

Senate Bill 191

By: Senator Henson of the 41st

A BILL TO BE ENTITLED  
AN ACT

1 To provide a new charter for the City of Stone Mountain; to provide for incorporation,  
2 boundaries, and powers of the city; to provide for a governing authority of such city and the  
3 powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications,  
4 prohibitions, conflicts of interest, and suspension and removal from office relative to  
5 members of such governing authority; to provide for inquiries and investigations; to provide  
6 for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for  
7 ordinances and codes; to provide for a city manager, mayor, and mayor pro tempore and  
8 certain duties, powers, and other matters relative thereto; to provide for administrative affairs  
9 and responsibilities; to provide for boards, commissions, and authorities; to provide for a city  
10 attorney, a city clerk, and other personnel and matters relating thereto; to provide for rules  
11 and regulations; to provide for a municipal court and the judge or judges thereof and other  
12 matters relative to those judges; to provide for the court's jurisdiction, powers, practices, and  
13 procedures; to provide for the right of certiorari; to provide for elections; to provide for  
14 taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to  
15 provide for bonded and other indebtedness; to provide for auditing, accounting, budgeting,  
16 and appropriations; to provide for city contracts and purchasing; to provide for the  
17 conveyance of property and interests therein; to provide for bonds for officials; to provide  
18 for prior ordinances and rules, pending matters, and existing personnel; to provide for  
19 penalties; to provide for definitions and construction; to provide for other matters relative to  
20 the foregoing; to repeal a specific Act; to provide for a referendum; to provide for effective  
21 dates; to provide for submission of this Act for preclearance under the federal Voting Rights  
22 Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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ARTICLE I  
INCORPORATION AND POWERS  
**SECTION 1.10.**

Name.

28 The City of Stone Mountain, in DeKalb County, Georgia, is reincorporated by the enactment  
29 of this charter and is constituted and declared a body politic and corporate under the name  
30 and style Stone Mountain, Georgia, and by that name shall have perpetual succession.

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**SECTION 1.11.**  
Corporate boundaries.

33 (a) The boundaries of this city shall be those existing on the effective date of the adoption  
34 of this charter with such alterations as may be made from time to time in the manner  
35 provided by law. The boundaries of this city at all times shall be shown on a map, a written  
36 description, or any combination thereof, to be retained permanently in the office of the city  
37 clerk and to be designated, as the case may be: "Official Map of the corporate limits of the  
38 City of Stone Mountain, Georgia." Photographic, typed, or other copies of such map or  
39 description certified by the city clerk shall be admitted as evidence in all courts and shall  
40 have the same force and effect as with the original map or description.

41 (b) The city council may provide for the redrawing of any such map by ordinance to reflect  
42 lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes  
43 the entire map or maps which it is designated to replace.

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**SECTION 1.12.**  
Powers and construction.

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

50 (b) The powers of this city shall be construed liberally in favor of the city. The specific  
51 mention or failure to mention particular powers shall not be construed as limiting in any way  
52 the powers of this city. These powers shall include, but not be limited to, the following:

