

House Bill 1400 (AS PASSED HOUSE AND SENATE)

By: Representative Hanner of the 148th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the Town of Sasser in Terrell County; to provide for
2 incorporation, boundaries, and powers of the town; to provide for a governing authority of
3 such town and the powers, duties, authority, election, terms, vacancies, compensation,
4 expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from
5 office relative to members of such governing authority; to provide for inquiries and
6 investigations; to provide for oaths, organization, meetings, quorum, voting, rules, and
7 procedures; to provide for ordinances and codes; to provide for a mayor and mayor pro
8 tempore or vice mayor and certain duties, powers, and other matters relative thereto; to
9 provide for administrative affairs and responsibilities; to provide for boards, commissions,
10 and authorities; to provide for a town attorney, a town clerk, and other personnel and matters
11 relating thereto; to provide for rules and regulations; to provide for a municipal court and the
12 judge or judges thereof and other matters relative to those judges; to provide for the court's
13 jurisdiction, powers, practices, and procedures; to provide for the right of certiorari; to
14 provide for elections; to provide for taxation, licenses, and fees; to provide for franchises,
15 service charges, and assessments; to provide for bonded and other indebtedness; to provide
16 for auditing, accounting, budgeting, and appropriations; to provide for town contracts and
17 purchasing; to provide for the conveyance of property and interests therein; to provide for
18 bonds for officials; to provide for prior ordinances and rules, pending matters, and existing
19 personnel; to provide for penalties; to provide for definitions and construction; to provide for
20 other matters relative to the foregoing; to repeal a specific Act; to provide for an effective
21 date; to repeal conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23

ARTICLE 1

24

INCORPORATION AND POWERS

25

SECTION 1.10.

26

Incorporation.

27 This town and the inhabitants thereof are incorporated by the enactment of this charter and
 28 are hereby constituted and declared a body politic and corporate under the name and style
 29 Town of Sasser, Georgia, and by that name shall have perpetual succession.

30

SECTION 1.11.

31

Corporate boundaries.

32 (a) The boundaries of this town shall be those existing on the effective date of the adoption
 33 of this charter with such alterations as may be made from time to time by local law or in the
 34 manner provided by general state law. The boundaries of this town at all times shall be
 35 shown on a map to be retained permanently in the Town of Sasser town hall and to be
 36 identified by the town clerk as "Official Map of the Corporate Limits of the Town of Sasser,
 37 Georgia." A photographic, typed, or other copy of such map or description certified by the
 38 Town of Sasser shall be admitted as evidence in all courts and shall have the same force and
 39 effect as the original map or description.

40 (b) The town council may provide for changes in Appendix A by ordinance to reflect lawful
 41 changes in the corporate boundaries.

42

SECTION 1.12.

43

Power and construction.

44 (a) This town shall have all powers possible for a town to have under the present or future
 45 Constitution and laws of this state as fully and completely as though they were specifically
 46 enumerated in this charter. This town shall have all the powers of self-government not
 47 otherwise prohibited by this charter or by general law.

48 (b) The powers of this town shall be construed liberally in favor of the town. The specific
 49 mention or failure to mention particular powers shall not be construed as limiting in any way
 50 the powers of this town.

SECTION 1.13.

Specific powers.

53 The specific powers of the town shall include, but are not limited to, the following:

54 (1) Animal regulations. To regulate and license or to prohibit the keeping or running at
55 large of animals and fowl and to provide for the impoundment of same if in violation of
56 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane
57 destruction of animals and fowl when not redeemed as provided by ordinance; and to
58 provide punishment for violation of ordinances enacted under this charter;

59 (2) Appropriations and expenditures. To make appropriations for the support of the
60 government of the town; to authorize the expenditure of money for any purposes
61 authorized by this charter and for any purpose for which a municipality is authorized by
62 the State of Georgia; and to provide for the payment of expenses of the town;

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

66 (4) Business regulation. To levy and to provide for the collection of regulatory fees and
67 taxes on privileges, occupations, trades, and professions as authorized by Title 48 of the
68 Official Code of Georgia Annotated or other such applicable laws as are or may hereafter
69 be enacted; to permit and regulate the same; to provide for the manner and method of
70 payment of such regulatory fees and taxes; and to revoke such permits after due process
71 for failure to pay any town taxes or fees;

72 (5) Condemnation. To condemn property, inside or outside the corporate limits of the
73 town, for present or future use and for any corporate purpose deemed necessary by the
74 governing authority, utilizing procedures enumerated in Title 22 of the Official Code of
75 Georgia Annotated or such other applicable laws as are or may hereafter be enacted;

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

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

82 (8) Environmental protection. To protect and preserve the natural resources,
83 environment, and vital areas of the state through the preservation and improvement of air
84 quality, the restoration and maintenance of water resources, the control of erosion and
85 sedimentation, the management of solid and hazardous waste, and other necessary actions
86 for the protection of the environment;

