

Senate Bill 557

By: Senator Brown of the 26th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Allentown; to provide for incorporation, boundaries,
2 and powers of the city; to provide for government of the city by a city council composed of
3 a mayor and councilmembers; to provide for the election, service, compensation, powers, and
4 duties of the mayor and councilmembers; to provide for the powers and procedures of the
5 city council; to provide for city officers, employees, departments, and agencies; to provide
6 for a municipal court and its jurisdiction, powers, officers, and affairs; to provide for
7 municipal elections; to provide for the removal of officers; to provide for the imposition,
8 assessment, collection, and enforcement of various forms of municipal taxation; to provide
9 for municipal licenses, franchises, contracts, and conveyances; to provide for all other
10 matters necessary and proper for the city, its government, and the conduct of business as a
11 municipal corporation; to repeal a specific Act; to provide an effective date; to repeal
12 conflicting laws; and for other purposes.

13 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

14 **ARTICLE I**
15 **INCORPORATION AND POWERS**

16 **SECTION 1.10.**
17 **Incorporation.**

18 The City of Allentown in the Counties of Wilkinson and Twiggs and the inhabitants thereof
19 are hereby constituted and declared a body politic and corporate under the name and style
20 Allentown, Georgia, and by that name shall have perpetual succession.

1 authorized by this charter and for any purpose for which a municipality is authorized by
2 the laws of the State of Georgia; and to provide for the payment of expenses of this city;

3 (4) Building regulations. To regulate and to license the erection and construction of
4 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,
5 and heating and air conditioning codes; and to regulate all housing and building trades;

6 (5) Business regulation and taxation. To levy and to provide for the collection of license
7 fees and taxes on privileges, occupations, trades, and professions as authorized by Title
8 48 of the O.C.G.A. or such other laws as are or may be hereafter enacted; to license and
9 regulate the same; to provide for the manner and method of payment of such licenses and
10 taxes; and to revoke such licenses after due process for the failure to pay any city taxes
11 or fees;

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

16 (7) Contracts. To enter into contracts and agreements with other governments and
17 entities and with private persons, firms, and corporations;

18 (8) Emergencies. To establish procedures for determining and proclaiming that an
19 emergency situation exists inside or outside the city and to make and carry out all
20 reasonable provisions deemed necessary to deal with or meet such an emergency for the
21 protection, safety, health, or well-being of the citizens of the city;

22 (9) Environmental protection. To protect and preserve the natural resources,
23 environment, and vital areas of the state through the preservation and improvement of air
24 quality, the restoration and maintenance of water resources, the control of erosion and
25 sedimentation, the management of solid and hazardous waste, and other necessary actions
26 for the protection of the environment;

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

31 (11) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
32 and disposal and other sanitary service charge, tax, or fee for such services as may be
33 necessary in the operation of the city from all individuals, firms, and corporations
34 residing in or doing business therein benefiting from such services; to enforce the
35 payment of such charges, taxes, or fees; and to provide for the manner and method of
36 collecting such service charges;

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

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

8 (14) Health and sanitation. To prescribe standards of health and sanitation within the city
9 and to provide for the enforcement of such standards;

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

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

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

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

25 (19) Municipal property ownership. To acquire, dispose of, and hold in trust or otherwise
26 any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the
27 property limits of the city;

28 (20) Municipal property protection. To provide for the preservation and protection of
29 property and equipment of the city and the administration and use of same by the public;
30 and to prescribe penalties and punishment for violations thereof;

31 (21) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
32 of public utilities, including, but not limited to, a system of waterworks, sewers, and
33 drains, sewage disposal, gas works, electric light plants, transportation facilities, public
34 airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees,
35 assessments, regulations, and penalties therefor; and to provide for the withdrawal of
36 service for refusal or failure to pay the same;

