

stands, drink stands, markets, mercantile establishments, chain stores, laundries, billiard, pool, and other kinds of tables; bowling alleys, games operated by coin-in-slot devices for carrying on games; bakeries, dairies, barbershops, garages or motor vehicle repair shops, telephone and telegraph companies; drugstores; soft drink dealers; auctioneers and pawnbrokers; agents of fire, health, accident, indemnity, casualty, and life insurance companies; the sale of all kinds of beverages, cigars, cigarettes, and tobacco products of all kinds; dealers and dispensers of gasoline or petroleum products of any kind, either at wholesale or retail, from tanks or otherwise; all dealers of farm products; and all businesses, occupations, professions, callings, trades, or avocations which under the laws of this state are subject to license. The mayor and council shall have the power to require registration of and to assess and collect a license tax on all such businesses and all other businesses, trades, professions, occupations, or callings conducted or engaged in within the corporate limits of the city. The mayor and council shall have full and complete power to provide by ordinance for classification of all classes and businesses and all other rules and regulations necessary and proper in the premises; they may fix a fiscal year and time for all licenses to expire and may apportion the license but shall not be required to do so. The license, specific, or occupation taxes mentioned in this section shall be paid to the clerk before a person shall engage in the business, pursuit, or calling.

#### SECTION 30.

##### Revocations.

The mayor and council may revoke the license of and prohibit the operation of any business or establishment for which a license may have been granted in the event the same becomes a nuisance or is dangerous or injurious to the health or morals of the people of the city. The mayor and council are hereby authorized and empowered to define and prohibit unfair competition on the part of any person, firm, or corporation seeking to do business or doing business in the city and to refuse to grant a license to any person, firm, or corporation who manifestly intends to engage in unfair competition therein and to revoke the license of any person, firm, or corporation who engages in unfair competition. No license shall be revoked without giving notice and affording such person or corporation an opportunity to be heard.

#### SECTION 31.

##### Bond issues.

Payne City shall have power to issue and sell interest-bearing negotiable bonds of the municipality for the purpose of purchasing land and buildings, erecting buildings, improving

1 property, purchasing equipment, purchasing improvements, and paying for condemned  
2 property taken for public use whenever necessary and authorized by general law and  
3 whenever the provisions of the general law are complied with and when done with the  
4 purpose of properly furnishing the municipality and the citizens and inhabitants thereof with  
5 proper health and sanitation facilities, including water, water systems and supplies, sewer and  
6 sewerage systems, disposal plants, electric and power and gas service, streets and sidewalks,  
7 fire protection, and fire-fighting equipment and facilities. Such bonds may be issued from  
8 time to time or issued from time to time as the necessity may exist, but such bonds shall not  
9 be issued in any case except within the restrictions of general law, nor shall any bonds be  
10 issued for any purpose except as authorized by general law and the Constitution of this state  
11 and of this charter or subsequent amendments. In all cases, such bonds shall be issued only  
12 after compliance with the general law and the Constitution of this state as to purpose,  
13 amount, elections, and procedure.

#### 14 SECTION 32.

##### 15 Bond execution and bond tax.

16 Should the mayor and council determine in accordance with the provisions of this charter to  
17 issue bonds for any purpose set out in this charter, then they shall have the power and  
18 authority, in addition to all other taxes authorized, to levy and collect an additional tax  
19 sufficient to pay off said bonds with all interest and charges on the same within the period  
20 which the bonds have to run, as well as to provide any sinking fund that may be necessary  
21 and advisable. This tax shall be separately assessed, levied, and collected for the purposes  
22 designed and shall not be issued or applied to any other purpose. The mayor and council are  
23 authorized to issue interest coupons, payable annually, for the interest on the bonds. The  
24 bonds shall be signed by the mayor and clerk of the city and shall be in such denominations,  
25 sold in such manner and in such sums, at such times, and bear such rate of interest as the  
26 mayor and council may determine.