- 87 (9) Fire regulations. To fix and establish fire limits and from time to time to extend,
88 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
89 general law, relating to both fire prevention and detection and to firefighting; and to
90 prescribe penalties and punishment for violations thereof;
- 91 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
92 and disposal and other sanitary service charge, tax, or fee for such services as may be
93 necessary in the operation of the town from all individuals, firms, and corporations
94 residing in or doing business therein benefiting from such services; to enforce the
95 payment of such charges, taxes, or fees; and to provide for the manner and method of
96 collecting such service charges;
- 97 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,
98 practice, conduct, or use of property which is detrimental to health, sanitation,
99 cleanliness, welfare, and safety of the inhabitants of the town and to provide for the
100 enforcement of such standards;
- 101 (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
102 any purpose related to powers and duties of the town and the general welfare of its
103 citizens, on such terms and conditions as the donor or grantor may impose;
- 104 (13) Health and sanitation. To prescribe standards of health and sanitation and to
105 provide for the enforcement of such standards;
- 106 (14) Jail sentences. To provide that persons given jail sentences in the town's court may
107 work out such sentences in any public works or on the streets, roads, drains, and other
108 public property in the town; to provide for commitment of such persons to any jail; or to
109 provide for commitment of such persons to any county work camp or county jail by
110 agreement with the appropriate county officials;
- 111 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control
112 over all traffic, including parking upon or across the streets, roads, alleys, and walkways
113 of the town;
- 114 (16) Municipal agencies and delegation of power. To create, alter, or abolish
115 departments, boards, offices, commissions, and agencies of the town and to confer upon
116 such agencies the necessary and appropriate authority for carrying out all the powers
117 conferred upon or delegated to the same;
- 118 (17) Municipal debts. To appropriate and borrow money for the payment of debts of the
119 town and to issue bonds for the purpose of raising revenue to carry out any project,
120 program, or venture authorized by this charter or the laws of the State of Georgia;
- 121 (18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
122 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
123 outside the property limits of the town;

- 124 (19) Municipal property protection. To provide for the preservation and protection of
125 property and equipment of the town and the administration and use of same by the public;
126 and to prescribe penalties and punishment for violations thereof;
- 127 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
128 of public utilities, including but not limited to a system of waterworks, sewers and drains,
129 sewage disposal, gas works, electric light plants, cable television and other
130 telecommunications, transportation facilities, public airports, and any other public utility;
131 to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties; and to
132 provide for the withdrawal of service for refusal or failure to pay the same;
- 133 (22) Nuisance. To define a nuisance and provide for its abatement whether on public or
134 private property;
- 135 (23) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
136 the authority of this charter and the laws of the State of Georgia;
- 137 (24) Planning and zoning. To provide comprehensive planning for development by
138 zoning and to provide subdivision regulations and the like as the town council deems
139 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;
- 140 (25) Police and fire protection. To exercise the power of arrest through duly appointed
141 police officers and to establish, operate, or contract for a police and a fire-fighting
142 agency;
- 143 (26) Public hazards: Removal. To provide for the destruction and removal of any
144 building or other structure which is or may become dangerous or detrimental to the
145 public;
- 146 (27) Public improvements. To provide for the acquisition, construction, building,
147 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
148 cemeteries, markets and market houses, public buildings, libraries, public housing,
149 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
150 recreational, conservation, sport, curative, corrective, detentional, penal, and medical
151 institutions, agencies, facilities; to provide any other public improvements inside or
152 outside the corporate limits of the town; and to regulate the use of public improvements;
153 and, for such purposes, property may be acquired by condemnation under Title 22 of the
154 Official Code of Georgia Annotated or such other applicable laws as are or may hereafter
155 be enacted;
- 156 (28) Public peace. To provide for the prevention and punishment of drunkenness, riots,
157 and public disturbances;
- 158 (29) Public transportation. To organize and operate such public transportation systems
159 as are deemed beneficial;

- 160 (30) Public utilities and services. To grant franchises or make contracts for or impose
161 taxes on public utilities and public service companies; and to prescribe the rates, fares,
162 regulations, and standards and conditions of service applicable to the service to be
163 provided by the franchise grantee or contractor, insofar as not in conflict with valid
164 regulations of the Public Service Commission;
- 165 (31) Regulation of roadside areas. To prohibit or regulate and control the erection,
166 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
167 and all other structures or obstructions upon or adjacent to the rights of way of streets and
168 roads or within view thereof within or abutting the corporate limits of the town; and to
169 prescribe penalties and punishment for violation of such ordinances;
- 170 (32) Retirement. To provide and maintain a retirement plan for officers and employees
171 of the town;
- 172 (33) Roadways. To lay out, open, extend, widen, narrow, establish, or change the grade
173 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
174 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
175 walkways within the corporate limits of the town; to grant franchises and rights of way
176 throughout the streets and roads and over the bridges and viaducts for the use of public
177 utilities; and to require real estate owners to repair and maintain in a safe condition the
178 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;
- 179 (34) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
180 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
181 and sewage system and to levy on those to whom sewers and sewage systems are made
182 available a sewer service fee, charge, or sewer tax for the availability or use of the
183 sewers; to provide for the manner and method of collecting such service charges and for
184 enforcing payment of the same; and to charge, impose, and collect a sewer connection fee
185 or fees to those connected with the system;
- 186 (35) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
187 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
188 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
189 paper, and other recyclable materials and to provide for the sale of such items;
- 190 (36) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
191 the manufacture, sale, or transportation of intoxicating liquors, and the use and sale of
192 firearms; to regulate the transportation, storage, and use of combustible, explosive, and
193 inflammable materials, the use of lighting and heating equipment, and any other business
194 or situation which may be dangerous to persons or property; to regulate and control the
195 conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows