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

- 58 (2) Appropriations and expenditures. To make appropriations for the support of the  
59 government of the city; to authorize the expenditure of money for any purposes  
60 authorized by this charter and for any purpose for which a municipality is authorized by  
61 the laws of the State of Georgia; and to provide for the payment of expenses of the city;
- 62 (3) Building regulation. To regulate and to license the erection and construction of  
63 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,  
64 and heating and air-conditioning codes; and to regulate all housing and building trades;
- 65 (4) Business regulation and taxation. To levy and to provide for collection of regulatory  
66 fees and taxes on privileges, occupations, trades, and professions as authorized by Title  
67 48 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted; to  
68 permit and regulate the same; to provide for the manner and method of payment of such  
69 regulatory fees and taxes; and to revoke such permits after due process for failure to pay  
70 any city taxes or fees;
- 71 (5) Condemnation. To condemn property, inside or outside the corporate limits of the  
72 city, for present or future use and for any corporate purpose deemed necessary by the  
73 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such  
74 other applicable laws as are now or may hereafter be enacted;
- 75 (6) Contracts. To enter into contracts and agreements with other governmental entities  
76 and with private persons, firms, and corporations;
- 77 (7) Emergencies. To establish procedures for determining and proclaiming that an  
78 emergency situation exists within or outside the city and to make and carry out all  
79 reasonable provisions deemed necessary to deal with or meet such an emergency for the  
80 protection, safety, health, or well-being of the citizens of the city;
- 81 (8) Environmental protection. To protect and preserve the natural resources,  
82 environment, and vital areas of the state through the preservation and improvement of air  
83 quality, the restoration and maintenance of water resources, the control of erosion and  
84 sedimentation, the management of solid and hazardous waste, and other necessary actions  
85 for the protection of the environment;
- 86 (9) Fire regulations. To fix and establish fire limits and from time to time to extend,  
87 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with  
88 general law, relating to both fire prevention and detection and to fire fighting; and to  
89 prescribe penalties and punishment for violations thereof;
- 90 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection  
91 and disposal and other sanitary service charge, tax, or fee for such services as may be  
92 necessary in the operation of the city from all individuals, firms, and corporations  
93 residing in or doing business in the city benefiting from such services; to enforce the

- 94 payment of such charges, taxes, or fees; and to provide for the manner and method of  
95 collecting such service charges;
- 96 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,  
97 practice, conduct, or use of property which is detrimental to health, sanitation,  
98 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the  
99 enforcement of such standards;
- 100 (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for  
101 any purpose related to powers and duties of the city and the general welfare of its  
102 citizens, on such terms and conditions as the donor or grantor may impose;
- 103 (13) Health and sanitation. To prescribe standards of health and sanitation and to provide  
104 for the enforcement of such standards;
- 105 (14) Jail sentences. To provide that persons given jail sentences in the municipal court  
106 may work out such sentences in any public works or on the streets, roads, drains, and  
107 other public property in the city; to provide for commitment of such persons to any jail;  
108 or to provide for commitment of such persons to any county work camp or county jail by  
109 agreement with the appropriate county officials;
- 110 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control  
111 over all traffic, including parking upon or across the streets, roads, alleys, and walkways  
112 of the city;
- 113 (16) Municipal agencies and delegation of power. To create, alter, or abolish  
114 departments, boards, offices, commissions, and agencies of the city and to confer upon  
115 such agencies the necessary and appropriate authority for carrying out all the powers  
116 conferred upon or delegated to the same;
- 117 (17) Municipal debts. To appropriate and borrow money for the payment of debts of the  
118 city and to issue bonds for the purpose of raising revenue to carry out any project,  
119 program, or venture authorized by this charter or the laws of the State of Georgia;
- 120 (18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or  
121 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or  
122 outside the property limits of the city;
- 123 (19) Municipal property protection. To provide for the preservation and protection of  
124 property and equipment of the city and the administration and use of same by the public;  
125 and to prescribe penalties and punishment for violations thereof;
- 126 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose  
127 of public utilities, including but not limited to a system of waterworks, sewers and drains,  
128 sewage disposal, gas works, electric light plants, cable television and other  
129 telecommunications, transportation facilities, public airports, and any other public utility;

130 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and  
131 to provide for the withdrawal of service for refusal or failure to pay the same;

132 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or  
133 private property;

134 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to  
135 the authority of this charter and the laws of the State of Georgia;

136 (23) Planning and zoning. To provide comprehensive city planning for development by  
137 zoning; and to provide subdivision regulation and the like as the city council deems  
138 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;

139 (24) Police and fire protection. To exercise the power of arrest through duly appointed  
140 police officers and to establish, operate, or contract for a police and a fire-fighting  
141 agency;

142 (25) Public hazards; removal. To provide for the destruction and removal of any building  
143 or other structure which is or may become dangerous or detrimental to the public;