#### 27 SECTION 33.

##### 28 Sewerage.

29 The mayor and council of the city are hereby vested with full power and authority to  
30 establish, equip, maintain, modify, extend, and improve a system of sewerage and drains in  
31 Payne City and to adopt by ordinance such regulations as may be needful and necessary in  
32 connection with the same, including such charges as may, in the discretion of the mayor and  
33 council, seem reasonable and proper for sewer connections or service for which the charges

1 shall be enforceable in the same manner that charges for water furnished by the city are  
2 enforced. The mayor and council shall have the power and authority to cause the owner or  
3 owners of lots within the city to drain same and to make same sanitary.

4 SECTION 34.

5 Utility service powers.

6 The mayor and council of Payne City shall have full power and authority to furnish water,  
7 electric lights and power, gas, heat, and other public utilities for the use of the public of the  
8 city and for private use and charge therefor; to own, construct, enlarge, operate, and maintain  
9 a system of waterworks and sewerage, a system of electric lights and power lines, a system  
10 for the manufacture of heat, and any other public utility system or plants; to purchase or  
11 generate electric energy; and to do anything necessary to maintain the supplying of the public  
12 utility services. The mayor and council of the city may contract with persons residing  
13 beyond the city limits to furnish them with water and other public utilities provided by the  
14 city but shall not be required to furnish such service to nonresidents.

15 SECTION 35.

16 Collection of charges for public utility services.

17 The mayor and council of Payne City shall have full power and authority to regulate and  
18 enforce the collection of and insure the payment of charges for supplying water, electric  
19 lights or power energy, gas, heat, and sewer services by such methods as the mayor and  
20 council may provide.

21 SECTION 36.

22 Franchises.

23 The mayor and council of the city shall have the power and authority to grant the right to use  
24 any of the streets, alleys, or other passageways in the city for railroads and telegraph,  
25 telephone, bus, gas, water and electric light, and power service. In granting such franchises,  
26 they shall fully and completely guard and protect every interest, present and future, of the  
27 city, and no franchise shall carry with it any right or power except as specifically set forth  
28 and enumerated and named herein.

## SECTION 37.

## Control of domestic animals.

The mayor and council shall have authority to make all rules and regulations necessary for the control of, inoculation, treatment, and impounding and redemption of all domestic animals within the city and to impose and collect a tax on same. They shall have authority to have killed or removed from the city such animals as have not been inoculated or treated or the taxes thereon unpaid, as well as to keep such animals from running at large on the streets. The mayor and council shall have the right to prohibit, control, and regulate in any and every manner the keeping of domestic animals within the city and to provide penalties for the violation of any ordinance with reference thereto.

## SECTION 38.

## Health regulation.

In order to protect the health of the inhabitants of the city and keep the city in a decent and presentable condition, the mayor and council shall have authority to require all owners of property within the city to keep same free of standing water, grass, weeds, trash, and rubbish and may by ordinance provide for a penalty for the failure to do so. The mayor and council may also provide for having such lots cleared, the expense to be borne by the owner.

## SECTION 39.

## Tax executions, costs and sales.

The taxes on property levied by Payne City shall be due and payable on October 18 of each year unless otherwise provided by the mayor and council, and unless paid on or before such day, an execution for the purpose of collecting such taxes shall be issued immediately by the clerk. Cost thereof and the cost of levy and sale in the manner provided in this charter shall be the same as in executions from the office of the tax collector of Bibb County and in tax sales by the sheriff of the county. The mayor and council shall have authority to order the payment of such costs into the city treasury.

