

House Bill 805 (AS PASSED HOUSE AND SENATE)

By: Representative Maxwell of the 17th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Buchanan; to provide for incorporation, boundaries,
2 and powers of the city; to provide for general powers and limitations on powers; to provide
3 for a governing authority of such city and the powers, duties, authority, election, terms,
4 method of filling vacancies, compensation, expenses, qualifications, prohibitions, conflicts
5 of interest, suspension, and removal from office relative to members of such governing
6 authority; to provide for inquiries and investigations; to provide for organization and
7 procedures; to provide for ordinances; to provide for the office of mayor and mayor pro
8 tempore and certain duties and powers relative thereto; to provide for administrative
9 responsibilities; to provide for boards, commissions, and authorities; to provide for a city
10 manager, a city attorney, a city clerk, and other personnel; to provide for a municipal court
11 and the judge or judges thereof; to provide for the court's jurisdiction, powers, practices, and
12 procedures; to provide for ethics and disclosures; to provide for elections; to provide for
13 taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to
14 provide for bonded and other indebtedness; to provide for accounting and budgeting; to
15 provide for city contracts and purchasing; to provide for bonds for officials; to provide for
16 prior ordinances and rules, pending matters, and existing personnel; to provide for penalties;
17 to provide for definitions and construction; to provide for other matters relative to the
18 foregoing; to provide for severability; to repeal a specific Act; to provide for an effective
19 date; to repeal conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 ARTICLE I.

22 CHARTER, CITY LIMITS, AND CORPORATE POWERS

23 SECTION 1.01.

24 Name and incorporation.

1 This city and the inhabitants thereof are reincorporated by the enactment of this charter and
2 are hereby constituted and declared a body politic and corporate under the name and style
3 of the City of Buchanan, Georgia, and by that name shall have perpetual succession.

4 **SECTION 1.02.**

5 Corporate limits.

6 (a) The boundaries of the City of Buchanan shall be those as existing on the effective date
7 of the adoption of this charter, with such alterations as may be made from time to time in the
8 manner provided by law. The boundaries of this city at all times shall be shown on a map,
9 written description, or any combination thereof, to be retained permanently in the office of
10 the city clerk, and to be designated, as the case may be: "Official Map of the Corporate
11 Limits of the City of Buchanan, Georgia." Photographic, typewritten, or other copies of such
12 map or description certified by the city clerk shall be admitted as evidence in all courts and
13 shall have the same force and effect as the original map or description.

14 (b) The mayor and council may provide for the redrawing of any such map by ordinance to
15 reflect lawful annexations or other changes in the corporate boundaries. A redrawn map
16 shall supersede for all purposes the entire map or maps which it is designated to replace.

17 (c) The present boundaries of the city, or any portion lawfully annexed hereafter, are
18 incorporated as the boundaries of Buchanan, by reference.

19 **SECTION 1.03.**

20 Powers and construction.

21 (a) The City of Buchanan shall have all powers possible for a city to have under the present
22 or future Constitution and laws of this State, as fully and completely as though said powers
23 were specifically enumerated in this charter. The city shall have all powers of
24 self-government not otherwise prohibited by this charter or by general state law.

25 (b) The powers of this city shall be construed liberally in favor of the city. The specific
26 inclusion or omission of particular powers shall not be construed as extending or limiting the
27 powers of the city in any way.

28 **SECTION 1.04.**

29 Examples of powers.

1 (a) Animal Regulations. To regulate and license or to prohibit the keeping or running
2 at-large of animals and fowl, and to provide for the impoundment of same if in violation of
3 any ordinance or lawful order; to provide for the disposition by sale, gift or humane
4 destruction of animals and fowl when not redeemed as provided by ordinance; and to provide
5 punishment for violation of ordinances enacted hereunder.

6 (b) Appropriations and Expenditures. To make appropriations for the support of the
7 government of the city; to authorize the expenditure or borrowing of money for any purposes
8 authorized by this charter and for any purpose for which a municipality is authorized by the
9 laws of the State of Georgia; and to provide for the payment of expenses of the city.

10 (c) Building Regulations. To regulate and to license the erection and construction of
11 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and
12 heating and air conditioning codes; to regulate all housing, and building trades; and to
13 establish minimum standards for and regulate building construction and repair, electrical
14 wiring and equipment, gas installation and equipment, plumbing, and housing for the health,
15 sanitation, cleanliness, welfare, and safety of the inhabitants of the city, and to provide for
16 the enforcement of such standards.

17 (d) Business Regulation and Taxation. To levy and to provide for the collection of regulatory
18 fees and taxes on privileges, occupations, trades and professions as authorized by Title 48
19 of the O.C.G.A., or other such applicable laws as are or may hereafter be enacted; to permit
20 and regulate the same; to provide for the manner and method of payment of such regulatory
21 fees and taxes; and to revoke such permits after due process for failure to pay any city taxes
22 or fees.

23 (e) Condemnation. To condemn property, inside or outside the corporate limits of the city,
24 for present or future use and for any public purpose deemed necessary by the governing
25 authority, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such other
26 applicable laws as are or may hereafter be enacted.

27 (f) Contracts. To enter into contracts and agreements with other governmental entities and
28 with private persons, firms, and corporations, to the extent permitted by this charter and the
29 general law of this State.

30 (g) Economic Development. To levy taxes, make appropriations, provide incentive plans,
31 conduct industrial recruitment, and take other actions necessary to promote or advertise the
32 city and its advantages and resources so as to bring new capital, commercial, and other
33 manufacturing enterprises into the city and create new employment opportunities for its
34 residents.

35 (h) Emergencies. To establish procedures for determining and proclaiming that an
36 emergency situation exists within or without the city, and to make and carry out all

1 reasonable provisions deemed necessary to deal with or meet such an emergency for the
2 protection, safety, health or well-being of the citizens of the city.

3 (i) Environmental Protection. To protect and preserve the natural resources, environment
4 and vital areas of the State through the preservation and improvement of air quality, the
5 restoration and maintenance of water resources, the control of erosion and sedimentation, the
6 management of solid and hazardous waste, and other necessary actions for the protection of
7 the environment.

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

12 (k) Garbage Fees. To levy, fix, assess, and collect a garbage, refuse and trash collection and
13 disposal fees, and other sanitary service charge, tax, or fee for such services as may be
14 necessary in the operation of the city from all individuals, firms, and corporations residing
15 in or doing business therein benefitting from such services, with said fees, if unpaid, to
16 constitute a lien against any property or persons served and enforceable in the same manner
17 as a lien for unpaid property taxes.

18 (l) General Health, Safety and Welfare. To define, regulate and prohibit any act, practice,
19 conduct or use of property which is detrimental to health, sanitation, cleanliness, welfare, and
20 safety of the inhabitants of the city, and to provide for the enforcement of such standards.

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

24 (n) Health and Sanitation. To prescribe standards of health and sanitation and to provide for
25 the enforcement of such standards.

26 (o) Hospitals. To levy taxes, collect fees and other revenue, make appropriations, and make
27 payment from the general revenues and funds of the city for the support of public hospitals.

28 (p) Jail Sentences. To provide that persons given jail sentences in the city's court may work
29 out such sentences in any public works or on the streets, roads, drains and other public
30 property in the city, to provide for commitment of such persons to any jail, or to provide for
31 commitment of such persons to any county work camp or county jail by agreement with the
32 appropriate county officials.

33 (q) Libraries. To levy taxes, collect fees and other revenue, make appropriations, and make
34 payment from the general revenues and funds of the city for the support of public libraries.

35 (r) Motor Vehicles. To regulate the operation of motor vehicles and exercise control over
36 all traffic, including parking upon or across the streets, roads, alleys and walkways of the
37 city.

1 (s) Municipal Agencies and Delegation of Power. To create, alter or abolish departments,
2 boards, offices, commissions and agencies of the city, and to confer upon such agencies the
3 necessary and appropriate authority for carrying out all the powers conferred upon or
4 delegated to the same.

5 (t) Municipal Debts. To appropriate and borrow money for the payment of debts of the city
6 and to issue bonds for the purpose of raising revenue to carry out any project, program, or
7 venture authorized by this charter or the laws of the State of Georgia governing bond issues
8 by municipalities in effect at the time said issue is undertaken.

9 (u) Municipal Property Ownership. To acquire, dispose of, lease, and hold in trust or
10 otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or
11 outside the property limits of the city.

12 (v) Municipal Property Protection. To provide for the preservation and protection of
13 property and equipment of the city, and the administration and use of same by the public; and
14 to prescribe penalties and punishment for violations thereof.

15 (w) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell and dispose of
16 public utilities, including but not limited to a system of waterworks, sewers and drains,
17 sewage disposal, gas works, electric light plants, cable television, fiber optic networks, and
18 other telecommunications, transportation facilities, public airports, and any other public
19 utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties,
20 and to provide for the withdrawal of service for refusal or failure to pay the same. Any such
21 fees, if unpaid, will constitute a lien against the person or property served and enforceable
22 in the same manner as a lien for unpaid property taxes.