144 (26) Public improvements. To provide for the acquisition, construction, building,  
145 operation, and maintenance of public ways, parks and playgrounds, public grounds,  
146 recreational facilities, cemeteries, markets and market houses, public buildings, libraries,  
147 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, other  
148 public utilities, public housing, airports, hospitals, terminals, docks, parking facilities, and  
149 charitable, cultural, educational, recreational, conservation, sport, curative, corrective,  
150 detentional, penal, and medical institutions, agencies, and facilities; and to provide any  
151 other public improvements, inside or outside the corporate limits of the city; to regulate  
152 the use of public improvements; and, for such purposes, property may be acquired by  
153 condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are now  
154 or may hereafter be enacted;

155 (27) Public peace. To provide for the prevention and punishment of drunkenness, riots,  
156 and public disturbances;

157 (28) Public transportation. To organize and operate or contract for such public  
158 transportation systems as are deemed beneficial;

159 (29) Public utilities and services. To grant franchises or make contracts for or impose  
160 taxes on public utilities and public service companies and to prescribe the rates, fares,  
161 regulations, and standards and conditions of service applicable to the service to be  
162 provided by the franchise grantee or contractor, insofar as not in conflict with valid  
163 regulations of the Georgia Public Service Commission;

164 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,  
165 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any  
166 and all other structures or obstructions upon or adjacent to the rights of way of streets and

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

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

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

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

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

189 (35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,  
190 the manufacture, sale, or transportation of any intoxicating liquors, alcoholic beverages,  
191 and the use of firearms; to regulate the transportation, storage, and use of combustible,  
192 explosive, and inflammable materials, the use of lighting and heating equipment, and any  
193 other business or situation which may be dangerous to persons or property; to regulate  
194 and control the conduct of peddlers and itinerant traders, theatrical performances,  
195 exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate,  
196 or prohibit professional fortunetelling, palmistry, adult bookstores, and massage parlors;

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

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

201 (38) Taxes: other. To levy and collect such other taxes as may be allowed now or in the  
202 future by law;

203 (39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the  
 204 number of such vehicles; to require the operators thereof to be licensed; to require public  
 205 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to  
 206 regulate the parking of such vehicles;

207 (40) Urban redevelopment. To organize and operate an urban redevelopment program;  
 208 and

209 (41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,  
 210 and immunities necessary or desirable to promote or protect the safety, health, peace,  
 211 security, good order, comfort, convenience, or general welfare of the city and its  
 212 inhabitants; and to exercise all implied powers necessary or desirable to carry into  
 213 execution all powers granted in this charter as fully and completely as if such powers  
 214 were fully stated in this charter; and to exercise all powers now or in the future authorized  
 215 to be exercised by other municipal governments under other laws of the State of Georgia;  
 216 and no listing of particular powers in this charter shall be held to be exclusive of others,  
 217 nor restrictive of general words and phrases granting powers, but shall be held to be in  
 218 addition to such powers unless expressly prohibited to municipalities under the  
 219 Constitution or applicable laws of the State of Georgia.

220 **SECTION 1.13.**

221 Exercise of powers.

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

226 **ARTICLE II**

227 **GOVERNMENT STRUCTURE**

228 **SECTION 2.10.**

229 City council creation; number; election.

230 The legislative authority of the government of this city, except as otherwise specifically  
 231 provided in this charter, shall be vested in a city council to be composed of a mayor and six  
 232 councilmembers.

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**SECTION 2.11.**

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City councilmembers;

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terms and qualifications for office.

236 The mayor and city council shall be elected at large pursuant to Section 5.11 of this charter.

237 The mayor and councilmembers shall serve for terms of four years and until their respective

238 successors are elected and qualified. No person shall be eligible to serve as mayor or

239 councilmember unless he or she shall have been a resident of this city for 12 months

240 immediately preceding the election of mayor or councilmembers; each such person shall

241 continue to reside within the city during said period of service and shall be registered and

242 qualified to vote in municipal elections of this city. No person's name shall be listed as a

243 candidate on the ballot for election for either mayor or councilmember unless such person

244 has filed a written notice with the city clerk that he or she desires his or her name to be

245 placed on said ballot as a candidate either for mayor or councilmember. No person shall be

246 eligible for the office of mayor or councilmember unless such person has filed the notice

247 within the time provided for in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election

248 Code."

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**SECTION 2.12.**

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Vacancy; filling of vacancies; suspensions.