196 of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit
 197 professional fortune telling, palmistry, adult bookstores, and massage parlors;
 198 (37) Special assessments. To levy and provide for the collection of special assessments
 199 to cover the costs of any public improvements;
 200 (38) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
 201 and collection of taxes on all property subject to taxation;
 202 (39) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
 203 future by law;
 204 (40) Taxicabs. To regulate and license vehicles operated for hire in the town, to limit the
 205 number of such vehicles, to require the operators thereof to be licensed, to require public
 206 liability insurance on such vehicles in the amounts to be prescribed by ordinance, and to
 207 regulate the parking of such vehicles;
 208 (41) Urban redevelopment. To organize and operate an urban redevelopment program;
 209 and
 210 (42) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
 211 and immunities necessary or desirable to promote or protect the safety, health, peace,
 212 security, good order, comfort, convenience, or general welfare of the town and its
 213 inhabitants; to exercise all implied powers necessary or desirable to carry into execution
 214 all powers granted in this charter as fully and completely as if such powers were fully
 215 stated herein; to exercise all powers now or in the future authorized to be exercised by
 216 other municipal governments under other laws of the State of Georgia; and no listing of
 217 particular powers in this charter shall be held to be exclusive of others nor restrictive of
 218 general words and phrases granting powers but shall be held to be in addition to such
 219 powers unless expressly prohibited to municipalities under the Constitution or applicable
 220 laws of the State of Georgia;

221 **SECTION 1.14**

222 Exercise of powers.

223 All powers, functions, rights, privileges, and immunities of the town, its officers, agencies,
 224 or employees shall be carried into execution as provided by this charter. If this charter makes
 225 no provision, such shall be carried into execution as provided by ordinance or as provided
 226 by pertinent laws of the State of Georgia.

255 **SECTION 2.13.**

256 Compensation and expenses.

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

259 **SECTION 2.14.**

260 Conflicts of interest; holding other office.

261 (a) Officers as trustees – Elected and appointed officers of the town are trustees and servants
262 of the residents of the town and shall act in a fiduciary capacity for the benefit of such
263 residents.

264 (b) Conflict of interest – No elected official, appointed officer or employee of the town or
265 any agency or political entity to which this charter applies shall knowingly:

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

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

274 (3) Disclose confidential information, including information obtained at meetings which
275 are closed pursuant to Chapter 14 of Title 50 of the Official Code of Georgia Annotated,
276 concerning the property, government, or affairs of the governmental body by which the
277 official is engaged without proper legal authorization or use such information to advance
278 the financial or other private interest of the official or others;

279 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise from
280 any person, firm, or corporation which to the official's knowledge is interested, directly
281 or indirectly, in any manner whatsoever in business dealings with the governmental body
282 by which the official is engaged; provided, however, that an elected official who is a
283 candidate for public office may accept campaign contributions and services in connection
284 with any such campaign;

285 (5) Represent any other private interests in any action or proceeding against this town
286 or any portion of its government; or

287 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
288 any business or entity in which the official has financial interests.

289 (c) Disclosure – Any elected official, appointed officer, or employee who shall have any
290 financial interest, directly or indirectly, in any contract or matter pending before or within
291 any department of the town shall disclose such interest to the town council. The mayor or
292 any councilmember who has a financial interest in any matter pending before the town
293 council shall disclose such interest and such disclosure shall be entered on the records of the
294 town council and that official shall disqualify himself or herself from participating in any
295 decision or vote relating thereto. Any elected official, appointed officer, or employee of any
296 agency or political entity to which this charter applies who shall have any financial interest,
297 directly or indirectly, in any contract or matter pending before or within such entity shall
298 disclose such interest to the governing body of such agency or entity.

299 (d) Use of public property – No elected official, appointed officer, or employee of the town
300 or any agency or entity to which this charter applies shall use property owned by such
301 governmental entity for personal benefit, convenience, or profit, except in accordance with
302 policies promulgated by the town council or the governing body of such agency or entity.

303 (e) Contracts voidable and rescindable – Any violation of this section which occurs with the
304 knowledge, express or implied, of a party to a contract or sale shall render said contract or
305 sale voidable at the option of the town council.

306 (f) Ineligibility of elected official – Except where authorized by law, neither the mayor nor
307 any councilmember shall hold any other elective or compensated appointive office in the
308 town or otherwise be employed by said government or any agency thereof during the term
309 for which that official was elected. No former mayor and no former councilmember shall
310 hold any compensated appointive office in the town until one year after the expiration of the
311 term for which that official was elected.

312 (g) Political activities of certain officers and employees – No appointed officer of the town
313 shall continue in such employment upon qualifying as a candidate for nomination or election
314 to any public office. No employee of the town shall continue in such employment upon
315 election to any public office in this town or any other public office which is inconsistent,
316 incompatible, or in conflict with the duties of the town employee. Such determination shall
317 be made by the mayor and town council either immediately upon election or at any time such
318 conflict may arise.

319 (h) Penalties for violation –

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

323 (2) Any officer or employee of the town who shall forfeit an office or position as
324 described in paragraph (1) of this subsection shall be ineligible for appointment or

325 election or employment in a position in the town government for a period of three years
 326 thereafter.

327 **SECTION 2.15.**

328 Inquiries and investigations.

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

335 **SECTION 2.16.**

336 General power and authority of the town council.

337 The town council shall be vested with all the powers of government of this town except as
 338 otherwise provided by law or this charter.

339 **SECTION 2.17.**

340 Eminent domain.

341 The town council is hereby empowered to acquire, construct, operate, and maintain public
 342 ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,
 343 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports,
 344 hospitals, and charitable, educational, recreational, sport, curative, corrective, detention,
 345 penal, and medical institutions, agencies, and facilities and any other public improvements
 346 inside or outside the town; to regulate the use thereof and for such purposes, property may
 347 be condemned under procedures established under applicable general law or such other laws
 348 as may hereafter be enacted.