23 (x) Nuisance. To define a nuisance and provide for its abatement, whether on public or
24 private property, in the Municipal Court of Buchanan, as outlined both by ordinance and by
25 general state law.

26 (y) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the
27 authority of this charter and the laws of the State of Georgia.

28 (z) Personnel. To provide such system of personnel administration, employment matters, or
29 similar rules and regulations as the city manager, as chief personnel officer and the mayor
30 and council, should determine.

31 (aa) Planning and Zoning. To provide comprehensive city planning for development by
32 zoning; and to provide subdivision regulation and the like as the city council deems
33 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community.

34 (bb) Police and Fire Protection. To exercise the power of arrest through duly appointed
35 policemen, and to establish, operate, or contract for a police and a fire fighting agency.

36 (cc) Public Hazards: Removal. To provide for the destruction and removal of any building
37 or other structure which is or may become dangerous or detrimental to the public.

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

10 (ee) Public Peace. To provide for the prevention and punishment of drunkenness, riots, and
11 public disturbances.

12 (ff) Public Transportation. To organize and operate such public transportation systems as are
13 deemed beneficial.

14 (gg) Public Utilities and Services. To grant franchises or make contracts for, or impose taxes
15 on public utilities and public service companies; and to prescribe the rates, fares, regulations
16 and standards and conditions of service applicable to the service to be provided by the
17 franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public
18 Service Commission.

19 (hh) Regulation of Roadside Areas. To prohibit or regulate and control the erection,
20 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings and any and
21 all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads
22 or within view thereof, within or abutting the corporate limits of the city; and to prescribe
23 penalties and punishment for violation of such ordinances.

24 (ii) Retirement. To provide and maintain a retirement plan for officers and employees of the
25 city.

26 (jj) Roadways. To name, rename, lay out, open, extend, widen, narrow, establish or change
27 the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or
28 otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
29 walkways within the corporate limits of the city; and to grant franchises and rights-of-way
30 throughout the streets and roads, and over the bridges and viaducts for the use of public
31 utilities; and to require real estate owners to repair and maintain in a safe condition the
32 sidewalks adjoining their lots or lands, and to impose penalties for failure to do so.

33 (kk) Sewer Fees. To levy a fee, charge, or sewer tax as necessary to assure the acquisition,
34 construction, equipment, operation, maintenance, and extension of a sewage disposal plant
35 and sewerage system, and to levy on those to whom sewers and sewerage systems are made
36 available a sewer service fee, charge or sewer tax for the availability or use of the sewers; to
37 provide for the manner and method of collecting such service charges and for enforcing

1 payment of the same. Any such fees, if unpaid, will constitute a lien against the person or
2 property served, and shall be enforceable in the same manner as a lien for unpaid property
3 taxes; and to charge, impose and collect a sewer connection fee or fees to those connected
4 with the system.

5 (ll) Solid Waste Disposal. To provide for the collection and disposal of garbage, rubbish and
6 refuse, and to regulate the collection and disposal of garbage, rubbish and refuse by others;
7 and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other
8 recyclable materials, and to provide for the sale of such items, should the city acquire
9 facilities and/or equipment for this purpose.

10 (mm) Special Areas of Public Regulation. To regulate or prohibit junk dealers, pawn shops,
11 the manufacture, sale or transportation of alcoholic beverages, and the use and sale of
12 firearms; to regulate the transportation, storage and use of combustible, explosive and
13 flammable materials, the use of lighting and heating equipment, and any other business or
14 situation which may be dangerous to persons or property; to regulate and control the conduct
15 of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind,
16 by taxation or otherwise; and to license, tax, regulate or prohibit professional fortunetelling,
17 palmistry, adult bookstores, and massage parlors.

18 (nn) Special Assessments. To levy and provide for the collection of special assessments to
19 cover the costs for any public improvements.

20 (oo) Taxes; Ad Valorem. To levy and provide for the assessment, valuation, revaluation, and
21 collection of taxes on all property subject to taxation.

22 (pp) Taxes; Other. To levy and collect such other taxes as may be allowed now or in the
23 future by law.

24 (qq) Vehicles for Hire. To regulate and license vehicles operated for hire in the city; to limit
25 the number of such vehicles; to require the operators thereof to be licensed; to require public
26 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
27 regulate the parking of such vehicles.

28 (rr) Other Powers. To exercise and enjoy all other powers, functions, rights, privileges and
29 immunities necessary or desirable to promote or protect the safety, health, peace, security,
30 good order, comfort, convenience, or general welfare of the city and its inhabitants; and to
31 exercise all implied powers necessary or desirable to carry into execution all powers granted
32 in this charter as fully and completely as if such powers were fully stated herein; and to
33 exercise all powers now or in the future authorized to be exercised by other municipal
34 governments under other laws of the State of Georgia. No listing of particular powers in this
35 charter shall be held to be exclusive of others, nor restrictive of general words and phrases
36 granting powers, but shall be held to be in addition to such powers unless expressly
37 prohibited to municipalities under the constitution or applicable laws of the State of Georgia.

SECTION 1.05.**Exercise of powers.**

All powers, functions, rights, privileges, and immunities of the City of Buchanan, and its officers, agencies, or employees shall be carried into execution as provided by this charter. If this charter makes no provisions, such powers shall be carried into execution as provided by ordinance or general laws of the State of Georgia.

SECTION 1.06.**Regulation and control of public streets, alleys, and ways; closing; costs.**

(a) In the event that the City of Buchanan receives a petition or written request from all adjoining property owners that any street, lane, alley, avenue, road, or sidewalk, or any part of the same, is no longer needed for street purposes, the city shall have express power and authority to close, lease, sell, convey, or otherwise dispose of any such street, lane, alley, avenue, road, or sidewalk or any part of same. However, should the mayor and council determine that it is not desirable to permanently abandon such street, lane, alley, avenue, road, or sidewalk, or any part thereof, but should desire to preserve it for future use to the city if needed for street or other purposes, the mayor and council are hereby expressly granted the power and authority to lease or retain an easement to any such street, lane, alley, avenue, road, or sidewalk, or any part of the same, to any person, firm, or corporation, upon such terms and conditions as they may deem proper, with full power and authority to provide any such lease contract for a renewal of the same on a year to year basis, provided that the city shall not require the use of the property for street purposes at the expiration of any original lease contemplated herein.

(b) Before any street, lane, alley, avenue, road, or sidewalk, or any part of the same is closed, sold, leased, conveyed, or otherwise disposed of, the mayor and council shall adopt a resolution at a regular meeting thereof, duly called and held. Said resolution shall generally describe such street, land, alley, avenue, road, or sidewalk, or any part of same, together with the intentions of the mayor and council as to the disposition thereof, including the terms and conditions of said disposition, and the person, firm, or corporation to whom the property is to be disposed. Upon passage of such a resolution, the city shall then publish notice of the proposed closing or other disposition in a newspaper of general circulation located within the corporate limits of the city, once a week, for two weeks, and hold a public hearing at the next regularly scheduled monthly council meeting. If after such publication, no objection is made to the proposed disposition, the mayor and council may proceed by ordinance to make such disposition. If, however, any citizen or property owner makes any objection to the proposed

1 disposition, the mayor and council shall conduct a full and complete hearing and afford all
2 parties the opportunity to present evidence or otherwise voice their opinions for or against
3 the proposed disposition of the street property. The city shall retain full and complete
4 discretion as to the final disposition of said property, even if requested by all adjoining
5 property owners, and shall not have any obligation or duty to grant said property owners'
6 request.

7 (c) In the event that any person, firm, or corporation of the City of Buchanan files an
8 application to close any portion of a street, lane, alley, avenue, road, or sidewalk, within the
9 corporate limits of the city, the applicant shall bear all expenses occasioned by the closing
10 of said street, lane, alley, avenue, road, or sidewalk, or any part of same, even if the mayor
11 and council do not ultimately grant the application. Said costs shall include, but not be
12 limited to, any and all attorney's fees, survey costs, preparation of deeds or other legal
13 instruments, recording fees, and any other reasonable costs and expenses incurred therewith.
14 If multiple property owners submit such an application or petition, they shall bear all such
15 costs equally. The applicant shall pay all such costs in advance, prior to the execution of any
16 ordinances, quitclaim deeds, or any other documents required to be executed at the
17 conclusion of said closing.

18 (d) The mayor and council may place whatever restrictions, contingencies, or requirements
19 concerning the closing of such street, lane, alley, avenue, road, or sidewalk, or any part of
20 same, as it may deem appropriate, including, but not limited to, the right of retention of
21 easements for sewer, water, and other municipal utilities services.

22 **SECTION 1.07.**

23 Continuation in effect of existing ordinances.

24 All ordinances, resolutions, by-laws, rules, and regulations now in force in the City of
25 Buchanan which are not inconsistent with this charter are hereby declared valid and of full
26 force and effect until amended or repealed by official action of the mayor and council of said
27 city.