251 (a) Vacancies—The office of mayor or councilmember shall become vacant upon such

252 person's failing or ceasing to reside in the city or upon the occurrence of any event specified

253 by the Constitution, Title 45 of the O.C.G.A., or such other applicable laws as are or may

254 hereafter be enacted.

255 (b) Filling of vacancies—A vacancy in the office of mayor or councilmember shall be filled

256 for the remainder of the unexpired term, if any, by appointment if less than 12 months remain

257 in the unexpired term, otherwise by an election as provided for in Section 5.14 of this charter

258 and Titles 21 and 45 of the O.C.G.A. or such other laws as are or may hereafter be enacted.

259 (c) Suspension—Upon the suspension from office of mayor or councilmember in any

260 manner authorized by the general laws of the State of Georgia, the city council or those

261 remaining shall appoint a successor for the duration of the suspension. If the suspension

262 becomes permanent, then the office shall become vacant and shall be filled for the remainder

263 of the unexpired term, if any, as provided for in this charter.

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**SECTION 2.13.**

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Compensation and expenses.

266 The mayor and councilmembers shall receive compensation and expenses for their services

267 as provided by ordinance.

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**SECTION 2.14.**

Conflicts of interest; holding other offices.

- (a) Elected and appointed officers of the city are trustees and servants of the residents of the city and shall act in a fiduciary capacity for the benefit of such residents.
- (b) Conflict of interest—No elected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall knowingly:
- (1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of that person's official duties or which would tend to impair the independence of that person's judgment or action in the performance of that person's official duties;
  - (2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of that person's official duties or would tend to impair the independence of that person's judgment or action in the performance of that person's official duties;
  - (3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property, government, or affairs of the governmental body by which that person is engaged without proper legal authorization or use such information to advance the financial or other private interest of that person or others;
  - (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to that person's knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which that person is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;
  - (5) Represent other private interests in any action or proceeding against this city or any portion of its government; or
  - (6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which that person has a financial interest.
- (c) Disclosure—Any elected official, appointed officer, or employee who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such interest to the city council. The mayor or any councilmember who has a financial interest in any matter pending before the city council shall disclose such interest and such disclosure shall be entered on the records of the city council, and that person shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any financial interest, directly

305 or indirectly, in any contract or matter pending before or within such entity shall disclose  
306 such interest to the governing body of such agency or entity.

307 (d) Use of public property—No elected official, appointed officer, or employee of the city  
308 or any agency or entity to which this charter applies shall use property owned by such  
309 governmental entity for personal benefit, convenience, or profit except in accordance with  
310 policies promulgated by the city council or the governing body of such agency or entity.

311 (e) Contracts voidable and rescindable—Any violation of this section which occurs with the  
312 knowledge, express or implied, of a party to a contract or sale shall render such contract or  
313 sale voidable at the option of the city council.

314 (f) Ineligibility of elected official—Except where authorized by law, neither the mayor nor  
315 any councilmember shall hold any other elective or compensated appointive office in the city  
316 or otherwise be employed by said government or any agency thereof during the term for  
317 which that person was elected. No former councilmember and no former mayor shall hold  
318 any compensated appointive office in the city until one year after the expiration of the term  
319 for which that person was elected.

320 (g) Political activities of certain officers and employees—No appointed officer and no  
321 employee of the city shall continue in such employment upon qualifying as a candidate for  
322 nomination or election to any public office. No employee of the city shall continue in such  
323 employment upon election to any public office in this city or any other public office which  
324 is inconsistent, incompatible, or in conflict with the duties of the city employee. Such  
325 determination shall be made by the city council either immediately upon election or at any  
326 time such conflict may arise.