## SECTION 40.

## Tax sales, redemption.

The mayor and council shall have the power and authority to enforce by execution the collection of any debt or claim due to the city for taxes, licenses, rents, impounding fees,

1 fines and forfeitures; for laying sewers or drains; for cleaning and repairing toilet facilities;  
2 for abating nuisances; and for any and all levies, assessments, debts, and demands due to the  
3 city. The executions shall be issued by the clerk of the city and be executed in the name of  
4 the mayor against the property, person, firm, or corporation against which or upon whom any  
5 such debt or demand is owing, such executions to be directed to all and singular the sheriff  
6 who shall be authorized to levy the same upon any property of the person against whom such  
7 execution shall have been issued.

8 SECTION 41.

9 Claims and illegalities.

10 When any execution shall be issued as provided in this charter, a claim or illegality may be  
11 interposed under the same rules and regulations as are now provided by law for claims and  
12 illegalities under tax execution or other executions issuing from the various courts of this  
13 state, such claim or illegality shall be returned to and heard in the Superior Court of Bibb  
14 County.

15 SECTION 42.

16 Nuisances, abatement, punishment.

17 The mayor and council shall have power and authority to regulate and prescribe by ordinance  
18 those acts, doings, and conditions which shall constitute a nuisance and may provide  
19 ordinances for the abatement thereof and for the punishment of those people responsible  
20 therefor.

21 SECTION 43.

22 Regulation of buses and taxis.

23 The mayor and council shall have full power and authority to regulate the running of buses  
24 and taxicabs, to prescribe the manner and rate of speed in which same may be run, and to  
25 provide for the necessary terminals and operation thereof.

26 SECTION 44.

27 City jail.

28 The mayor and council shall have authority to establish or contract for a jail and provide  
29 regulations for the same in which to confine for punishment, when necessary, persons



1 sentenced by the mayor for violating any of the city laws or ordinances or any penal section  
2 of this charter and for the safe detention of all disorderly persons committing, or attempting  
3 to commit, crimes, and the marshal or any policeman shall have the right to take up all  
4 disorderly persons and confine them in the jail and to take up and confine therein in default  
5 of bail any person violating any of the laws or ordinances of the city or of this state.

6 SECTION 45.

7 Power over streets, paving.

8 The mayor and council of Payne City shall have the power and authority to open, close, lay  
9 out, widen, straighten, or otherwise change the streets, alleys, sidewalks, crossings, or other  
10 passageways of the city and shall have the power to vacate, close up, open, alter, grade and  
11 fill, curve, pave, drain, and repair same. They shall have full and complete power and  
12 authority to require any street, avenue, alley, sidewalk, street crossing, other crossing, and  
13 passageway to be paved in such manner and with such material as they may determine by  
14 resolution or ordinance and shall have full authority to enforce such ordinance, rules, and  
15 regulations and to provide such penalties and issue such executions as may be necessary to  
16 carry out the purpose of this section. Upon failure of abutting property owners or others  
17 occupying said street after notice to comply with the requirements of this section, they may  
18 direct their officers or persons in their employment to carry out and execute the provisions  
19 of said ordinance in reference to sidewalks, pavements, and street crossings at the expense  
20 of the owner so refusing or failing to comply with said ordinance, and the mayor and council  
21 are empowered to issue execution for said bill of expense against the owner of the property,  
22 or the property if the owner is unknown, and levy and collect the same in the same manner  
23 as in case of tax executions.

24 SECTION 46.

25 Fire districts, etc.

26 The mayor and council are authorized to enact any and all ordinances, rules, and regulations  
27 necessary to lay out and prescribe a fire district in the city and to enlarge, change, or modify  
28 its limits from time to time; to prescribe when, how, and of what materials buildings in said  
29 limits may be erected, repaired, or covered; to prescribe how thick the walls may be and how  
30 the chimneys, stove pipes, and flues are to be constructed; to provide for fire escapes in said  
31 buildings; and generally to do all such things and to pass such laws and ordinances as the  
32 mayor and council may deem necessary in order to protect the city as well as possible from  
33 fire and to prevent the spread of fire from one building to another and for the protection and