28 **ARTICLE II.**

29 **CITY GOVERNMENT STRUCTURE**

30 **SECTION 2.01.**

31 Establishment of city council; number; election.

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

1 mayor and four council members, to be known as the "mayor and council of the City of
2 Buchanan." The mayor and council established herein shall in all respects be a successor and
3 continuation of the governing authority of the City of Buchanan under prior law and shall be
4 elected in the manner provided by general law and this charter. Furthermore, the mayor and
5 council shall exercise their powers in such manner as prescribed by this charter and the
6 Constitution and applicable general laws of the State of Georgia as they exist on the date of
7 the adoption of this charter and as they may hereafter be amended. If any such powers are
8 not prescribed in this charter, then the mayor and council shall exercise them in such a
9 manner as may be prescribed by the duly established ordinances of the City of Buchanan.

10 **SECTION 2.02.**

11 Qualifications and terms for mayor and council members.

12 The mayor and council members shall serve terms of four years and until their respective
13 successors are elected and qualified. To be eligible for the office of mayor or council
14 member, a person shall have been a resident of the City of Buchanan for 12 months
15 immediately preceding the date of qualification for election of the mayor or council member.
16 Furthermore, the mayor and council members shall continue to reside in the corporate limits
17 of the city during their respective periods of service and shall be both registered and qualified
18 to vote in municipal elections in this city. The terms of mayor and council member shall
19 commence on January 1 of the year next following the year in which they were elected, and
20 shall expire on December 31 of the year in which the elections were held.

21 **SECTION 2.03.**

22 Vacancies in office.

23 (a) Vacancies. The office of mayor and council member shall become vacant upon the
24 occurrence of any events specified by the Constitution of the State of Georgia, Title 45 of the
25 O.C.G.A., or such applicable laws as are or may hereafter be enacted.

26 (b) Filling Vacancies. A vacancy in the office of mayor or council member shall be filled
27 for the remainder of the unexpired term, if any, by appointment of a qualified person by the
28 mayor and council, if less than one-half of the calendar days in the unexpired term remains.
29 Otherwise, such vacancies shall be filled by special election as provided for in this charter
30 and in accordance with Titles 21 and 45 of the O.C.G.A., or such other applicable laws as are
31 or may hereafter be enacted.

SECTION 2.04.

Compensation and reimbursement of expenses.

The council may from time to time determine the salary of the mayor and council members by ordinance, subject to the requirements of state law. Each council member and the mayor, when authorized by the council and upon presentation of itemized vouchers, receipts, statements, invoices, bills, or other similar such documentation, shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties of office, including, but not limited to, travel, lodging, meals, entertainment, and other similar such expenses.

SECTION 2.05.

Prohibitions.

(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) Conflict of Interest. No elected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall knowingly:

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

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

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

(4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm or corporation which to the official's knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which the official is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign, in accordance with Chapter 5 of Title 21 of the O.C.G.A., the "Ethics in Government Act," or such other applicable laws as are or

1 may hereafter be enacted;

2 (5) Represent other private interests in any action or proceeding against this city or any
3 portion of its government; or

4 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
5 any business or entity in which the official has a financial interest.

6 (c) Disclosure. Any elected official, appointed officer, or employee who shall have any
7 financial interest, directly or indirectly, in any contract or matter pending before or within
8 any department of the city shall disclose such interest to the mayor and council. Such
9 interest and such disclosure shall be entered on the records of the mayor and council, and that
10 official shall disqualify himself or herself from participating in any decision or vote relating
11 thereto. Any elected official, appointed officer, or employee of any agency or political entity
12 to which this charter applies who shall have any financial interest, directly or indirectly, in
13 any contract or matter pending before or within such entity shall disclose such interest to the
14 governing body of such agency or entity.

15 (d) Use of Public Property. No elected official, appointed officer, or employee of the city
16 or agency or entity to which this charter applies shall use property owned by such
17 governmental entity for personal benefit, convenience, or profit except in accordance with
18 policies promulgated by the mayor and council or the governing body of such agency or
19 entity.

20 (e) Contracts Voidable and Rescindable. Any violation of this section which occurs with the
21 knowledge, express or implied, of a party to a contract or sale shall render said contract or
22 sale voidable at the option of the mayor and council.

23 (f) Ineligibility of Elected Officials. Except where authorized by law, neither the mayor nor
24 any council member shall hold any other elected or compensated appointed office in the city
25 or otherwise be employed by said government or any agency thereof during the term for
26 which that official was elected. No former mayor or council member shall hold any
27 compensated appointed office in the city until one year after the expiration of the term for
28 which that official was elected.

29 (g) Political Activities of Certain Officers and Employees. No appointed officer of the city
30 shall continue in such employment upon qualifying as a candidate for nomination or election
31 to any other public office. No employee of the city shall continue in such employment upon
32 election to any public office in this city or any other public office which is inconsistent,
33 incompatible, or in conflict with the duties of the city employee. Such determination shall
34 be made by the mayor and council either immediately upon election or at any time such
35 conflict may arise.

36 (h) Penalties for Violation. (1) Any city officer or employee who knowingly conceals such
37 financial interest or knowingly violates any of the requirements of this section shall be guilty

1 of malfeasance in office or position, shall be deemed to have forfeited that person's office
2 or position, and shall be subject to removal under Section 3.19 of this charter.

3 (2) Any officer or employee of the city who shall forfeit an office or position as
4 described in paragraph (1) of this subsection shall be ineligible for appointment or
5 election to or employment in a position in the city government for a period of three years
6 thereafter.

7 **SECTION 2.06.**

8 Inquiries and investigations.

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

15 **SECTION 2.07.**

16 General power and authority of the mayor and city council.

17 The mayor and four council members shall compose the Buchanan city council, and shall be
18 vested with all corporate, legislative, and other powers of government of the city, except as
19 otherwise provided by this charter or general state law.

20 **SECTION 2.08.**

21 Eminent domain.

22 The mayor and council are hereby empowered to acquire, construct, operate and maintain
23 public ways, parks, public grounds, industrial, vocational, technical and/or commercial parks,
24 cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage
25 treatment, waterworks, electrical systems, gas systems, airports, hospitals, and charitable,
26 educational, recreational, athletic, curative, corrective, detentional, penal and medical
27 institutions, agencies and facilities, and any other public improvements inside or outside the
28 city, and to regulate the use thereof, and for such purposes, property may be condemned
29 under procedures established under general law applicable now or as provided in the future.

1 ARTICLE III.

2 ORGANIZATION OF CITY GOVERNMENT

3 SECTION 3.01.

4 Organization.

5 The current city government shall continue as presently organized, unless and until otherwise
6 provided by ordinance, amendment to this charter, or other law. The mayor and council may
7 by ordinance establish, abolish, merge, or consolidate offices, positions of employment,
8 departments, and agencies of the city, provide that the same person shall fill a number of
9 offices and positions of employment, and transfer or change the functions and duties of
10 various offices, positions of employment, and department and agencies of the city.

11 SECTION 3.02.

12 Organizational meeting and oath.

13 The mayor and council shall hold an organizational meeting each year at its regularly
14 scheduled January meeting. At this meeting, the council members shall elect a mayor pro
15 tem from its membership, as provided in this charter, and administer the following oath of
16 office to any newly elected members, as follows:

17 "I do solemnly swear or affirm that I will faithfully perform the duties of mayor/council
18 member of the City of Buchanan and that I will support and defend the charter thereof, as
19 well as the constitutions and laws of the State of Georgia and the United States of
20 America."

21 SECTION 3.03.

22 Regular and special meetings.

23 (a) The mayor and council shall hold regular public meetings on the second Tuesday of each
24 month at 6:30 p.m. in the council room of City Hall, Buchanan, Georgia, or at other such
25 times and places as may be designated by the mayor and council or prescribed by ordinance.
26 The mayor and council shall exercise its powers in all public meetings.

27 (b) The council may hold special meetings or work sessions on the call of the mayor or the
28 mayor pro tem and two council members. Notice of any such special meetings or work
29 sessions shall be served on all other council members personally or by personal telephone
30 contact, no less than 24 hours in advance of the meeting. The notice requirements of this
31 section shall not be required and shall be waived if the mayor and all council members are
32 present when this special meeting or work sessions are called. Such notice of any special

meeting or work session may also be waived by a council member in writing before or after such a meeting. Attendance at a special meeting shall also constitute a waiver of notice on any business transacted in a council member's presence. Only the business stated in the notice may be transacted at a special meeting, unless all council members unanimously consent to the transacting of additional business. At work sessions, the mayor and council may discuss, deliberate, plan, or debate current city issues but may not take any vote or formal action and shall not publish or follow a formal agenda.

(c) All meetings of the mayor and council shall be public to the extent required by law, and notice to the public of any special meetings shall be given, to the extent reasonably possible, as provided in O.C.G.A. Section 50-14-1, or other such applicable laws as are or may hereafter be enacted.

SECTION 3.04.

Rules of procedure.

(a) The mayor and council shall adopt its rules of procedure and order of business consistent with the provisions of this charter, and the city clerk shall provide for keeping minutes of its proceedings, which shall be public record. The mayor and council may also adopt procedures and penalties for compelling the attendance of absent members, as well as punishment for contemptuous behavior conducted in the presence of the mayor and council.