349 **SECTION 2.18.**

350 Organizational meetings.

351 The town council shall hold an organizational meeting on the first Monday in January
 352 following the municipal election. The meeting shall be called to order by the town clerk and
 353 the oath of office shall be administered to the newly elected members as follows:

354 "I, _____, do solemnly swear or affirm that I will properly perform the
 355 duties of the office of town councilmember in and for the Town of Sasser to the best of my
 356 knowledge, skill, and ability; that I am not the holder of any unaccounted for public money
 357 due to the State of Georgia or any political subdivision or authority thereof; that I am not
 358 the holder of any office of trust under the government of the United States, any other state,
 359 or any foreign state which I am by the laws of the State of Georgia prohibited from
 360 holding; that I am qualified to hold the office which I am about to enter according to the
 361 Constitution and laws of Georgia; that I will support the Constitution of the United States
 362 and the State of Georgia; and that I have been a resident of the Town of Sasser for the time
 363 required by the Constitution and laws of the State of Georgia and the charter of the Town
 364 of Sasser; so help me God.

365

 (SIGNATURE)

366

367 Attested to and certified by:

368

 (S E A L)

369 Town of Sasser

370

SECTION 2.19.

371

Regular and special meetings.

372 (a) The town council shall hold regular meetings at such times and places as shall be
 373 prescribed by ordinance.

374 (b) Special meetings of the town council may be held on call of the mayor or three members
 375 of the town council. Notice of such special meetings shall be served on all members
 376 personally or by telephone personally at least 48 hours in advance of the meeting. Such
 377 notice to councilmembers shall not be required if the mayor and all councilmembers are
 378 present when the special meeting is called. Such notice of any special meeting may be
 379 waived by a councilmember in writing before or after such a meeting, and attendance at the
 380 meeting shall constitute a waiver of notice on any business transacted in such
 381 councilmember's presence. Only the business stated in the call may be transacted at the
 382 special meeting.

383 (c) All meetings of the town council shall be public to the extent required by law, and notice
 384 to the public of special meetings shall be made fully as is reasonably possible as provided by
 385 Code Section 50-14-1 of the Official Code of Georgia Annotated or other such applicable
 386 laws as are or may hereafter be enacted.

387 **SECTION 2.20.**

388 Rules of procedure.

389 (a) The town council shall adopt its rules of procedure and order of business consistent with
390 the provisions of this charter and shall provide for keeping a journal of its proceedings, which
391 shall be a public record.

392 (b) All committees and committee chairs and officers of the town council shall be appointed
393 by the mayor and shall serve at the pleasure of the mayor. The mayor shall have to power
394 to appoint new members to any committee at any time.

395 **SECTION 2.21.**

396 Quorum; voting.

397 The mayor and two councilmembers or three councilmembers shall constitute a quorum and
398 shall be authorized to transact business of the town council. Voting on the adoption of
399 ordinances shall be by voice vote and the vote shall be recorded in the journal, but any
400 member of the town council shall have the right to request a roll-call vote and such vote shall
401 be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote
402 of a majority of councilmembers shall be required for the adoption of any ordinance,
403 resolution, or motion. An abstention shall be counted as an affirmative vote.

404 **SECTION 2.22.**

405 Ordinance form; procedures.

406 (a) Every proposed ordinance should be introduced in writing and in the form required for
407 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
408 enacting clause shall be "It is hereby ordained by the governing authority of the Town of
409 Sasser..."and every ordinance shall so begin.

410 (b) An ordinance may be introduced by any councilmember and be read at a regular or
411 special meeting of the town council. Ordinances shall be considered and adopted or rejected
412 by the town council in accordance with the rules which it shall establish; provided, however,
413 an ordinance shall not be adopted the same day it is introduced, except for emergency
414 ordinances provided in Section 2.24 of this charter. Upon introduction of any ordinance, the
415 town clerk shall, as soon as possible, distribute a copy to the mayor and to each
416 councilmember and shall file a reasonable number of copies in the office of the town clerk
417 and at such other public places as the town council may designate.

418

SECTION 2.23.

419

Action requiring an ordinance.

420 Acts of the town council which have the force and effect of law shall be enacted by
421 ordinance.

422

SECTION 2.24.

423

Emergencies.

424 (a) To meet a public emergency affecting life, health, property, or public peace, the town
425 council may convene on a call of the mayor or three councilmembers and promptly adopt an
426 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
427 franchise; regulate the rate charged by any public utility for its services; or authorize the
428 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
429 shall be introduced in the form prescribed for ordinances generally, except that it shall be
430 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
431 a declaration stating that an emergency exists and describing the emergency in clear and
432 specific terms. An emergency ordinance may be adopted with or without amendment or
433 rejected at the meeting at which it is introduced, but the affirmative vote of at least three
434 councilmembers shall be required for adoption. It shall become effective upon adoption or
435 at such later time as it may specify. Every emergency ordinance shall automatically stand
436 repealed 30 days following the date upon which it was adopted, but this shall not prevent
437 reenactment of the ordinance in the manner specified in this section if the emergency still
438 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
439 in the same manner specified in this section for adoption of emergency ordinances.