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

- 1 (33) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
2 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
3 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
4 walkways within the corporate limits of the city; to grant franchises and rights of way
5 throughout the streets and roads and over the bridges and viaducts for the use of public
6 utilities; and to require real estate owners to repair and maintain in a safe condition the
7 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;
- 8 (34) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
9 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
10 and sewerage system; to levy on those to whom sewers and sewerage systems are made
11 available a sewer service fee, charge, or tax for the availability or use of the sewers; to
12 provide for the manner and method of collecting such service charge; and to impose and
13 collect a sewer connection fee or fees to those connected with the system;
- 14 (35) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
15 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
16 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
17 paper, and other recyclable materials and provide for the sale of such items;
- 18 (36) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
19 the manufacture, sale or transportation of intoxicating liquors, and the use of firearms;
20 to regulate the transportation, storage, and use of combustible, explosive, and
21 inflammable materials, the use of lighting and heating equipment, and any other business
22 or situation which may be dangerous to persons or property; to regulate and control the
23 conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows
24 of any kind, by taxing or otherwise; and to license, tax, regulate, or prohibit professional
25 fortunetelling, palmistry, adult bookstores, and massage parlors;
- 26 (37) Special assessments. To levy and provide for the collection of special assessments
27 to cover the costs of any public improvement;
- 28 (38) Ad valorem taxes. To levy and provide for the assessment, valuation, revaluation,
29 and collection of taxes on all property subject to taxation;
- 30 (39) Other taxes. To levy and collect such other taxes as may be allowed now or in the
31 future by law;
- 32 (40) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
33 number of such vehicles; to require the operators thereof to be licensed; to require public
34 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
35 regulate the parking of such vehicles;
- 36 (41) Urban redevelopment. To organize and operate an urban redevelopment program;
37 and

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

12 **SECTION 1.13.**

13 Exercise of powers.

14 All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or
 15 employees shall be carried into execution as provided by this charter. If this charter makes
 16 no provision, such shall be carried into execution as provided by ordinance or as provided
 17 by pertinent laws of the State of Georgia.

18 **ARTICLE II**

19 **LEGISLATIVE BRANCH**

20 **SECTION 2.10.**

21 City council: creation, number, election.

22 The legislative authority of the government of this city, except as otherwise specifically
 23 provided in this charter, shall be vested in a city council to be composed of a mayor and five
 24 councilmembers. The mayor and councilmembers shall be elected in the manner provided
 25 by this charter. Notwithstanding any other provisions of this charter or any previous charter,
 26 the terms of the mayor and councilmembers serving on the effective date of this charter shall
 27 continue until December 21, 2009, and until their successors are elected and qualified. On
 28 the Tuesday next following the first Monday in November, 2009, and every four years
 29 thereafter, there shall be an election for a mayor and five councilmembers of the city, who
 30 shall hold office for four years and until their successors are elected and qualified. At all
 31 such elections all persons who are qualified under the Constitution and laws of Georgia to
 32 vote for members of the General Assembly of Georgia and who have been bona fide

1 residents of said city immediately preceding the date of such election shall be eligible to
2 qualify as voters in the election.

3 **SECTION 2.11.**

4 City council: terms and qualifications for office.

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

11 **SECTION 2.12.**

12 Vacancies in office.

13 (a) Vacancies - The office of mayor or councilmember shall become vacant upon the
14 occurrence of any event specified by the Constitution, the incumbent's death, resignation,
15 forfeiture of office, or removal from office in any manner authorized by this charter or the
16 general laws of the State of Georgia, Title 45 of the O.C.G.A., or such other applicable laws
17 as are or may hereafter be enacted.

18 (b) Filling of vacancies - A vacancy in the office of mayor or councilmember shall be filled
19 as provided for in Section 5.14 of this charter.