(b) All committees and committee chairs, and officers of the city council shall be recommended by the mayor and approved by the council and shall serve at the pleasure of the mayor and council. Furthermore, the mayor and council shall have the power to appoint new members to any committee at any time.

SECTION 3.05.

Quorum; voting.

A majority of council members present shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of any ordinances shall be by voice vote, and the vote shall be recorded in the minutes of the council. Any member of the council shall have the right to request a roll call vote, and such vote shall also be recorded in the minutes, if requested. Except as otherwise provided in this charter, the affirmative vote of three council members, including the mayor in the event of a tie vote, shall be required for the adoption of any ordinance, resolution, or motion. All council members shall have a duty to vote on any matter coming before the mayor and council that requires such a vote, unless a council member has a conflict of interest as defined by Section 2.05 or is as

1 otherwise legally excused or prohibited from voting by this charter, or any other laws,
2 ordinances, or regulations of this State.

3 **SECTION 3.06.**

4 Action requiring an ordinance.

5 Acts of the mayor and council which have the force and effect of law or have a regulatory
6 or penal effect, or are required by this charter or state law to be done by ordinance, shall be
7 enacted by ordinance. All other administrative measures, ministerial acts, expressions of
8 current opinion or feeling of the council, or temporary measures may be in the form of a
9 resolution. The mayor may also from time to time issue nonbinding proclamations to honor
10 or commemorate a group, event, or person, or business in the city.

11 **SECTION 3.07.**

12 Ordinances and city legislation; form; procedures.

13 (a) Every proposed ordinance should be introduced in writing and in the form required for
14 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
15 enacting clause of every ordinance shall be "It is hereby ordained by the mayor and council
16 of the City of Buchanan."

17 (b) An ordinance may be introduced by any council member and read at a regular or special
18 meeting of the mayor and council. Ordinances shall be considered and either adopted or
19 rejected by the mayor and council in accordance with the rules it shall establish upon
20 introduction of any ordinance. The clerk shall, as soon as possible, distribute a copy of same
21 to the mayor and each council member and retain a reasonable number of copies in his or her
22 office for inspection and copying by members of the public. The clerk shall also forward
23 certified copies of all ordinances to Municipal Code Corporation or any other person, firm,
24 or corporation responsible for the codification of the city's ordinances, so that the city code
25 can be properly revised and updated. After adoption of ordinances, the city clerk shall
26 number them consecutively, in the order of their final adoption, and record them in a
27 permanent record book used solely for this purpose. The clerk shall do likewise for
28 resolutions, using a separate series of numbers and a separate record book. The city clerk
29 shall file and preserve the original copies of all ordinances, resolutions, and any written
30 motions.

SECTION 3.08.

Emergencies.

(a) To meet a public emergency affecting life, health, property, or public peace, the council may convene a special meeting on the call of the mayor, mayor pro tem and two council members or a majority of council members and promptly adopt an emergency ordinance.

However, such an ordinance may not do any of the following:

(1) Levy taxes;

(2) Grant, renew, or extend a franchise;

(3) Regulate the rate charged by any public utility for its services; or

(4) Authorize the borrowing of money, except for temporary loans to be repaid within 30 days.

(b) An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists, and describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three council members including the mayor in the event of a tie vote shall be required for adoption. An emergency ordinance shall become effective immediately upon adoption or at such later time as it may specify.

(c) Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but such ordinances may be extended or reenacted in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

(d) Emergency meetings shall be open to the public to the extent required by law, and notice to the public of emergency meetings shall be made as fully as reasonably possible in accordance with O.C.G.A. Section 50-14-1, or such applicable laws as are or may hereafter be enacted.

SECTION 3.09.

Codes of technical regulations.

(a) The mayor and council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that: (1) the requirements of Section 3.07 for distribution of copies of the ordinance shall be construed

1 to include making available copies of any code of technical regulations, as well as the
2 adopting ordinance; and (2) a copy of each adopted code of technical regulations, as well as
3 the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section
4 3.10.

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

7 **SECTION 3.10.**

8 Signing; authenticating; recording; codification; printing.

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

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

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

29 **SECTION 3.11.**

30 Election of mayor; forfeiture; compensation.

31 The mayor shall be elected by a majority vote of all citizens of the City of Buchanan and
32 serve for a term of four years until a successor is elected and qualified. The mayor shall be
33 a qualified elector of this city and shall have been a resident of the city for no fewer than 12

1 months immediately preceding the date of qualification for the election. The mayor shall
2 continue to reside in this city during the period of service. The mayor shall forfeit the office
3 or may be removed on the same grounds and under the same procedures as for council
4 members. The compensation of the mayor shall be established by ordinance in the same
5 manner as for council members.

6 **SECTION 3.12.**

7 Powers and duties of mayor.

8 The mayor shall:

- 9 (1) Preside at all meetings of the council;
- 10 (2) Have a vote only in case of a tie vote by council members;
- 11 (3) Have veto power, as outlined in Section 3.13 of this charter;
- 12 (4) Be the ceremonial head of the city;
- 13 (5) Sign ordinances and resolutions upon their final passage;
- 14 (6) Secure short term loans in the name of the city when authorized by the council to do
15 so;
- 16 (7) Sign deeds, bonds, and contracts when authorized by the council to do so;
- 17 (8) Serve as the registered agent for service of process in any legal action against the
18 city;
- 19 (9) Be the executive head of the city government, responsible for the efficient and
20 orderly administration of the city's affairs;
- 21 (10) Be responsible for the enforcement of the laws, rules, regulations, ordinances, and
22 franchises in the city;
- 23 (11) Conduct inquiries and investigations into the conduct of the city's affairs, when he
24 or she deems necessary, or upon vote of three council members, as provided in Section
25 2.06 hereof;
- 26 (12) Have the power to administer oaths and to take affidavits;
- 27 (13) Call special meetings of the city council as provided for in Section 3.03 hereof;
- 28 (14) Direct the city attorney to take such legal action as the council may determine;
- 29 (15) Make recommendations for committee appointments, to be approved by the council;
30 and
- 31 (16) Have and perform such other powers and duties as may be provided by this charter
32 and duly adopted ordinances not inconsistent herewith.

SECTION 3.13.**Submission of ordinances to mayor; veto power.**

(a) Every ordinance adopted by the city council shall be promptly presented to the mayor by the clerk no later than five calendar days from the date of the meeting at which it was adopted.

(b) Either at the meeting at which an ordinance was adopted or no later than five calendar days after receipt of an ordinance, the mayor shall return it to the clerk either with or without the mayor's approval. If the mayor has approved the ordinance, it shall become law immediately upon its return to the clerk. If the mayor neither approves nor disapproves the ordinance, it shall become law at 12:00 Noon on the eleventh calendar day after the council meeting at which it was adopted. If the mayor expressly disapproves an ordinance, the mayor shall submit to the city council and clerk a written statement of reasons for the veto. The statement of the mayor shall be circulated by the clerk to the council. In all instances, the clerk shall record upon the ordinance the date it was delivered to and received from the mayor.

(c) If the mayor vetoes an ordinance as provided herein, the clerk shall present said ordinance to the city council at its next regular or special meeting. If the city council then or at its next meeting adopts the ordinance by an affirmative vote of three council members, the ordinance shall become law.

(d) The mayor may disapprove, veto, or reduce any item or items of appropriation in any ordinance or budget. The approved part or parts of any budget or ordinance making appropriations shall become law, and the part or parts disapproved shall not become law unless subsequently passed by the city council over the mayor's veto as provided herein. The reduced part or parts shall also be presented to the city council as if disapproved or vetoed by the mayor and shall not become law unless passed by the city council over the mayor's veto as provided herein.

SECTION 3.14.**Mayor pro tem.**

(a) At the first regular meeting of the mayor and council each year, the council shall by majority vote elect another council member to serve as mayor pro tem for a term of one year. Upon the council's failure to elect a mayor pro tem at its first regular meeting in January of each year, the incumbent council member who received the highest number of votes when last elected shall be declared mayor pro tem.

(b) The mayor pro tem shall assume the duties and powers of the mayor during the mayor's

1 physical or mental disability or absence. Any such disability or absence shall be declared by
2 a majority vote of the city council. In addition, the mayor pro tem shall sign all contracts and
3 ordinances in which the mayor has a disqualifying financial interest as defined in Section
4 2.05 of this charter.

5 **SECTION 3.15.**

6 Powers and duties of the city manager.

7 At the time of adoption of this charter, the city did not have an acting city manager. For
8 financial reasons, the city has never had a city manager. If at some point in the future the
9 city decides to appoint a city manager, his or her duties shall be as set forth in legislation
10 amending this charter duly approved and adopted by the mayor and council. In the event of
11 an emergency that affects the health, safety, or welfare of the citizens of the city or some
12 emergency that involves the continued functioning or financial condition of the city, the
13 mayor and council shall have the authority to appoint an interim city manager without having
14 to approve or adopt local legislation contemplated hereby.