440 (b) Such meetings shall be open to the public to the extent required by law, and notice to the
441 public of emergency meetings shall be made as fully as is reasonably possible in accordance
442 with Code Section 50-14-1 of the Official Code of Georgia Annotated or such other
443 applicable laws as are or may hereafter be enacted.

444

SECTION 2.25.

445

Signing; authenticating; recording; codification; printing.

446 (a) The town clerk shall authenticate by the town clerk's signature and record in full in a
447 properly indexed book kept for that purpose, or on the Internet, all ordinances adopted by the
448 town council.

449 (b) The town council shall provide for the preparation of a general codification of all the
450 ordinances of the town having the force and effect of law. The general codification shall be
451 adopted by the town council by ordinance and shall be published promptly, together with all
452 amendments thereto and such codes of technical regulations and other rules and regulations
453 as the town council may specify. This compilation shall be known and cited officially as
454 "The Code of the Town of Sasser, Georgia." Copies of the code shall be furnished to all
455 officers, departments, and agencies of the town, made available for purchase by the public
456 at a reasonable price as fixed by the town council, or supplied on the Internet.

457 (c) The town council shall cause each ordinance and each amendment to this charter to be
458 printed promptly following its adoption, and the printed ordinances and charter amendments
459 shall be made available for purchase by the public at reasonable prices to be fixed by the
460 town council. Following publication of the first code under this charter and at all times
461 thereafter, the ordinances and charter amendments shall be printed in substantially the same
462 style as the code currently in effect and shall be suitable in form for incorporation therein.
463 The town council shall make such further arrangements as deemed desirable for
464 reproduction.

465 **SECTION 2.26.**

466 Election of mayor; forfeiture; compensation.

467 The mayor shall be elected and serve for a term of two years and until a successor is elected
468 and qualified. The mayor shall be a qualified elector of this town and shall have been a
469 resident of the town for 12 months prior to the election. The mayor shall continue to reside
470 in this town during the period of service. The mayor shall forfeit the office on the same
471 grounds and under the same procedure as for councilmembers. The compensation of the
472 mayor shall be established in the same manner as for councilmembers.

473 **SECTION 2.27.**

474 Mayor pro tempore.

475 By a majority vote, the town council shall elect a councilmember to serve as mayor pro
476 tempore. The mayor pro tempore shall assume the duties and powers of the mayor during the
477 mayor's physical or mental disability or absence. Any such disability or absence shall be
478 declared by a majority vote of the town council. The mayor pro tempore shall sign all
479 contracts and ordinances in which the mayor has a disqualifying financial interest as
480 provided in Section 2.14 of this charter.

481

SECTION 2.28.

482

Powers and duties of the mayor.

483 The mayor shall:

484

(1) Preside at all meetings of the town council;

485

(2) Be the head of the town for the purpose of service of process and for ceremonial purposes and be the official spokesperson for the town and the chief advocate of policy;

487

(3) Have the power to administer oaths and to take affidavits;

488

(4) Sign as a matter of course on behalf of the town all written and approved contracts,

489

ordinances, and other instruments executed by the town which by law are required to be

490

in writing;

491

(5) Vote on matters before the town council and be counted toward a quorum as any

492

other councilmember;

493

(6) Prepare and submit to the town council a recommended annual operating budget and

494

recommended capital budget; and

495

(7) Fulfill such other executive and administrative duties as the town council shall by

496

ordinance establish.

497

ARTICLE III

498

ADMINISTRATIVE AFFAIRS

499

SECTION 3.10.

500

Administrative and service departments.

501

(a) Except as otherwise provided in this charter, the town council, by ordinance, shall

502

prescribe the functions or duties and establish, abolish, alter, consolidate, or leave vacant all

503

nonelective offices, positions of employment, departments, and agencies of the town as

504

necessary for the proper administration of the affairs and government of this town.

505

(b) Except as otherwise provided by this charter or by law, the directors of departments and

506

other appointed officers of the town shall be appointed solely on the basis of their respective

507

administrative and professional qualifications.

508

(c) All appointed officers and directors of departments shall receive such compensation as

509

prescribed by ordinance or resolution.

510

(d) All appointed officers and directors under the supervision of the mayor shall be

511

nominated by the mayor with confirmation of appointment by the town council. All

512

appointed officers and directors shall be employees at will and subject to removal or

513

suspension at any time by the mayor unless otherwise provided by law or ordinance.

514

SECTION 3.11.

515

Boards, commissions, and authorities.

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

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

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

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

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

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

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

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

545 **SECTION 3.12.**

546 Town attorney.

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

555 **SECTION 3.13.**

556 Town clerk

557 The town council shall appoint a town clerk who shall not be a councilmember. The town
 558 clerk shall be custodian of the official town seal and town records, maintain town council
 559 records required by this charter, and perform such other duties as may be required by the
 560 town council.

561 **SECTION 3.14.**

562 Personnel policies.

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

565 **ARTICLE IV**

566 **JUDICIAL BRANCH**

567 **SECTION 4.10.**

568 Creation; name.

569 There shall be a court known as the Municipal Court of the Town of Sasser.

570

SECTION 4.11.

571

Chief judge; associate judge.

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

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

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

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

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

585

SECTION 4.12.

586

Convening.

587 The municipal court shall be convened at regular intervals as provided by ordinance or
588 resolution.

589

SECTION 4.13.

590

Jurisdiction; powers.