20 **SECTION 2.13.**

21 Compensation and expenses.

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

24 **SECTION 2.14.**

25 Conflicts of interest; holding other offices.

26 (a) Conflict of interest - No elected official, appointed officer, or employee of the city or any
27 agency or political entity to which this charter applies shall knowingly:

28 (1) Engage in any business or transaction or have a financial or other personal interest,
29 direct or indirect, which is incompatible with the proper discharge of his or her official

- 1 duties or which would tend to impair the independence of his or her judgment or action
2 in the performance of his or her official duties;
- 3 (2) Engage in or accept private employment or render services for private interests when
4 such employment or service is incompatible with the proper discharge of his or her
5 official duties or would tend to impair the independence of his or her judgment or action
6 in the performance of his or her official duties;
- 7 (3) Disclose confidential information concerning the property, government, or affairs of
8 the governmental body by which he or she is engaged without proper legal authorization
9 or use such information to advance the financial or other private interest of himself or
10 herself or others;
- 11 (4) Accept any valuable gift, whether in the form of service, loan, object, or promise,
12 from any person, firm, or corporation which to his or her knowledge is interested, directly
13 or indirectly, in any manner whatsoever in business dealings with the governmental body
14 by which he or she is engaged; provided, however, that an elected official who is a
15 candidate for public office may accept campaign contributions and services in connection
16 with any such campaign;
- 17 (5) Represent other private interests in any action or proceeding against this city or any
18 portion of its government; or
- 19 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
20 any business or entity in which he or she has a financial interest.
- 21 (b) Disclosure - Any elected official, appointed officer, or employee who has any private
22 financial interest, directly or indirectly, in any contract or matter pending before or within
23 any department of the city shall disclose such private interest to the city council. The mayor
24 or any councilmember who has a private interest in any matter pending before the city
25 council shall disclose such private interest and such disclosure shall be entered on the records
26 of the city council, and he or she shall disqualify himself or herself from participating in any
27 decision or vote relating thereto. Any elected official, appointed officer, or employee of any
28 agency or political entity to which this charter applies who shall have any private financial
29 interest, directly or indirectly, in any contract or matter pending before or within such entity
30 shall disclose such private interest to the governing body of such agency or entity.
- 31 (c) Use of public property - No elected official, appointed officer, or employee of the city
32 or any agency or entity to which this charter applies shall use property owned by such
33 governmental entity for personal benefit, convenience, or profit, except in accordance with
34 policies promulgated by the city council or the governing body of such agency or entity.
- 35 (d) Contracts voidable and rescindable - Any violation of this section which occurs with the
36 knowledge, express or implied, of a party to a contract or sale shall render said contract or
37 sale voidable at the option of the city council.

1 (e) Ineligibility of elected official - Except where authorized by law, neither the mayor nor
 2 any councilmember shall hold any other elective or compensated appointive office in the city
 3 or otherwise be employed by said government or any agency thereof during the term for
 4 which he or she was elected. No former mayor and no former councilmember shall hold any
 5 compensated appointive office in the city until one year after the expiration of the term for
 6 which he or she was elected.

7 (f) Political activities of certain officers and employees - No appointed officer and no
 8 employee of the city shall continue in such employment upon qualifying as a candidate for
 9 nomination or election to any public office.

10 (g) Penalties for violation -

11 (1) Any city officer or employee who knowingly conceals such financial interest or
 12 knowingly violates any of the requirements of this section shall be guilty of malfeasance
 13 in office or position and shall be deemed to have forfeited such office or position.

14 (2) Any officer or employee of the city who forfeits his or her office or position as
 15 described in paragraph (1) of this subsection shall be ineligible for appointment or
 16 election to or employment in a position in the city government for a period of three years
 17 thereafter.

18 **SECTION 2.15.**

19 Inquiries and investigations.

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

25 **SECTION 2.16.**

26 General power and authority of the city council

27 Except as otherwise provided by this charter, the city council shall be vested with all the
 28 powers of government of this city as provided by Article I of this charter.

1 (b) Special meetings of the city council may be held on call of the mayor or three members
2 of the city council. Notice of such special meeting shall be served on all other members
3 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such
4 notice to councilmembers shall not be required if the mayor and all councilmembers are
5 present when the special meeting is called. Such notice of any special meeting may be
6 waived by a councilmember in writing before or after such a meeting and attendance at the
7 meeting shall also constitute a waiver of notice on any business transacted in such
8 councilmember's presence. Only the business stated in the call may be transacted at the
9 special meeting without unanimous consent of such councilmembers present.

10 (c) All meetings of the city council shall be public to the extent required by law and notice
11 to the public of special meetings shall be given as required by law.