327 (h) Penalties for violation—

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

331 (2) Any officer or employee of the city who shall forfeit that person's office or position  
332 as described in paragraph (1) of this subsection shall be ineligible for appointment or  
333 election to or employment in a position in the city government for a period of three years  
334 thereafter.

## 335 **SECTION 2.15.**

### 336 **Inquiries and investigations.**

337 Following the adoption of an authorizing resolution, the city council may make inquiries and  
338 investigations into the affairs of the city and conduct of any department, office, or agency  
339 thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and  
340 require the production of evidence. Any person who fails or refuses to obey a lawful order

341 issued in the exercise of these powers by the city council shall be punished as may be  
342 provided by ordinance.

343 **SECTION 2.16.**

344 General power and authority of the city council.

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

347 (b) In addition to all other powers conferred upon it by law, the city council shall have the  
348 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and  
349 regulations, not inconsistent with this charter and the Constitution and the laws of the State  
350 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,  
351 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,  
352 or well-being of the inhabitants of the City of Stone Mountain and may enforce such  
353 ordinances by imposing penalties for violation thereof.

354 **SECTION 2.17.**

355 Organizational meetings.

356 The city council shall hold an organizational meeting at the first regular meeting in January  
357 following an election. The meeting shall be called to order by the city clerk and the oath of  
358 office shall be administered to the newly elected members as follows:

359 "I do swear (or affirm) that I will faithfully perform the duties of (mayor) (councilmember)  
360 of the City of Stone Mountain during my term of office; that I am not the holder of any  
361 unaccounted for public money due the State of Georgia or any political subdivision or  
362 authority thereof; that I am not the holder of any office of trust under the government of  
363 the United States, any other state, or any foreign state which I may, by the laws of the State  
364 of Georgia, be prohibited from holding; that I am otherwise qualified to hold the office to  
365 which I have been elected according to the Constitution and laws of Georgia; that I will  
366 support the Constitution of the United States and of the State of Georgia; that I am a  
367 resident of the City of Stone Mountain; and that I will enforce the charter and ordinances  
368 of the City of Stone Mountain to the best of my skill and ability."

369 **SECTION 2.18.**

370 Meetings.

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

373 (b) Special meetings of the city council may be held on call of the mayor or three members  
374 of the city council. Notice of such special meeting shall be served on all other members

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

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

### 386 **SECTION 2.19.**

#### 387 Rules of procedure.

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

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

### 394 **SECTION 2.20.**

#### 395 Quorum; voting.

396 Three members of the city council and the mayor or mayor pro tempore shall constitute a  
 397 quorum and shall be authorized to transact business of the city council. Voting on the  
 398 adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal,  
 399 but any member of the city council shall have the right to request a roll-call vote and such  
 400 vote shall be recorded in the journal. Except as otherwise provided in this charter, the  
 401 affirmative vote of four members of the city council shall be required for the adoption of any  
 402 ordinance, resolution, or motion.

### 403 **SECTION 2.21.**

#### 404 Ordinance form; procedures.

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

409 (b) An ordinance may be introduced by any member of the city council and be read at a  
 410 regular or special meeting of the city council. Ordinances shall be considered and adopted  
 411 or rejected by the city council in accordance with the rules which it shall establish; provided,  
 412 however, an ordinance shall not be adopted the same day it is introduced, except for  
 413 emergency ordinances provided for in Section 2.23 of this charter. Upon introduction of any  
 414 ordinance, the city clerk shall as soon as possible distribute a copy to the mayor and to each  
 415 councilmember and shall file a reasonable number of copies in the office of the city clerk and  
 416 at such other public places as the city council may designate.

417 **SECTION 2.22.**

418 Action requiring an ordinance.

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

420 **SECTION 2.23.**

421 Emergencies.

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

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

442

**SECTION 2.24.**

443

Codes of technical regulations.