1 safety of the people. They shall also have the authority to order any changes in a  
2 construction or arrangement of building chimneys, stove pipes, or flues and to order the  
3 removal thereof when in their judgment the same are dangerous or likely to become so and  
4 to make the owner of the premises pay the expense of such changes or removal, which  
5 expense may be collected by execution as taxes are collected. If any person, firm, or  
6 corporation shall erect or maintain any building that is not in accordance with the laws and  
7 ordinances of the city, the mayor and council may order such building removed or altered.  
8 If such person, firm, or corporation shall not remove or alter such building after notice to do  
9 so as may be prescribed, then the mayor and council shall have authority to remove or alter  
10 the same at the expense of the owner, which expense may be collected by execution issued  
11 and enforced in the same manner as in case of tax executions.

12 SECTION 47.

13 Zoning laws.

14 The mayor and council of the city may, in the interest of public health, safety, order,  
15 convenience, comfort, prosperity, or general welfare, adopt by ordinance a plan or plans for  
16 districting or zoning of the city for the purpose of regulating the location of structures near  
17 street frontages. The zoning regulation may be based upon any one or more of the purposes  
18 above described. The city may be divided into any number of zones or districts, and such  
19 districts may be of such shape and area as the mayor and council shall deem best suited to  
20 accomplish the purpose of the zoning regulations. In the determination and establishment  
21 of districts and regulations, classification may be based on the nature or character of the trade  
22 industry or other activity conducted or to be conducted upon the premises; the number of  
23 persons, families, or other group units to reside in or use buildings; the public, quasi-public,  
24 or private nature of the use of the premises; or upon any other basis relevant to the promotion  
25 of the public health, safety, order, morals, conveniences, prosperity, or welfare. The mayor  
26 and council may provide by ordinance for a zoning commission, to be elected by the mayor  
27 and council of the city, and to prescribe their powers and duties, to provide the method and  
28 appeal from findings of said zoning commission, to provide for a board of zoning appeals to  
29 be elected by the mayor and council to hear such appeals and to provide their powers and  
30 duties, and to provide for the right of certiorari from said board of zoning appeals to the  
31 Superior Court of Bibb County.

## SECTION 48.

## Additional powers.

In addition to the power and authority vested in the mayor and council of Payne City created by this charter by the general laws of this state and to others heretofore and herein granted by this charter, the mayor and council are authorized and empowered to adopt such ordinances and regulations not in conflict with the Constitution and laws of the United States or of this state as they may deem proper:

(a) To protect and advance the morals of the city; to secure peace, good order, and quiet in the city; to protect the health of the city; to prevent the spread of and to suppress infectious, contagious, or dangerous diseases in the city; and to regulate toilets, toilet facilities, and cesspools;

(b) To create and elect a board of health in the city and to prescribe its powers and duties, fix its compensation, and maintain the board; to provide for the quarantine in and treatment of contagious diseases, either in or outside of the city, and to cooperate in the management and control of any public hospital or clinic for treatment generally of diseases and accidents and to contribute money to the same; and to provide aid for the needy poor of the city;

(c) To regulate and prohibit the keeping of explosives and other dangerous substances in the fire limits and at other places in the city; to regulate or prohibit the sale and shooting of fireworks and other explosives in the city; and to regulate the erection and maintenance of steam boilers and electrical apparatus in the city;

(d) To regulate the character of buildings to be erected in the city and to adopt and enforce building regulations; to require permits and to condemn buildings which are, or may become, dangerous to life or health and require the removal or repair of same; and to regulate plumbing and electrical wiring in structures in the city;

(e) To prevent or condemn encroachments or obstructions in, upon, or over any sidewalk, street, or alley and to require removal of such;

(f) To grant franchises, easements, and rights of way over, in, under, or along the public streets, sidewalks, alleys, parks, or other property of the city on such terms and conditions as the mayor and council may prescribe; and to regulate all public service or utility corporations doing business in the city in any manner not in conflict with state or federal law;