12 **SECTION 2.20.**

13 Rules of procedure.

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

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

20 **SECTION 2.21.**

21 Quorum.

22 Three councilmembers shall constitute a quorum and shall be authorized to transact the
23 business of the city council. Voting on the adoption of ordinances shall be by voice vote and
24 the vote shall be recorded in the journal, but any member of the city council shall have the
25 right to request a roll-call vote and such vote shall be recorded in the journal. Except as
26 otherwise provided in this charter, the affirmative vote of three councilmembers shall be
27 required for the adoption of any ordinance, resolution, or motion.

28 **SECTION 2.22.**

29 Ordinances.

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

1 enacting clause shall be "The Council of the City of Allentown hereby ordains..." and every
2 ordinance shall so begin.

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

11 **SECTION 2.23.**

12 Effect of ordinances.

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

14 **SECTION 2.24.**

15 Emergencies.

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

SECTION 2.25.

Codes of technical regulations.

(a) The city 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 subsection (b) of Section 2.22 of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 2.26 of this charter.

(b) Copies of any adopted code of technical regulations shall be made available by the city clerk for distribution or for purchase at a reasonable price.

SECTION 2.26.

Signing; authenticating; recording; codification; printing of ordinances.

(a) The city clerk shall authenticate by his or her signature and record in full in a properly indexed book kept for that purpose all ordinances adopted by the council.

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

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

- 1 (6) Prepare and submit to the city council a recommended annual operating budget and
 2 a recommended capital budget; and
 3 (7) Fulfill such other executive and administrative duties as the city council shall by
 4 ordinance establish.

5 **SECTION 2.31.**

6 Veto power.

- 7 (a) Every ordinance adopted by the city council shall be presented promptly by the city clerk
 8 to the mayor.
 9 (b) The mayor, within ten days of receipt of an ordinance, shall return it to the city clerk
 10 with or without his or her approval or with his or her disapproval. If the ordinance has been
 11 approved by the mayor, it shall become law upon its return to the city clerk. If the ordinance
 12 is neither approved nor disapproved, it shall become law at 12.00 Noon on the tenth calendar
 13 day after its adoption. If the ordinance is disapproved, the mayor shall submit to the city
 14 council through the city clerk a written statement of the reasons for such veto. The city clerk
 15 shall record upon the ordinance the date of its delivery to and receipt from the mayor.
 16 (c) Ordinances vetoed by the mayor shall be presented by the city clerk to the city council
 17 at its next meeting. If the city council then or at its next general meeting adopts the
 18 ordinance by affirmative vote of three members, it shall become law.
 19 (d) The mayor may disapprove or reduce any item or items of appropriation in any
 20 ordinance. The approved part or parts of any ordinance making appropriations shall become
 21 law and the part or parts disapproved shall not become law unless subsequently passed by
 22 the city council over the mayor's veto as provided herein. The reduced part or parts shall be
 23 presented to the city council as though disapproved and shall become law unless overridden
 24 by the council as provided in subsection (c) of this section.

25 **ARTICLE III**

26 **ADMINISTRATIVE AFFAIRS**

27 **SECTION 3.10.**

28 Department directors.

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

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

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

6 (d) There shall be a director of each department or agency who shall be its principal officer.
7 Each director shall, subject to the direction and supervision of the mayor, be responsible for
8 the administration and direction of the affairs and operations of his or her department or
9 agency.

10 (e) All directors under the supervision of the mayor shall be nominated by the mayor with
11 confirmation of appointment by the city council. The mayor may suspend or remove
12 directors under his or her supervision but such suspension or removal shall not be effective
13 for ten calendar days following the mayor's giving written notice of such action and the
14 reason therefor to the director involved and to the city council. The director involved may
15 appeal to the city council which, after a hearing, may override the mayor's action by a vote
16 of three councilmembers.

17 **SECTION 3.11.**

18 **Boards, commissions, and authorities.**

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

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

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

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

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

34 (f) No member of a board, commission, or authority shall assume office until he or she has
35 executed and filed with the city clerk an oath obligating himself or herself to faithfully and

1 impartially perform the duties of his or her office, such oath to be prescribed by ordinance
2 and administered by the mayor.