444 (a) The city council may adopt any standard code of technical regulations by reference

445 thereto in an adopting ordinance. The procedure and requirements governing such adopting

446 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements

447 of subsection (b) of Section 2.21 of this charter for distribution and filing of copies of the

448 ordinance shall be construed to include copies of any code of technical regulations, as well

449 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as

450 well as the adopting ordinance, shall be authenticated and recorded by the city clerk pursuant

451 to Section 2.25 of this charter.

452 (b) Copies of any adopted code of technical regulations shall be made available by the city

453 clerk for inspection by the public.

454

**SECTION 2.25.**

455

Signing; authenticating;

456

recording; codification; printing.

457 (a) The city clerk shall authenticate by the city clerk's signature and record in full in a

458 properly indexed book kept for that purpose all ordinances adopted by the city council.

459 (b) The city council shall provide for the preparation of a general codification of all the

460 ordinances of the city having the force and effect of law. The general codification shall be

461 adopted by the city council by ordinance and shall be published promptly, together with all

462 amendments thereto and such codes of technical regulations and other rules and regulations

463 as the city council may specify. This compilation shall be known and cited officially as "The

464 Code of the City of Stone Mountain, Georgia." Copies of the code shall be furnished to all

465 officers, departments, and agencies of the city and made available for purchase by the public

466 at a reasonable price as fixed by the city manager.

467 (c) The city council shall cause each ordinance and each amendment to this charter to be

468 printed promptly following its adoption, and the printed ordinances and charter amendments

469 shall be made available for purchase by the public at reasonable prices to be fixed by the city

470 manager. Following publication of the first code under this charter and at all times

471 thereafter, the ordinances and charter amendments shall be printed in substantially the same

472 style as the code currently in effect and shall be suitable in form for incorporation therein.

473 The city council shall make such further arrangements as deemed desirable with reproduction

474 and distribution of any current changes in or additions to codes of technical regulations and

475 other rules and regulations included in the code.

476 **SECTION 2.26.**

477 City manager; appointment;  
478 qualifications; compensation.

479 The city council shall appoint a city manager for an indefinite term and shall fix the city  
480 manager's compensation. The city manager shall be appointed solely on the basis of that  
481 person's executive and administrative qualifications.

482 **SECTION 2.27.**

483 Removal of city manager.

484 (a) The city council may remove the city manager from office in accordance with the  
485 following procedures:

486 (1) The city council shall adopt by affirmative vote of a majority of all its members a  
487 preliminary resolution which states the reasons for removal and may suspend the city  
488 manager from duty for a period not to exceed 45 days. A copy of the resolution shall be  
489 delivered promptly to the city manager;

490 (2) Within five days after a copy of the resolution is delivered to the city manager, the city  
491 manager may file with the city council a written request for a public hearing. This hearing  
492 shall be held within 30 days after the request is filed. The manager may file with the city  
493 council a written reply not later than five days before the hearing; and

494 (3) If the city manager has not requested a public hearing within the time specified in  
495 paragraph (2) of this subsection, the city council may adopt a final resolution for removal,  
496 which may be made effective immediately, by an affirmative vote of a majority of all its  
497 members. If the city manager has requested a public hearing, the city council may adopt  
498 a final resolution for removal, which may be made effective immediately, by an affirmative  
499 vote of a majority of all its members at any time after the public hearing.

500 (b) The city manager may continue to receive a salary until the effective date of a final  
501 resolution of removal.

502 **SECTION 2.28.**

503 Acting city manager.

504 By letter filed with the city clerk, the city manager shall designate, subject to approval of the  
505 city council, a qualified city administrative officer to exercise the powers and perform the  
506 duties of city manager during the city manager's temporary absence or physical or mental  
507 disability. During such absence or disability, the city council may revoke such designation  
508 at any time and appoint another officer of the city to serve until the city manager shall return  
509 or the city manager's disability shall cease.

510

**SECTION 2.29.**

511

Powers and duties of the city manager.