15 **SECTION 3.16.**

16 Mayor and council involvement with administration.

17 It is the policy of the mayor and council to encourage open discussion and communications
18 among elected officials and city employees. Except for the purpose of inquiries and
19 investigations under Section 2.06, the mayor and council or its members should make every
20 effort to deal with city officers and employees through the mayor, or if the city hires a city
21 manager in the future, the manager, to the extent possible. Neither the mayor and council
22 nor its members shall give orders to any such officer or employee, either publicly or
23 privately.

24 **SECTION 3.17.**

25 Acting city manager.

26 If at some point the city hires a city manager in the future, then, by letter filed with the city
27 clerk, the manager may designate, subject to approval of the mayor and council, a qualified
28 city administrative officer to exercise the powers and perform the duties of manager during
29 the manager's temporary absence or physical or mental disability. During such absence or
30 disability, the mayor and city council may revoke such designation at any time and appoint
31 another officer of the city to serve until the manager shall return or the manager's disability

shall cease. Any such absence or disability shall be declared by majority vote of the mayor and council.

SECTION 3.18.

City clerk.

The mayor and council shall appoint a city clerk who shall not be a council member. The clerk shall perform the following duties:

- (1) Keep and preserve the official city seal and all city records;
- (2) Attend meetings of the mayor and council and keep the official minutes of its proceedings, including the names of members and other parties present and absent, the vote of each council member on each resolution, ordinance, motion, or other official action considered;
- (3) Prepare and certify copies of official records when requested, for which fees may be prescribed by ordinance;
- (4) Serve as chief financial officer of the city and work in coordination with the mayor in budget preparation and review and in approving and reviewing purchase requests from department heads;
- (5) Maintain a book or record of registration of franchises granted by the city pursuant to Section 4.13 of this charter; and
- (6) Perform such other duties as may be required by the mayor and council.

SECTION 3.19.

Removal of officers.

(a) The mayor, any council member, city manager (if the city appoints someone in this position), or city clerk may be removed from office for any one or more of the following causes:

- (1) Incompetence, misfeasance, or malfeasance in office;
- (2) Conviction of a felony or other crime involving moral turpitude;
- (3) Failure at any time to possess any qualifications of office as provided by this charter or other law;
- (4) Knowingly violating Section 2.05 of this charter or any other express prohibition of this charter or code of the City of Buchanan;
- (5) Abandonment of office or neglect to perform the duties thereof; or
- (6) Failure for any other cause to perform the duties of office as required by this charter, the Buchanan Code of Ordinances, or general state law.

(b) For purposes of this section, the term "moral turpitude" is defined as a crime involving an act which implicates the honesty and integrity of the perpetrator and in particular shall include any crime involving theft, deceit, or fraud.

(c) In the event an elected or appointed officer is sought to be removed by action of the council, such officer shall be entitled to written notice specifying the ground or grounds for removal and to a public hearing, which shall be held no less than ten days after service of such written notice. Removal of any elected or appointed officer pursuant to subsection (a) of this section shall be accomplished by the affirmative vote of three council members after an investigative hearing. Any and all hearings held pursuant to this section shall be conducted in accordance with the Georgia Open Meetings Act, O.C.G.A. Section 50-14-1, et seq., to the greatest extent reasonably possible.

(d) Any elected or appointed officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the council to the superior court of Haralson County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the Probate Court of Haralson County.

SECTION 3.20.

City attorney.

The mayor and council shall appoint a city attorney, together with such assistant city attorneys as may be authorized or required, and shall provide for payment of such attorney or attorneys for services rendered to the city. The city attorney shall perform the following duties:

- (1) Provide for the representation and defense of the city in all litigation in which the city is a party;
- (2) May be the prosecuting officer or solicitor in the municipal court;
- (3) Attend all meetings of the mayor and council as directed;
- (4) Advise the mayor and council and other city officers and employees concerning legal aspects of the city's affairs;
- (5) Approve as to form and legality all contracts, deeds, ordinances, resolutions, and motions as presented or prescribed by the mayor and council; and
- (6) Perform such other duties as may be required by virtue of that person's position as city attorney.

SECTION 3.21.

Employment and personnel matters.

The mayor and council shall adopt rules, regulations, and policies consistent with this charter concerning the following:

- (1) The method of employee selection and probationary periods of employment;
- (2) The administration of a position classification and pay plan, and methods of promotion and transfer within the classification plan;
- (3) Hours of work, vacation, sick leave and other leaves of absence, overtime pay, and rules governing layoffs or similar reductions in force;
- (4) Such dismissal hearings as due process may require; and
- (5) Such other personnel policies, regulations, provisions, or notices as may be necessary to provide for the adequate and systematic handling of personnel matters.

SECTION 3.22.

Boards, commissions and authorities.

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

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

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

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

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

(f) All board members serve at-will and may be removed at any time by the affirmative vote of three members of the city council including the mayor in the event of a tie vote unless otherwise provided by law.

(g) Except as otherwise provided by this charter or by law, each board, commission or

1 authority of the city shall elect one of its members as chair and one member as vice-chair,
2 and may elect as its secretary one of its own members or may appoint as secretary an
3 employee of the city. Each board, commission or authority of the city government may
4 establish such bylaws, rules and regulations, not inconsistent with this charter, ordinances
5 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or
6 the conduct of its affairs. Copies of such bylaws, rules and regulations shall be filed with the
7 clerk of the city.

8 **SECTION 3.23.**

9 Department heads.

10 (a) Except as otherwise provided herein, the mayor and council shall by ordinance prescribe
11 the functions and duties and establish, abolish, or alter all nonelective offices, positions of
12 employment, departments, and agencies of the city as necessary for the proper administration
13 of the affairs and government thereof.

14 (b) Except as otherwise provided herein or by other law, the department heads and other
15 officers of the city shall be appointed solely on the basis of their administrative and
16 professional qualifications.

17 (c) All appointed officers and department heads shall receive such compensation as is
18 determined by the mayor and council.

19 (d) There shall be a director or head of each department or agency who shall be its principal
20 officer. Each department head shall be responsible for the administration and direction of
21 the affairs and operations of his or her department or agency, subject to the direction and
22 supervision of the mayor or city manager, if the city decided to create such a position in the
23 future.

24 **ARTICLE IV.**

25 **FINANCE AND FISCAL ADMINISTRATION**

26 **SECTION 4.01.**

27 Fiscal year.

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

SECTION 4.02.

Preparation of budgets.

The mayor and council shall adopt 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 4.03.

Submission of operating budget to city council.

(a) On or before a date fixed by the city council, but not later than 30 days prior to the beginning of each fiscal year, the mayor in coordination with the city clerk shall submit to the mayor and council a proposed operating budget for the ensuing fiscal year, showing the following:

- (1) The revenue and expenditure during the previous fiscal year;
- (2) Appropriations and estimated revenue and expenditures for the current fiscal year;
- (3) Estimated revenue and recommended expenditures for the ensuing fiscal year;
- (4) A comparative statement of the assets, liabilities, reserves, and surplus at the end of the previous fiscal year, and estimated assets, liabilities, reserves, and surplus, both at the end of the current fiscal year and the ensuing fiscal year; and
- (5) Such other information and data as may be considered necessary by the mayor and council.

(b) 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 any major changes recommended for the next fiscal year, a general summary of the budget, and any other pertinent comments and information the mayor feels necessary. The operating budget and the capital budget hereinafter provided for, the budget message, and all supporting documents shall be maintained in the office of the city clerk and shall be open to public inspection.

SECTION 4.04.

Action by city council on budget.

(a) The mayor and council may amend the proposed operating budget submitted by the mayor. However, 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. Moreover, the total appropriations from any

1 funds shall not exceed the estimated fund balance, reserves, and revenues.

2 (b) The mayor and council by ordinance shall adopt a final operating budget for the ensuing
3 fiscal year, no later than the regular scheduled June council meeting for each year. If the city
4 council fails to adopt the budget on or before the date set out herein, the amounts
5 appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing
6 fiscal year on a month to month basis, with all items prorated accordingly until such time as
7 the mayor and council adopt a budget for the ensuing fiscal year. If the city is operating on
8 a tentative budget, then the mayor and council may not make any capital purchases or other
9 such expenditures until a new budget is agreed upon and formally adopted. Notice of any
10 or all meetings at which the budget is adopted shall be given as provided by state law.

11 (c) Adoption of the budget shall take the form of an appropriations ordinance setting out the
12 estimated revenues in detail by sources and making appropriations according to fund and by
13 organizational unit, purpose, or activity as set out in the budget preparation ordinance
14 adopted pursuant to Section 4.03 hereof.

15 (d) The amount set out in the adopted operating budget for each organizational unit shall
16 constitute the annual appropriation for same, and no expenditures shall be made or any
17 encumbrance created in excess of the otherwise encumbered balance of the appropriations
18 or allotment thereof to which it is chargeable unless the budget is amended and such excess
19 expenditure approved by the mayor and council. In addition, the mayor and council shall not
20 make any appropriations in excess of any estimated revenue, except to provide for an actual
21 emergency threatening the health, property, or lives, safety, or general welfare of the
22 inhabitants of the city, which emergency shall be declared by the affirmative vote of three
23 members of the council, including the mayor in the event of a tie vote.