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

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

595 (c) The municipal court may fix punishment for offenses within its jurisdiction not
596 exceeding a fine of \$1,000.00 or imprisonment for 180 days or both or may fix punishment
597 by fine, imprisonment, or alternative sentencing as now or hereafter provided by law.

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

601 (e) The municipal court shall have authority to establish bail and recognizance to ensure the
 602 presence of those charged with violations before said court and shall have discretionary
 603 authority to accept cash or personal or real property as surety for the appearance of persons
 604 charged with violations. Whenever any person shall give bail for that person's appearance
 605 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
 606 presiding at such time and an execution issued thereon by serving the defendant and the
 607 defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the
 608 event that cash or property is accepted in lieu of bond for security for the appearance of a
 609 defendant at trial and if such defendant fails to appear at the time and place fixed for trial,
 610 the cash so deposited shall be, on order of the judge, declared forfeited to the town or the
 611 property so deposited shall have a lien against it for the value forfeited, which lien shall be
 612 enforceable in the same manner and to the same extent as a lien for town property taxes.

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

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

619 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of
 620 persons charged with offenses against any ordinance of the town, and each judge of the
 621 municipal court shall have the authority as a magistrate of the state to issue warrants for
 622 offenses against state laws committed within the town.

623 **SECTION 4.14.**

624 Certiorari.

625 The right of certiorari from the decision and judgment of the municipal court shall exist in
 626 all criminal cases and ordinance violation cases and such certiorari shall be obtained under
 627 the sanction of a judge of the Superior Court of Terrell County under the laws of the State
 628 of Georgia regulating the granting and issuance of writs of certiorari.

629 **SECTION 4.15.**

630 Rules for court.

631 With the approval of the town council, the judge shall have full power and authority to make
 632 reasonable rules and regulations necessary and proper to secure the efficient and successful
 633 administration of the municipal court; provided, however, that the town council may adopt

634 in part or in toto the rules and regulations applicable to municipal courts. The rules and
635 regulations made or adopted shall be filed with the town clerk, shall be available for public
636 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court
637 proceedings at least 48 hours prior to said proceedings.

638 **ARTICLE V**
639 **ELECTIONS AND REMOVAL**

640 **SECTION 5.10.**
641 **Applicability of general law.**

642 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title
643 21 of the Official Code of Georgia Annotated, the "Georgia Election Code" as now or
644 hereafter amended.

645 **SECTION 5.11.**
646 **Regular elections; time for holding.**

647 In even-numbered years on the Tuesday next following the first Monday in November, there
648 shall be an election for the mayor and town council. The terms of office shall begin on
649 January 1 following the November election at the organizational meeting provided in Section
650 2.18 of this charter.

651 **SECTION 5.12.**
652 **Nonpartisan elections.**

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

655 **SECITON 5.13.**
656 **Election by plurality.**

657 The person receiving the plurality of the votes cast for any town office shall be elected.

658

SECTION 5.14.

659

Special elections; vacancies.

660 In the event that the office of mayor or councilmember shall become vacant as provided in
 661 Section 2.12 of this charter, the town council or those remaining shall order a special election
 662 to fill the balance of the unexpired term of such official; provided, however, if election to
 663 such vacancy occurs within 12 months of the expiration of the term of that office, the town
 664 council, or those remaining, shall appoint a successor for the remainder of the term. In all
 665 other respects, the special election shall be held and conducted in accordance with Chapter
 666 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as
 667 now or hereafter amended. Vacancies must be filled in accordance with the procedural
 668 requirements of subsection (b) of Code Section 45-5-1 of the Official Code of Georgia
 669 Annotated and special elections held in accordance with Chapter 2 of Title 21 of the Official
 670 Code of Georgia Annotated, the "Georgia Election Code."

671

SECTION 5.15.

672

Other provisions.

673 Except as otherwise provided by this charter, the town council shall, by ordinance, prescribe
 674 such rules and regulations it deems appropriate to fulfill any options and duties under the
 675 Georgia Election Code.

676

SECITON 5.16.

677

Removal of officers.

678 (a) The mayor, councilmembers, or other appointed officers provided for in this charter shall
 679 be removed from office for any one or more of the causes provided in Title 45 of the Official
 680 Code of Georgia Annotated or such other applicable laws as are or may hereafter be enacted.

681 (b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished
 682 by one of the following methods:

683 (1) Following a hearing at which an impartial panel shall render a decision. In the event
 684 an elected official is sought to be removed by the action of the town council, such officer
 685 shall be entitled to a written notice specifying the ground or grounds for removal and to
 686 a public hearing which shall be held not less than ten days after the service of such
 687 written notice. The town council shall provide by ordinance for the manner in which
 688 such hearings shall be held. Any elected officer sought to be removed from office as
 689 provided in this section shall have the right of appeal from the decision of the town

690 council to the Superior Court of Terrell County. Such appeal shall be governed by the
 691 same rules as govern appeals to the superior court from the probate court; or
 692 (2) By an order of the Superior Court of Terrell County following a hearing on a
 693 complaint seeking such removal brought by any resident of the Town of Sasser.

694 **ARTICLE VI**

695 **FINANCE**

696 **SECTION 6.10.**

697 **Property tax.**

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

704 **SECTION 6.11.**

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

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

710 **SECTION 6.12.**

711 **Occupation and business taxes.**

712 The town council by ordinance shall have the power to require businesses or practitioners
 713 doing business within this town to obtain a permit for such activity from the town and pay
 714 a reasonable regulatory fee for such permit as provided by general law. Such fees shall
 715 reflect the total cost to the town of regulating the activity and, if unpaid, shall be collected
 716 as provided in Section 6.17 of this charter.