3 (g) Any member of a board, commission, or authority may be removed from office for cause
4 by a vote of three members of the city council.

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

13 **SECTION 3.12.**

14 City attorney.

15 The city council shall appoint a city attorney, together with such assistant city attorneys as
16 may be authorized, and shall provide for the payment of such attorney or attorneys for
17 services rendered to the city. The city attorney shall be responsible for representing and
18 defending the city in all litigation in which the city is a party, may be the prosecuting officer
19 in the municipal court, shall attend the meetings of the council as directed, shall advise the
20 city council, mayor, and other officers and employees of the city concerning legal aspects of
21 the city's affairs, and shall perform such other duties as may be required of him or her by
22 virtue of his or her position as city attorney.

23 **SECTION 3.13.**

24 City clerk.

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

28 **SECTION 3.14.**

29 City treasurer.

30 The city council shall appoint a city treasurer to collect all taxes, licenses, fees, and other
31 moneys belonging to the city subject to the provisions of this charter and the ordinances of

1 the city, and to enforce all laws of Georgia relating to the collection of delinquent taxes and
 2 sale or foreclosure for nonpayment of taxes to the city. The city treasurer shall also be
 3 responsible for the general duties of a treasurer and fiscal officer.

4 **SECTION 3.16.**

5 Classification and pay plan.

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

12 **SECTION 3.17.**

13 Personnel policies.

14 The city council shall adopt rules and regulations consistent with this charter concerning:

- 15 (1) The method of employee selection and probationary periods of employment;
 16 (2) The administration of the position classification and pay plan, methods of promotion
 17 and application of service ratings thereto, and transfer of employees within the
 18 classification plan;
 19 (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and
 20 the order and manner in which layoffs shall be effected;
 21 (4) Such dismissal hearings as due process may require; and
 22 (5) Such other personnel notices as may be necessary to provide for adequate and
 23 systematic handling of personnel affairs.

24 **ARTICLE IV**

25 **JUDICIAL BRANCH**

26 **SECTION 4.10.**

27 Municipal court.

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

SECTION 4.11.

Judges.

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

(b) No person shall be qualified or eligible to serve as a judge on the municipal court unless he or she shall have attained the age of 21 years and shall be a member of the State Bar of Georgia. All judges shall be appointed by the city council.

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

(d) Judges may be removed for cause by a vote of three members of the city council.

(e) Before assuming office, each judge shall take an oath, given by the mayor, that he or she will honestly and faithfully discharge the duties of his or her 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 journal required in Section 2.20 of this charter.

SECTION 4.12.

Convening of court.

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

SECTION 4.13.

Jurisdiction, powers.

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

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

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$500.00 or imprisonment for 90 days or both such fine and imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as now or hereafter provided by state law or local ordinance.

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

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

14 (f) The municipal court shall have the same authority as superior courts to compel the
15 production of evidence in the possession of any party, to enforce obedience to its orders,
16 judgments, and sentences, and to administer such oaths as are necessary.

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

20 (h) Each judge of the municipal court may compel the presence of all parties necessary to
21 a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which
22 may be served as executed by any officer as authorized by this charter or by law.

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

27 (j) The municipal court is specifically vested with all the jurisdiction and powers throughout
28 the geographic area of this city granted by law to magistrate courts and particularly by such
29 laws as authorize the abatement of nuisances and prosecution of traffic violations.

30 **SECTION 4.14.**

31 **Certiorari.**

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

1 have the right of appeal from the decision of the city council to the Superior Court of
 2 Wilkinson County. Such appeal shall be governed by the same rules as govern appeals
 3 to the superior court from the probate court; or

4 (2) By an order of the Superior Court of Wilkinson County following a hearing on a
 5 complaint seeking such removal brought by any resident of the City of Allentown.