512

The city manager shall be the chief executive and administrative officer of the city. The city

513

manager shall be responsible to the city council for the administration of all city affairs

514

placed in the city manager's charge by or under this charter. As the chief executive and

515

administrative officer, the city manager shall:

516

(1) Appoint and, when the city manager deems it necessary for the good of the city,

517

suspend or remove all city employees and administrative officers the city manager

518

appoints, except as otherwise provided by law or personnel ordinances adopted pursuant

519

to this charter. The city manager may authorize any administrative officer who is subject

520

to the city manager's direction and supervision to exercise these powers with respect to

521

subordinates in that officer's department, office, or agency;

522

(2) Direct and supervise the administration of all departments, offices, and agencies of

523

the city, except as otherwise provided by this charter or by law;

524

(3) Attend all city council meetings, except for closed meetings held for the purposes of

525

deliberating on the appointment, discipline, or removal of the city manager, and have the

526

right to take part in discussion, but the city manager may not vote;

527

(4) See that all laws, provisions of this charter, and acts of the city council, subject to

528

enforcement by the city manager or by officers subject to the city manager's direction and

529

supervision, are faithfully executed;

530

(5) Prepare and submit the annual operating budget and capital budget to the city

531

council;

532

(6) Submit to the city council and make available to the public a complete report on the

533

finances and administrative activities of the city as of the end of each fiscal year;

534

(7) Make such other reports as the city council may require concerning the operations

535

of city departments, offices, and agencies subject to the city manager's direction and

536

supervision;

537

(8) Keep the city council fully advised as to the financial condition and future needs of

538

the city, and make such recommendations to the city council concerning the affairs of the

539

city as the city manager deems desirable; and

540

(9) Perform other such duties as are specified in this charter or as may be required by the

541

city council.

542

**SECTION 2.30.**

543

Council's interference with administration.

544

Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the

545

city council or its members shall deal with city officers and employees who are subject to the

546 direction and supervision of the city manager solely through the city manager, and neither  
547 the city council nor its members shall give orders to any such officer or employee, either  
548 publicly or privately.

549 **SECTION 2.31.**

550 Selection of mayor pro tempore.

551 By a majority vote of all its members, the city council shall elect a councilmember to serve  
552 as mayor pro tempore who shall serve at the pleasure of the city council. The mayor pro  
553 tempore shall continue to vote and otherwise participate as a councilmember.

554 **SECTION 2.32.**

555 Powers and duties of mayor.

556 The mayor shall:

- 557 (1) Preside at all meetings of the mayor and city council and have the right to take part in  
558 the deliberations of the city council, but shall not vote on any question except in the case  
559 of a tie;
- 560 (2) Serve as the head of the city for the purpose of service of process and for ceremonial  
561 purposes and be the official spokesperson for the city and the chief advocate of policy;
- 562 (3) Have power to administer oaths and to take affidavits;
- 563 (4) Sign as a matter of course on behalf of the city all written and approved contracts,  
564 ordinances, and other instruments executed by the city which by law are required to be in  
565 writing;
- 566 (5) Be clothed with veto power as pursuant to Section 2.34 of this charter;
- 567 (6) Sign, along with an individual so designated by majority vote of the city council, all  
568 checks for the payment of money; and
- 569 (7) Call the city council together at any time when deemed necessary by him or her.

570 **SECTION 2.33.**

571 Mayor pro tempore.

572 During the absence or physical or mental disability of the mayor for any cause, the mayor  
573 pro tempore of the city council, or in such person's absence or disability for any reason, any  
574 one of the councilmembers chosen by a majority vote of the city council, shall be clothed  
575 with all the rights and privileges of the mayor and shall perform the duties of the office of  
576 the mayor so long as such absence or disability shall continue. Any such absence or  
577 disability shall be declared by majority vote of all councilmembers. The mayor pro tempore  
578 or selected councilmember shall sign all contracts and ordinances in which the mayor has a  
579 disqualifying financial interest as provided in Section 2.14 of this charter.