(g) To establish, equip, and maintain a fire department, such fire department to be within the control and regulation of the mayor and council;

(h) To define and prohibit nuisances within the corporate limits of the city, prescribe the mode of trial for such nuisances, and to abate the same;

- (i) To provide, equip, and maintain a jail, prison, or public works camp and to regulate same; and to provide for the working of convicts on the streets of the city or any public works of the city both within and without the corporate limits;
- (j) To prescribe and regulate the use of its streets and to classify said streets and regulate the use thereof according to such classification; to prohibit the sale or barter of any merchandise or thing from any stand, vehicle, or conveyance on the public streets, sidewalks, or ways of the city; to limit and regulate the speed of all motor vehicles on said streets and the operation thereof; and to prescribe and regulate the fees of taxis and transfer companies operating in the city and to regulate the operation thereof;
- (k) To suppress and prohibit houses where illegal, immoral, or disorderly practices are had;
- (l) To lay out and open streets and alleys in the city and to change the grades thereof;
- (m) To provide a uniform scale of costs for the clerk of the city for all services in the arrest and prosecution of offenders in the municipal court, for the issuance and collection of taxes and other executions, and for their collection and payment into the city treasury;
- (n) To require connection with water or sewerage by property owners whose property abuts on streets having water or sewer mains therein; and
- (o) To contract with public utility companies for the purchase of or the sale of water, electric current, gas, or any and all other public utility services.

#### SECTION 49.

##### Condemnation powers.

The mayor and council of Payne City shall have full power and authority to condemn private property, either within or outside the corporate limits, for any lawful purpose, such as establishing public streets, sidewalks, parks, or playgrounds; for rights of way; for any electric light, water supply, gas or sewer lines or sewerage disposal plant; for sites for the building or enlarging of any public building, reservoir, or structure necessary for the operation and conduct of the fire department, water plant, electric light and power plant, gas works or gas system, sewerage system, including lines and disposal plant, or any other department of the city; and for any other public use whatsoever whenever the same is necessary in their opinion. Whenever the mayor and council shall desire to exercise the power and authority to condemn property as granted and conferred in this section, said power and authority shall be exercised whether the land sought to be condemned is in the hands of the owner or a trustee, executor, administrator, guardian, or agent. All proceedings for condemnation shall be conducted in the manner provided by the general laws of the State of Georgia for condemnation of private property.

## SECTION 50.

## Bonds for debts, etc.

The mayor and council of the city shall have the power and authority to contract debts and issue bonds of the city as the valid obligations thereof under and in accordance with the limitations provided in the Constitution and laws of Georgia for the purpose of refunding valid existing debts; establishing, improving, and maintaining the water system; establishing, improving, and maintaining a sewerage system, a system of lights or electric power, and any other public service or utility system; for paving or otherwise improving streets, sidewalks, or public places; for any other improvements, conveniences, or necessities for the use of the city or the citizens thereof; or for any other lawful purposes.

## SECTION 51.

## Ordinances of force.

All ordinances now in force in the city except where they are in direct conflict with the provisions of this charter shall remain of full force and effect unless and until they are repealed or superseded by other ordinances passed by the mayor and council of Payne City.

## SECTION 52.

## Powers not restrictive general welfare clause.

The enumeration of powers contained in this charter shall not be considered as restrictive by the mayor and council of Payne City, and the authorities of the city may exercise all powers, rights, and jurisdictions as they might if such enumeration were not made. The mayor and council are hereby authorized to pass all laws, ordinances, rules, and regulations that they may deem needful and proper for the general welfare and protection of the city. Where under this charter rights are conferred or powers granted but the manner of exercising them is not fully defined, the mayor and council may prescribe additional regulations and modes of procedure not repugnant to the interest and purposes of this charter and the laws of this state.

## SECTION 53.

## Date when effective.

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

1

SECTION 54.

2

Repealing clause.

3

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