6 **ARTICLE VI**

7 **FINANCE**

8 **SECTION 6.10.**

9 **Property tax.**

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

16 **SECTION 6.11.**

17 **Millage rate; due dates; payment methods.**

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

22 **SECTION 6.12.**

23 **Occupation taxes and business license fees.**

24 The city council by ordinance shall have the power to levy such occupation or business taxes
 25 as are not denied by law. Such taxes may be levied on both individuals and corporations who
 26 transact business in this city or who practice or offer to practice any profession or calling
 27 therein to the extent such persons have a constitutionally sufficient nexus to this city to be
 28 so taxed. The city council may classify businesses, occupations, professions, or callings for
 29 the purpose of such taxation in any way which may be lawful and may compel the payment
 30 of such taxes as provided in Section 6.18 of this charter.

SECTION 6.13.

Licenses.

1
2
3 The city council by ordinance shall have the power to require any individual or corporation
4 who transacts business in this city or who practices or offers to practice any profession or
5 calling therein to obtain a license or permit for such activity from the city and pay a
6 reasonable fee for such license or permit where such activities are not now regulated by
7 general law in such a way as to preclude city regulations. Such fees may reflect the total cost
8 to the city of regulating the activity and, if unpaid, shall be collected as provided in Section
9 6.18 of this charter. The city council by ordinance may establish reasonable requirements
10 for obtaining or keeping such licenses as the public health, safety, and welfare necessitate.

SECTION 6.14.

Franchises.

11
12
13 (a) The city council shall have the power to grant franchises for the use of this city's streets
14 and alleys for the purposes of railroads, street railways, telephone companies, electric
15 companies, electric membership corporations, cable television and other telecommunication
16 companies, gas companies, transportation companies, and other similar organizations. The
17 city council shall determine the duration, terms, whether the same shall be exclusive or
18 nonexclusive, and the consideration for such franchises; provided, however, that no franchise
19 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
20 the city receives just and adequate compensation therefor. The city council shall provide for
21 the registration of all franchises with the city clerk in a registration book kept by him or her.
22 The city council may provide by ordinance for the registration within a reasonable time of
23 all franchises previously granted.

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

SECTION 6.15.

Sewer fees.

29
30
31 The city council by ordinance shall have the power to assess and collect fees, charges, and
32 tolls for sewers, sanitary and health services, or any other services provided or made

1 available inside or outside the corporate limits of the city for the total cost to the city of
2 providing or making available such services. If unpaid, such charges shall be collected as
3 provided in Section 6.18 of this charter.

4 **SECTION 6.16.**

5 Roads.

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

11 **SECTION 6.17.**

12 Other taxes.

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

16 **SECTION 6.18.**

17 Collection of delinquent taxes.

18 The city council by ordinance may provide generally for the collection of delinquent taxes,
19 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
20 whatever reasonable means as are not precluded by law. This shall include providing for the
21 dates when the taxes or fees are due, late penalties or interest, issuance and execution of
22 fi. fas., creation and priority of liens, making delinquent taxes and fees personal debts of the
23 persons required to pay the taxes or fees imposed, revoking city licenses for failure to pay
24 any city taxes or fees, and providing for the assignment or transfer of tax executions.

25 **SECTION 6.19.**

26 General obligation bonds.

27 The city council shall have the power to issue bonds for the purpose of raising revenue to
28 carry out any project, program, or venture authorized under this charter or the laws of the

1 state. Such bonding authority shall be exercised in accordance with the laws governing bond
2 issuance by municipalities in effect at the time said issue is undertaken.

3 **SECTION 6.20.**

4 Revenue bonds.

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

8 **SECTION 6.21.**

9 Short-term loans.

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

12 **SECTION 6.22.**

13 Accounting and budgeting.

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

17 **SECTION 6.23.**

18 Budget ordinance.

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

23 **SECTION 6.24.**

24 Operating budget.

25 On or before a date fixed by the city council but not later than 60 days prior to the beginning
26 of each fiscal year, the mayor shall submit to the city council a proposed operating budget
27 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor

1 containing a statement of the general fiscal policies of the city, the important features of the
 2 budget, explanations of major changes recommended for the next fiscal year, a general
 3 summary of the budget, and such other comments and information as he or she may deem
 4 pertinent. The operating budget and the capital improvements budget hereinafter provided
 5 for, the budget message, and all supporting documents shall be filed in the office of the city
 6 clerk and shall be open to public inspection.