24 **SECTION 4.05.**

25 **Changes in appropriations.**

26 The mayor and council may by ordinance make changes in the appropriations contained in
27 the adopted operating budget, at any regular meeting or any special or emergency meeting
28 called for that purpose, but any such additional appropriations may be made only for an
29 existing anticipated unappropriated surplus in the fund to which it applies.

SECTION 4.06.

Lapse of appropriations.

Any unencumbered balances of appropriations in the current operating budget at the end of the fiscal year shall lapse into the unappropriated surplus or reserves of the fund or funds from which such appropriations were made.

SECTION 4.07.

Capital budget.

(a) On or before a date fixed by the mayor and council, but no later than 30 days prior to the beginning of each fiscal year, the mayor and clerk may submit to the mayor and council a proposed capital improvement plan with a recommended capital budget containing the means of financing the improvements proposed for the ensuing fiscal year. The mayor and council shall have the power to accept, with or without amendments, or reject the proposed plan and budget. The mayor and council shall not authorize an expenditure for the construction of any building, structure, work, or improvement on any public property, unless the appropriations for such project are included in the capital budget, except to meet a public emergency that threatens the lives, health, property, or general welfare of the citizens of Buchanan, which emergency shall be declared by the affirmative vote of three members of the council, including the mayor in the event of a tie vote.

(b) If such a budget is submitted, the city council shall adopt by ordinance the final capital budget for the ensuing fiscal year, not later than the regular June meeting before the beginning of said year. No appropriation provided for in a prior capital improvements budget shall lapse until the purpose for which the appropriation was made has been completed or abandoned. However, the mayor may submit to the city council amendments to the capital budget at any time during the fiscal year, accompanied by recommendations. Any such amendments to the capital budget shall become effective only upon their adoption by ordinance and by the affirmative vote of three members of the city council including the mayor in the event of a tie vote. In addition, the capital improvements budget may be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

SECTION 4.08.

Independent audit.

There shall be an annual independent audit of all city accounts, funds, and financial

1 transactions by a certified public accountant selected by the city council. The accountant
2 shall conduct this audit according to generally accepted auditing and accounting principles
3 and file a report with the mayor and council, as well as a summary thereof, both of which
4 shall be furnished or made available to the mayor and every council member. Any audit of
5 any funds by the state or federal governments may be accepted as satisfying the requirements
6 of this charter.

7 **SECTION 4.09.**

8 Property taxes.

9 The mayor and council may assess, levy, and collect an ad valorem tax on all real and
10 personal property that is subject to taxation by the state and county, provided that such
11 property is located within the corporate limits of the city. These taxes shall be levied for the
12 purpose of raising revenues to defray the costs of operating the city government, providing
13 governmental services, repayment of principal and interest on general obligations, and for
14 any other public purpose as may be determined by the mayor and council in their discretion.

15 **Section 4.10.**

16 Millage rate; due dates; payment methods.

17 (a) The mayor and council shall by ordinance establish a millage rate for city property taxes,
18 a due date for payment of said taxes, and a time period within which these taxes must be
19 paid. The city shall send a tax bill to all taxpayers and/or residents of the city showing the
20 due date, assessed valuations, amount of tax due, and information as to delinquency dates
21 and future interest. Failure to send such tax bills shall not, however, invalidate any tax.

22 (b) The mayor and council may by ordinance provide for the payment of these taxes in one
23 lump sum or in installments, subject to the restrictions contained in state law, and also
24 authorize the voluntary payment of taxes prior to their due dates. The mayor and council
25 may also enter into an agreement with the Haralson County Tax Commissioner for assistance
26 with the assessment, levy, collection, billing, or other matters with regard to city taxes, if
27 they deem necessary.

28 (c) All taxes due to the city shall bear interest at a rate of 1 percent per month from the date
29 the tax is due until said tax is paid. Any period of less than one month shall be considered
30 to be one month for the purpose of calculating interest under this section. On and after the
31 date when such taxes become delinquent, the tax records of the city shall have the force and
32 effect of a judgment of a court of competent jurisdiction and may be filed in the general
33 execution docket in the office of the clerk of Superior Court of Haralson County, Georgia.

Any such delinquent taxes shall constitute a lien against the property taxed and the owner thereof.

SECTION 4.11.

Occupation and business taxes.

The mayor and council shall by ordinance have the power to levy such occupation or business taxes as are authorized by law. The mayor and council may further classify businesses, occupations, or professions for the purpose of such taxation in accordance with state law and may compel the payment of such taxes as provided in Section 4.17.

SECTION 4.12.

Regulatory fees; permits.

The mayor and council shall by ordinance have the power to require businesses or practitioners doing business within the city to obtain a permit for such activity from the city and pay a reasonable regulatory fee for such permit, as provided by state law. Such fees shall reflect the approximate total costs to the city of regulating the activity, and, if unpaid, shall constitute a lien against the property or person liable therefor and may be collected as provided in Section 4.17.

SECTION 4.13.

Franchises.

(a) The mayor and council shall have the power to grant franchises for the use of the city's rights-of-way, streets, and alleys for use by railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, Internet providers, fiber optic network providers, gas companies, transportation companies, solid waste management, and other similar organizations. The mayor and council shall determine the duration, terms, and consideration for such franchises, and whether they shall be exclusive or nonexclusive. However, no franchise shall be granted for a period in excess of 35 years, and no franchise shall be granted unless the city receives just and adequate compensation therefor.

(b) The mayor and council shall provide for the registration of all such franchises with the city clerk in a registration book to be maintained by the clerk, and may provide by ordinance for the registration within a reasonable time, of all franchises previously granted.

(c) If no franchise agreement is in effect, the mayor and council has the authority to impose

1 a tax on gross receipts for the use of the city's rights-of-way, streets, and alleys for use by
2 railroads, street railways, telephone companies, electric companies, electric membership
3 corporations, cable television, and other telecommunications companies, Internet providers,
4 fiber optic network providers, gas companies, transportation companies, solid waste
5 management, and other similar organizations.

6 **SECTION 4.14.**

7 Service charges; utilities.

8 The mayor and council shall by ordinance have the power to assess and collect fees, and tolls
9 for water, sewer, sanitary and health services, or any other similar services provided or made
10 available both within and beyond the corporate limits of the city, for the total costs to the city
11 of providing and making such services. Such charges, if unpaid, shall be collected as
12 provided in Section 4.17 and shall constitute a lien against the persons and/or property
13 served.

14 **SECTION 4.15.**

15 Special assessments.

16 The mayor and council shall by ordinance have the power to assess and collect the costs of
17 constructing or reconstructing, widening, or improving any public way, street, sidewalk,
18 curbing, gutters, sewers, or other utility mains and appurtenances, from the abutting property
19 owners on a pro rata basis or under such other terms and conditions as may be reasonable or
20 agreed upon by the parties. Such charges, if unpaid, shall be collected as provided in Section
21 4.17 and shall constitute a lien against the person or property assessed.

22 **SECTION 4.16.**

23 Other taxes and fees; construction.

24 The mayor and council shall be empowered to levy any other tax or fee now or hereafter
25 permitted by law. The specific inclusion of any right, power, or authority in this article shall
26 not be construed as limiting in any way the general powers of the city to collect taxes, fees,
27 charges, and other monies, and otherwise govern its local affairs.

SECTION 4.17.

Collection of delinquent taxes and fees.

The mayor and council may by ordinance provide generally for the collection of any delinquent taxes, fees, charges, or other monies due the city under Sections 4.10 through 4.16 by whatever reasonable means as may be permitted by law. This shall include, but not be limited to, the following:

- (1) Providing for the dates when such taxes or fees are due;
- (2) Fixing late penalties and/or interest;
- (3) Issuance and execution of fi.fas., judgments, or other liens;
- (4) Creation and priority of liens;
- (5) Making delinquent taxes and fees personal debts of the person or persons required to pay same;
- (6) Revoking city permits or other licenses for failure to pay any city taxes or fees;
- (7) Providing for the assignment or transfer of tax executions; and
- (8) Taking such other action as may be necessary and authorized by law to collect such unpaid taxes, fees, or other charges.

It is the general intent of this article to provide that all unpaid city taxes, fees, charges, or other monies due the city hereunder shall constitute a lien against the property and/or person for which the taxes, fees, or charges are levied, to enable the city to collect and enforce payment of same to the greatest extent possible.

SECTION 4.18.

General obligation bonds.

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

SECTION 4.19.

Revenue bonds.

The mayor and council may issue revenue bonds as provided by state law now or hereafter amended. Such bonds are to be paid out of any revenue produced by the project, program, or venture for which they were issued.

SECTION 4.20.

Short-term loans.

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

SECTION 4.21.

Lease-purchase contracts.

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

SECTION 4.22.

Contracting procedures.

(a) No long-term or substantial contract with the city shall be binding on the city unless:

(1) It is in writing;

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

(3) It is made or authorized by the city council and such approval is entered in the city council minutes of proceedings pursuant to Section 2.21.