717 **SECTION 6.13.**

718 Franchises.

719 (a) The town council shall have the power to grant franchises for the use of this town's
 720 streets and alleys for the purposes of railroads, street railways, telephone companies, electric
 721 companies, electric membership corporations, cable television and other telecommunications
 722 companies, gas companies, transportation companies, and other similar organizations. The
 723 town council shall determine the duration, terms, whether the same shall be exclusive or
 724 nonexclusive, and the consideration for such franchises; provided, however, no franchise
 725 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
 726 the town receives just and adequate compensation therefor. The town council shall provide
 727 for the registration of all franchises with the town clerk in a registration book kept by the
 728 town clerk. The town council may provide by ordinance for the registration within a
 729 reasonable time of all franchises previously granted.

730 (b) If no franchise agreement is in effect, the town council has the authority to impose a tax
 731 on gross receipts for the use of this town's streets and alleys for the purposes of railroads,
 732 street railways, telephone companies, electric companies, electric membership corporations,
 733 cable television and other telecommunications companies, gas companies, transportation
 734 companies, and other similar organizations.

735 **SECTION 6.14.**

736 Service charges.

737 The town council by ordinance shall have the power to assess and collect fees, charges, and
 738 tolls for sewers, sanitary and health services, or any other services provided or made
 739 available within and without the corporate limits of the town for the total cost to the town of
 740 providing or making available such services. If unpaid, such charges shall be collected as
 741 provided in Section 6.17 of this charter.

742 **SECTION 6.15.**

743 Special assessments.

744 The town council by ordinance shall have the power to assess and collect the cost of
 745 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
 746 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
 747 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be
 748 collected as provided in Section 6.17 of this charter.

749 **SECTION 6.16.**

750 Construction; other taxes and fees.

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

754 **SECTION 6.17.**

755 Collection of delinquent taxes and fees.

756 The town council, by ordinance, may provide generally for the collection of delinquent taxes,
757 fees, or other revenue due the town under Sections 6.10 through 6.16 of this charter by
758 whatever reasonable means as are not precluded by law. This shall include providing for the
759 dates when the taxes or fees are due; late penalties or interest; issuance and execution of
760 fi.fas.; creation and priority of liens; making delinquent taxes and fees personal debts of the
761 persons required to pay the taxes or fees imposed; revoking town permits for failure to pay
762 any town taxes or fees; and providing for the assignment or transfer of tax executions.

763 **SECTION 6.18.**

764 General obligation bonds.

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

769 **SECTION 6.19.**

770 Revenue bonds.

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

774 **SECTION 6.20.**

775 Short-term loans.

776 The town may obtain short-term loans and must repay such loans not later than December
777 31 of each year, unless otherwise provided by law.

778 **SECTION 6.21.**

779 Lease-purchase contracts.

780 The town may enter into multiyear leases, purchase, or lease-purchase contracts for the
781 acquisition of goods, materials, real and personal property, services, and supplies provided
782 the contract terminates without further obligation on the part of the municipality at the close
783 of the calendar year in which it was executed and at the close of each succeeding calendar
784 year for which it may be renewed. Contracts must be executed in accordance with the
785 requirements of Code Section 36-60-13 of the Official Code of Georgia Annotated or other
786 such applicable laws as are or may hereafter be enacted.

787 **SECTION 6.22.**

788 Fiscal year.

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

792 **SECTION 6.23.**

793 Preparation of budgets.

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

798 **SECTION 6.24.**

799 Submission of operating budget to town council.

800 On or before a date fixed by the town council but not later than 60 days prior to the
801 beginning of each fiscal year, the mayor shall submit to the town council a proposed

802 operating budget for the ensuing fiscal year. The budget shall be accompanied by a message
 803 from the mayor containing a statement of the general fiscal policies of the town, the next
 804 fiscal year, a general summary of the budget, and such other pertinent comments and
 805 information. The operating budget and the capital budget provided for in Section 6.28 of this
 806 charter, the budget message, and all supporting documents shall be filed in the office of the
 807 town clerk and shall be open to public inspection.

808 **SECITON 6.25.**

809 Action by town council on budget.

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

815 (b) The town council shall adopt the final operating budget for the ensuing year not later
 816 than December 20 of each year. If the town council fails to adopt the budget by this date,
 817 the amounts appropriated for operation for the current fiscal year shall be deemed adopted
 818 for the ensuing fiscal year on a month-to-month basis with all items prorated accordingly
 819 until such time as the town council adopts a budget for the ensuing fiscal year. Adoption of
 820 the budget shall take the form of an appropriations ordinance setting out the estimated
 821 revenues in detail by sources and making appropriations according to fund and by
 822 organizational unit, purpose, or activity as set out in the budget preparation ordinance
 823 adopted pursuant to Section 6.23 of this charter.

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

828 **SECTION 6.26.**

829 Tax levies.

830 The town council shall levy by ordinance such taxes as are necessary. The taxes and tax
 831 rates set by such ordinance shall be such that reasonable estimates of revenues from such
 832 levy shall at least be sufficient, together with other anticipated revenues, fund balances, and
 833 applicable reserves, to equal the total amount appropriated for each of the several funds set

834 forth in the annual operating budget for defraying the expenses of the general government
835 of this town.