7 **SECTION 6.25.**

8 Adoption.

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

14 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
 15 year not later than 60 days before the end of the previous fiscal year. If the city council fails
 16 to adopt the budget by said date, the amounts appropriated for operation for the then current
 17 fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis,
 18 with all items prorated accordingly, until such time as the city council adopts a budget for
 19 the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations
 20 ordinance setting out the estimated revenues in detail by sources and making appropriations
 21 according to fund and by organizational unit, purpose, or activity as set out in the budget
 22 preparation ordinance adopted pursuant to Section 6.23 of this charter.

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

27 **SECTION 6.26.**

28 Levy of taxes.

29 Following adoption of the operating budget, the city council shall levy by ordinance such
 30 taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that
 31 reasonable estimates of revenues from such levy shall at least be sufficient, together with
 32 other anticipated revenues, fund balances, and applicable reserves, to equal the total amount

1 appropriated for each of the several funds set forth in the annual operating budget for
2 defraying the expense of the general government of this city.

3 **SECTION 6.27.**

4 Changes in budget.

5 The city council by ordinance may make changes in the appropriations contained in the
6 current operating budget at any regular meeting or special or emergency meeting called for
7 such purposes, but any additional appropriations may be made only from an existing
8 unexpended surplus.

9 **SECTION 6.28.**

10 Capital improvements.

11 (a) On or before the date fixed by the city council, but not later than 60 days prior to the
12 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital
13 improvements budget with his or her recommendations as to the means of financing the
14 improvements proposed for the ensuing year. The city council shall have the power to
15 accept, with or without amendments, or reject the proposed program and proposed means of
16 financing. The city council shall not authorize an expenditure for the construction of any
17 building, structure, work, or improvement, unless the appropriations for such project are
18 included in the capital improvements budget, except to meet a public emergency as provided
19 in Section 2.24 of this charter.

20 (b) The city council shall adopt by ordinance the final capital improvements budget for the
21 ensuing fiscal year not later than 60 days before the end of the previous fiscal year. No
22 appropriations provided for in a prior capital improvements budget shall lapse until the
23 purpose for which the appropriations were made shall have been accomplished or abandoned;
24 provided, however, the mayor may submit amendments to the capital improvements budget
25 at any time during the fiscal year, accompanied by his or her recommendations. Any such
26 amendments to the capital improvements budget shall become effective only upon adoption
27 by ordinance.

28 **SECTION 6.29.**

29 Audits.

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

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

4 **SECTION 6.30.**

5 Procurement and property management.

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

- 7 (1) It is in writing;
 8 (2) It is drawn by or submitted to and reviewed by the city attorney and, as a matter of
 9 course, is signed by the city attorney to indicate such drafting or review; and
 10 (3) It is made or authorized by the city council and such approval is entered in the city
 11 council journal of proceedings pursuant to Section 2.20 of this charter.

12 **SECTION 6.31.**

13 Purchasing.

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

16 **SECTION 6.32.**

17 Sale of property.

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

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

24 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
 25 of the city a small parcel or tract of land is cut off or separated by such work from a larger
 26 tract or boundary of land owned by the city, the city council may authorize the mayor to
 27 execute and deliver in the name of the city a deed conveying said cut-off or separated parcel
 28 or tract of land to an abutting or adjoining property owner or owners in exchange for rights
 29 of way of said street, avenue, alley, or public place when such swap is deemed to be in the
 30 best interest of the city. All deeds and conveyances heretofore and hereafter so executed and

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

3 **ARTICLE VII**
4 **GENERAL PROVISIONS**

5 **SECTION 7.10.**
6 **Bonds for officials.**

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

10 **SECTION 7.11.**
11 **Rules and regulations.**

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

15 **SECTION 7.14.**
16 **Charter language on other general matters.**

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

21 **SECTION 7.15.**
22 **Definitions and construction.**

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

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

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