(b) The city shall follow the requirements of state law with regard to any "public works construction projects" as defined by O.C.G.A. Section 36-91-1, et seq. or other such applicable laws as are or may hereafter be enacted in giving notice, receiving bids, requiring performance and payment bonds, and entering into contracts for such projects. The mayor shall have the discretion to require any outside contractors, subcontractors, or other persons, firms or corporations to execute a written contract or letter or memorandum of understanding in all outside city projects costing in excess of \$5,000.00, depending on the nature of the project.

(c) For purposes of this section, "long-term or substantial" shall mean any contract of a duration exceeding 12 months, or involving the payment by the city of more than \$50,000.00 for any goods, services, equipment or materials.

SECTION 4.23.

Centralized purchasing.

The mayor and council may by ordinance prescribe procedures for a system of centralized purchasing for the city.

SECTION 4.24.

Sale and lease of city property.

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

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

(c) Whenever in opening, extending, or widening any street, avenue, alley or public place of the city, a small parcel or tract of land is cut-off or separated by such work from a larger tract or boundary of land owned by the city, the mayor and council may sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners where such sale and conveyance facilitates the enjoyment of the highest and best use of the abutting owner's property. Included in the sales contract shall be a provision for the rights-of-way of said street, avenue, alley or public place. Each abutting property owner shall be notified of the availability of the property and given the opportunity to purchase said property under such terms and conditions as set out by ordinance. The city shall also have discretion to retain any utility easements as may be necessary with regard to such property. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey any title and interest the city may have in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

(d) Any person, firm, or corporation who purchases property from the city pursuant to this section shall be responsible for any and all fees, costs, or other expenses associated with the transaction, including, but not limited to, attorney's fees, recording costs, survey and/or appraisal fees, and similar such expenses, except as otherwise agreed between the city and the purchaser.

1 ARTICLE V.

2 ELECTIONS

3 SECTION 5.01.

4 Applicability of general law.

5 All primaries and elections for any elected office in the City of Buchanan government, or any
6 other matter that is properly the subject of a municipal election, shall be held and conducted
7 in accordance with general state law governing elections as contained in Chapter 2 of Title
8 21 of the O.C.G.A., or as may hereafter be amended.

9 SECTION 5.02.

10 Regular elections; time for holding.

11 (a) The regular election for mayor and council members shall be held biennially on the first
12 Tuesday next following the first Monday in November in each odd numbered year. The
13 terms of office shall begin on January first of the year next following the November election.
14 Officials elected at any regular election shall be sworn in at the first regular meeting of the
15 mayor and council in January next following such election.

16 (b) There shall be elected the mayor and two council members at one election and at every
17 other election thereafter. The remaining city council seats shall be filled at the election
18 alternating with the first election so that a continuing body is created. The mayor and council
19 seats shall be elected on an at-large basis.

20 SECTION 5.03.

21 Qualifications of voters.

22 Any person desiring to vote in any municipal general or special election must do the
23 following:

- 24 (1) Register as a voter no later than the close of business on the fifth Monday, or if the
25 fifth Monday is a holiday, the day after the fifth Monday prior to said election; election
26 in which he or she desires to vote; or as otherwise required by Georgia's election code;
27 (2) Be a citizen of the State of Georgia and of the United States;
28 (3) Be at least 18 years of age; and
29 (4) Be a resident of this municipality.

SECTION 5.04.

Qualifications of candidates; qualifying periods; qualification fees.

(a) Any person who wishes to become a candidate in any regular or special election in the City of Buchanan shall file written notice of his or her candidacy with the city clerk during the city's qualifying period, with said notice to contain the information required by O.C.G.A. Section 21-2-132(f).

(b) The city's qualifying periods shall be published at least two weeks prior to the general elections in accordance with the dates set by the Secretary of State Elections Division from year to year.

(c) The mayor and council shall fix and publish a qualification fee to be paid by candidates in any special or general election, no later than February 1 of each year such election is to be held. Said fee shall be paid to the municipal superintendent at the time a candidate files notice of candidacy. However, in no event shall such fee exceed 3 percent of the annual salary, as set by ordinance, of the person who held the office during the preceding year.

SECTION 5.05.

Election officer.

(a) The city clerk will serve as the municipal superintendent of elections, custodian of voting machines, and absentee ballot clerk.

(b) The mayor and council may contract with the county for volunteers to assist in elections, or may appoint three qualified voters of the City of Buchanan to be election managers, no less than ten days prior to every municipal general or special election. The election manager shall be responsible for the proper conduct of the election, preventing any fraud in connection therewith, proper counting of the ballots, and certifying the results as outlined herein.

(c) At any time prior to the opening of the poll, the election managers shall take the following oath in the presence of the municipal judge, mayor, or city clerk:

"I do solemnly swear and affirm that I will fulfill the responsibilities placed upon me as an election manager of the City of Buchanan to the best of my ability, that I will uphold the law in connection therewith and faithfully certify the results of said election as prescribed by law. So Help Me God."

SECTION 5.06.

Conduct of election; notice; time; voting machines; polling place.

(a) The city clerk shall be responsible to the mayor and council for giving notice of every municipal general or special election no less than 30 days prior to said election by publishing an advertisement in a newspaper of general circulation in the city. The notice shall contain the time and place of holding the election, the offices to be filled, the candidates who have qualified for said election, and any other questions that may be the subject of said election.

(b) The polls for every municipal general or special election shall be open from 7:00 a.m. to 7:00 p.m.

(c) All voting in any municipal general or special election shall be by paper ballots, or such other method or practice as may be designated by the mayor and council by ordinance and permissible under state general election law.

(d) The polling place for every municipal general or special election within the City of Buchanan shall be at City Hall, 4300 Highway 120, Buchanan, Georgia 30113, or at such other locations as may be designated by the mayor and council by ordinance.

SECTION 5.07.

Nonpartisan elections.

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

SECTION 5.08.

Election by plurality.

The candidate receiving a plurality of the votes cast for any city office shall be elected to serve in that office.

SECTION 5.09.

Counting ballots; certifying results; recounts; runoffs.

(a) When the polls have closed, the election managers shall immediately proceed to count all ballots cast. Unless DRE or some other electronic voting machines are used, the election managers shall maintain tally sheets on which they record the results of each election. Upon completion of counting the ballots, the election managers shall sign the tally sheets and certify to the mayor, council, and clerk that the results listed thereon are the true and correct

1 numbers of ballots cast for each candidate. Said results shall be delivered immediately to the
2 mayor, who shall announce the results of the election at City Hall, as soon as practicable.
3 (b) When all votes have been recorded and counted, the ballots shall be sealed in a container
4 and delivered to the city clerk, who shall retain them, unopened, for a period of 60 days. In
5 the event a recount is demanded, the election manager shall reopen the ballots in the presence
6 of the mayor and council and conduct a recount or take other action as deemed necessary to
7 insure that no mistake or fraud has occurred.

8 **SECTION 5.10.**

9 Election contests; destruction of ballots.

10 Any candidate who wishes to contest the results of any municipal general or special election
11 in the City of Buchanan must file written notice of the contest of such election with the city
12 clerk within five days after the election managers have certified the results of such election.
13 Within ten days after receipt of any such notice, the mayor and council shall hold a special
14 meeting at which the candidate may present evidence in support of any grounds for
15 contesting the election. The candidate shall have the right to subpoena and/or cross-examine
16 any witnesses in this hearing, and present any such documentary evidence as may be relevant
17 to the election contest. After hearing and considering all evidence presented at such hearing,
18 the mayor and council shall issue a written decision within ten days of such meeting, with
19 the decision to be forwarded to each candidate. If the decision is adverse to the contesting
20 candidate, the decision may be appealed within ten days from the date of the decision, to the
21 Superior Court of Haralson County. If the mayor and council find clear and convincing
22 evidence of any grounds for contesting the election, they shall order a new election to be held
23 and conducted on the second Tuesday following the date of their decision. If there is no
24 contest of an election, then, the clerk shall destroy all paper ballots or other voting records
25 cast in the election, after 60 days have passed from the date thereof.

26 **SECTION 5.11.**

27 Special elections; vacancies.

28 (a) In the event that the office of mayor or council member shall become vacant as provided
29 in Section 2.03 of this charter, the city council or those remaining shall order a special
30 election to fill the balance of the unexpired term of the vacant office. However, if less than
31 one-half of the calendar days in the unexpired term of the vacant office remain, then the
32 mayor and council or those remaining shall appoint a successor for the remainder of the term.
33 Any special election held pursuant to this section shall be conducted in accordance with

1 general state law regarding municipal elections, as contained in Title 21 of the O.C.G.A., as
2 now or hereafter amended. Such election shall be held no later than 60 days from the date
3 such vacancy occurs.

4 (b) Special elections may be called at any time by the mayor and council for the purpose of
5 voting on bond issues, general obligation debt, or other questions required or permitted by
6 law to be presented to the citizens of the City of Buchanan. In all such special elections, the
7 city shall follow the procedure established for municipal general elections, as well as any
8 additional requirements of state law with regard bond issues, general obligation debt, or other
9 proper ballot questions.