836 **SECTION 6.27.**

837 Changes in appropriations.

838 The town council by ordinance may make changes in the appropriations contained in the
839 current operating budget at any regular, special, or emergency meeting called for such
840 purpose, but any additional appropriations may be made only from an existing unexpended
841 surplus.

842 **SECTION 6.28.**

843 Capital budget.

844 (a) On or before the date fixed by the town council but no later than 60 days prior to the
845 beginning of each fiscal year, the mayor shall submit to the town council a proposed capital
846 improvements plan with a recommended capital budget containing the means of financing
847 the improvements proposed for the ensuing fiscal year. The town council shall have power
848 to accept, with or without amendments, or reject the proposed plan and proposed budget.
849 The town council shall not authorize an expenditure for the construction of any building,
850 structure, work, or improvement unless the appropriations for such project are included in
851 the capital budget except to meet a public emergency as provided in Section 2.24 of this
852 charter.

853 (b) The town council shall adopt by ordinance the final capital budget for the ensuing fiscal
854 year not later than December 20 of each year. No appropriation provided for in a prior
855 capital budget shall lapse until the purpose for which the appropriation was made shall have
856 been accomplished or abandoned; provided, however, the mayor may submit amendments
857 to the capital budget at any time during the fiscal year accompanied by recommendations.
858 Any such amendments to the capital budget shall become effective only upon adoption by
859 ordinance or resolution.

860 **SECTION 6.29.**

861 Independent audit.

862 There shall be an annual independent audit of all town accounts, funds, and financial
863 transactions by a certified public accountant selected by the town council. The audit shall
864 be conducted according to generally accepted auditing principles. Any audit of any funds

865 by the state or federal governments may be accepted as satisfying the requirements of this
866 charter. Copies of annual audit reports shall be available at printing costs to the public.

867 **SECTION 6.30.**

868 Contracting procedures.

869 No contract with the town shall be binding on the town unless:

870 (1) It is in writing;

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

873 (3) It is made or authorized by the town council and such approval is entered in the town
874 council journal of proceedings pursuant to Section 2.21 of this charter.

875 **SECTION 6.31.**

876 Centralized purchasing.

877 The town council shall by ordinance prescribe procedures for a system of centralized
878 purchasing for the town.

879 **SECTION 6.32.**

880 Sale and lease of town property.

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

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

887 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
888 of the town a small parcel of land is cut off or separated by such work from a larger tract or
889 boundary of land owned by the town, the town council may authorize the mayor to sell and
890 convey said cut-off or separated parcel or tract of land to an abutting or adjoining property
891 owner or owners where such sale and conveyance facilitates the enjoyment of the highest and
892 best use of the abutting owner's property. Included in the sales contract shall be a provision
893 for the rights of way of said street, avenue, alley, or public place. Each abutting property
894 owner shall be notified of the availability of the property and given the opportunity to
895 purchase said property under such terms and conditions as set out by ordinance. All deeds

896 and conveyances heretofore and hereafter so executed and delivered shall convey all title and
897 interest the town has in such property notwithstanding the fact that no public sale after
898 advertisement was or is hereafter made.

899 **ARTICLE VII**
900 **GENERAL PROVISIONS**

901 **SECTION 7.10.**

902 Bonds for officials.

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

906 **SECTION 7.11.**

907 Prior ordinances.

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

911 **SECTION 7.12.**

912 Existing personnel and officers.

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

919 **SECTION 7.13.**

920 Pending matters.

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

925 **SECTION 7.14.**

926 Construction

927 (a) Section captions in this charter are informative only and are not to be considered a part
928 thereof.

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

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

932 **SECTION 7.15.**

933 Severability.

934 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
935 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
936 or impair other parts of this charter unless it clearly appears that such other parts are wholly
937 and necessarily dependent upon the part held to be invalid or unconstitutional. It is the
938 legislative intent in enacting this charter that each article, section, subsection, paragraph,
939 sentence, or part thereof be enacted separately and independent of each other.

940 **ARTICLE VIII**941 **MISCELLANEOUS**942 **SECTION 8.10.**

943 Real estate requirements.

944 (a) To require real estate owners to repair and maintain in a safe condition the sidewalks
945 adjoining their lots or lands, a real estate owner shall be liable for any injury or damage
946 sustained by reason of a defective sidewalk adjoining the owner's lot or land. The town shall
947 not be liable for any such injury or damage if a town officer or employee authorized to do
948 so by the town council at least ten days prior to occurrence of the injury or damage served
949 the owner with personal notice or sent a notice by ordinary mail to the owner of record that
950 the sidewalk should be repaired and placed in a safe condition. Requirements of property
951 owners are not limited to this section but shall apply to all areas the town may deem
952 necessary by ordinance for the safety, well-being, and overall aesthetic effect of the town.

953 (b) No actions shall be maintained against the town for damages unless a written statement
954 by the claimant or the claimant's agent, attorney, or representative setting forth the basis for
955 the claim shall have been filed with the mayor within 60 days after such cause of action shall
956 have occurred, except that when the claimant is an infant or non compos mentis or an injured

957 person who dies within 60 days, the time limit for filing a claim shall be 120 days. No
958 officer or employee of the town shall waive this requirement.

959 **SECTION 8.11.**

960 Repealer.

961 An Act incorporating the Town of Sasser in the County of Terrell approved March 22, 1974
962 (Ga. L. 1974, p. 2895) is hereby repealed in its entirety and all amendatory acts thereto are
963 likewise repealed in their entirety. All other laws and parts of laws in conflict with this Act
964 are hereby repealed.