10 **SECTION 5.12.**

11 Rules and regulations.

12 Except as otherwise provided by this charter, the mayor and council shall, by ordinance,
13 describe such rules and regulations as it deems appropriate to fulfill any options and duties
14 it may have, as contained in Chapter 2 of Title 21 of the O.C.G.A. as presently enacted or
15 hereafter amended.

16 **ARTICLE VI.**

17 **JUDICIAL BRANCH**

18 **SECTION 6.01.**

19 Creation; name.

20 There is hereby established a court to be known as the Municipal Court of the City of
21 Buchanan.

22 **SECTION 6.02.**

23 Municipal judge.

24 (a) The Buchanan Municipal Court shall be presided over by a part-time municipal judge
25 and any other stand-by or substitute judges as may be provided by ordinance.

26 (b) No person shall be qualified and eligible to serve as a judge of the Buchanan Municipal
27 Court unless that person:

28 (1) Has attained the age of 30 years;

29 (2) Is a qualified and registered voter in Haralson County;

30 (3) Has resided in Haralson County for no fewer than five years immediately preceding
31 appointment; and

(4) Possesses all other certifications and qualifications as may be required by law.

(c) All municipal judges shall be appointed by, and serve at the pleasure of, the mayor and council, and shall serve until a successor is duly appointed and qualified.

(d) The mayor and council shall fix the compensation of the municipal judge or judges.

(e) The municipal judge shall serve at will and may be removed from office at any time by majority vote of the city council, unless otherwise provided by ordinance.

(f) Before assuming office, the municipal judge shall take an oath, to be administered by the mayor, that he or she will honestly and faithfully discharge the duties of office to the best of his or her ability, and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council as maintained by the clerk pursuant to Section 3.18 of this charter.

SECTION 6.03.

Court proceedings; schedules.

The Buchanan Municipal Court shall be convened at regular intervals, and at such other times as may be determined by the judge. A court schedule shall be published and made available to the public, either at City Hall or at the Buchanan Police Department.

SECTION 6.04.

Jurisdiction; powers.

(a) The Buchanan Municipal Court shall try and punish violations of this charter, all city ordinances, and such other violations as permitted by general state law.

(b) The Buchanan Municipal Court shall have the authority to punish those in its presence for contempt, provided that such punishment shall not exceed a fine as authorized by law or ten days in jail.

(c) The Buchanan Municipal Court may fix punishment for offenses within its jurisdiction, not to exceed a fine of \$1,000.00, or imprisonment for six months, or both a fine and imprisonment, or may fix punishment by fine, imprisonment, community service, or any other form of alternative sentencing as now or hereafter provided by law. If state law authorizes punishment in excess of the fine and/or imprisonment specified herein, then the court may impose the greater punishment.

(d) The Buchanan Municipal Court shall have authority to establish a schedule of fees to defray its costs of operation, and, with regard to prisoners bound over to any superior court for violations of state law, shall be entitled to reimbursement for the actual costs of meals, transportation, general caretaking expenses, court costs, administrative fees, and such other fees as are authorized to be collected by Georgia law as presently enacted or hereafter

1 amended.

2 (e) The Buchanan Municipal Court shall have the authority to establish bail and
3 recognizance to insure the presence of those charged with violations before said court and
4 shall have discretionary authority to accept cash, personal or real property as surety for the
5 appearance of persons charged with such violations. Whenever any person gives bond for
6 his or her appearance and fails to appear at the time fixed for trial, the bond shall be forfeited
7 by the judge presiding at that time, and execution shall be issued thereon by serving the
8 defendant and the defendant's sureties with a rule nisi, at least five days before a hearing
9 thereon. In the event that cash or property is accepted in lieu of bond to secure the
10 appearance of a defendant at trial, and if such defendant fails to appear at the time and place
11 fixed for trial, the cash so deposited shall be on order of the municipal judge declared
12 forfeited to the city; or the property so deposited shall have a lien against it for the amount
13 forfeited, which lien shall be enforceable in the same manner and to the same extent as a lien
14 for unpaid city property taxes and fees.

15 (f) The Buchanan Municipal Court shall have the same authority as the Superior Court of
16 Haralson County to compel the production of evidence in the possession of any party, to
17 enforce obedience to its orders, judgments, or sentences, and to administer such oaths as may
18 be necessary.

19 (g) The Buchanan Municipal Court shall have the authority to bind defendants over to the
20 appropriate court when it appears by probable cause that state law has been violated, or
21 where a defendant makes a written request for a trial by jury, or under other circumstances
22 in which a transfer is authorized by state law.

23 (h) The judge of the Buchanan Municipal Court may compel the presence of all parties
24 necessary for the proper disposal of each case by the issuance of summons, subpoenas, and
25 warrants, which may be served or executed by any officer as authorized by this charter or
26 other law.

27 (i) The judge of the Buchanan Municipal Court shall be authorized to issue warrants for the
28 arrest of any person or persons charged with violations of any ordinances of the city. The
29 judge shall have the same authority as a magistrate of the state or county to issue warrants
30 for violations of state laws committed within the corporate limits of the City of Buchanan.
31 The judge shall also have the authority to issue warrants for the arrest of persons charged
32 with violating any of the terms or conditions of any sentence of probation imposed upon
33 them in the municipal court and revoke any or all of said persons' remaining probated
34 sentence, if those persons are found to have violated the terms and conditions of their
35 probation.

36 (j) The Buchanan Municipal Court is specifically vested with all jurisdiction and power
37 throughout the corporate limits of the city as granted generally by law to municipal courts,

1 and particularly by such laws that authorize the abatement of nuisances and prosecution of
2 traffic violations.

3 (k) Subject to the approval of the mayor and council, the municipal court is further
4 authorized to enter into any contracts or agreements it deems necessary or expedient for
5 certain services, including, but not limited to, housing persons charged with city offenses in
6 other jail facilities, probation and related supervision services, collection of fines, fees, and
7 other delinquent payments, and similar such services.

8 **SECTION 6.05.**

9 Certiorari.

10 The right of certiorari from the decisions and judgments of the Buchanan Municipal Court
11 shall exist in all criminal cases, ordinance violation cases, and such other cases in which
12 certiorari is appropriate under state law. Such certiorari shall be obtained under the sanction
13 of a judge of the Superior Court of Haralson County, under the laws of the State of Georgia
14 regulating the granting and issuance of writs of certiorari.

15 **SECTION 6.06.**

16 Rules of court.

17 With the approval of the city council, the municipal judge shall have full power and authority
18 to make reasonable rules and regulations necessary and proper to secure the efficient and
19 successful administration of the Buchanan Municipal Court. However, the city council may
20 adopt, in whole or in part, the rules and regulations applicable to superior courts. The rules
21 and regulations made or adopted shall be filed with the city clerk and made available for
22 public inspection. Upon written request, a copy of said rules and regulations shall be
23 furnished to all defendants in municipal court cases at least 48 hours prior to their
24 arraignment, trial, or any other hearing or proceeding.

25 **ARTICLE VII.**

26 **GENERAL PROVISIONS**

27 **SECTION 7.01.**

28 Bonds for city officials.

29 The officers and employees of the City of Buchanan, both elected and appointed, may be
30 required to execute such surety or fidelity bonds in such amounts and upon such terms and
31 conditions as the council may from time to time require by ordinance, or as may be provided

1 by law. Any and all premiums or other costs of such bonds, unless otherwise provided by
2 ordinance or other law, shall be paid by the city.

3 **SECTION 7.02.**

4 Existing ordinances, resolutions, rules and regulations.

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

8 **SECTION 7.03.**

9 Pending matters.

10 Except as specifically provided otherwise in this charter, all rights, claims, actions, orders,
11 contracts, and any other legal or administrative proceedings existing on or before the date
12 this charter becomes effective shall continue as they had before the effective date hereof, and
13 any such ongoing projects, work, or cases shall be completed by such city agencies,
14 personnel, departments, authorities, or offices as may be provided by the mayor and council.

15 **SECTION 7.04.**

16 Severability.

17 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
18 held to be unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall
19 not affect or impair other parts of this charter unless it clearly appears that such other parts
20 are wholly and necessarily dependent upon the part held to be unconstitutional or otherwise
21 invalid. It is the legislative intent of the Buchanan mayor and council in enacting this charter
22 that each article, section, subsection, paragraph, sentence, or part thereof be enacted
23 separately and independent of each other.

24 **SECTION 7.05.**

25 Repealers.

26 An Act incorporating the City of Buchanan in the County of Haralson, approved on August
27 17, 1908 (Ga. L. 1908, p. 468), is hereby repealed in its entirety and all amendatory acts
28 thereto are likewise repealed in their entirety. It is the intent and purpose of this charter to

1 replace and supersede the above-referenced charter, and any charter provisions previously
2 enacted.

3 **SECTION 7.06.**

4 Effective date.

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

7 **SECTION 7.07.**

8 Conflicting laws.

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