580

**SECTION 2.34.**

581

Submission of ordinances to the mayor; veto power.

582

(a) Every ordinance adopted by the city council shall be presented by the city clerk to the mayor within three days after its adoption.

584

(b) The mayor shall within four days of receipt of an ordinance return it to the city clerk with or without his or her approval or with his or her disapproval. If the ordinance has been approved by the mayor, it shall become law upon its return to the city clerk; if the ordinance is neither approved nor disapproved, it shall become law on the fifteenth day after its adoption; if the ordinance is disapproved, the mayor shall submit to the city council through the city clerk a written statement of the reasons for the veto. The city clerk shall record upon the ordinance the date of its delivery to and receipt from the mayor.

591

(c) Ordinances vetoed by the mayor shall be presented by the city clerk to the city council at its next meeting when a quorum shall be present, and should the city council then or at its next general meeting adopt the ordinance by an affirmative vote of a majority of the quorum then present, it shall become law.

595

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

601

**ARTICLE III**

602

**ADMINISTRATIVE AFFAIRS**

603

**SECTION 3.10.**

604

Administrative and service departments.

605

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

609

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

612

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

613

614 (d) There shall be a director of each department or agency who shall be its principal officer.  
 615 Each director shall, subject to the direction and supervision of the city manager, be  
 616 responsible for the administration and direction of the affairs and operations of that director's  
 617 department or agency.

618 (e) All appointed officers and directors under the supervision of the city manager shall be  
 619 nominated by the city manager with confirmation of appointment by the city council. All  
 620 appointed officers and directors shall be employees at will and subject to removal or  
 621 suspension at any time by the city manager unless otherwise provided by law or ordinance.

### 622 **SECTION 3.11.**

#### 623 **Boards, commissions, and authorities.**

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

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

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

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

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

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

643 (g) All members of boards, commissions, or authorities of the city serve at will and may be  
 644 removed at any time by the city council unless otherwise provided by law.

645 (h) Except as otherwise provided by this charter or by law, each board, commission, or  
 646 authority of the city shall elect one of its members as chairperson and one member as vice  
 647 chairperson and may elect as its secretary one of its own members or may appoint as  
 648 secretary an employee of the city. Each board, commission, or authority of the city  
 649 government may establish such bylaws, rules, and regulations, not inconsistent with this

650 charter, ordinances of the city, or law, as it deems appropriate and necessary for the  
651 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and  
652 regulations shall be filed with the clerk of the city.

653 **SECTION 3.12.**

654 City attorney.

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

663 **SECTION 3.13.**

664 City clerk.

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

669 **SECTION 3.14.**

670 Position classification and pay plans.

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

677 **SECTION 3.15.**

678 Personnel policies.

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

681                                   ARTICLE IV  
682                                   JUDICIAL BRANCH  
683                                   **SECTION 4.10.**  
684                                   Creation; name.

685    There shall be a court to be known as the Municipal Court of the City of Stone Mountain.

686                                   **SECTION 4.11.**  
687                                   Chief judge; associate judge.

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

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

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

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

697    (e) Before assuming office, each judge shall take an oath, given by the mayor, that such  
698    judge will honestly and faithfully discharge the duties of the judge's office to the best of the  
699    judge's ability and without fear, favor, or partiality. The oath shall be entered upon the  
700    minutes of the city council journal required in Section 2.19 of this charter.

701                                   **SECTION 4.12.**  
702                                   Convening.

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

704                                   **SECTION 4.13.**  
705                                   Jurisdiction; powers.

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

708    (b) The municipal court shall have authority to punish those in its presence for contempt,  
709    provided that such punishment shall not exceed \$100.00 or 15 days in jail.

710    (c) The municipal court may fix punishment for offenses within its jurisdiction not  
711    exceeding a fine of \$1,000.00 or imprisonment for 90 days or both such fine and  
712    imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing, as  
713    now or hereafter provided by law.

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

717 (e) The municipal court shall have authority to establish bail and recognizances to ensure  
 718 the presence of those charged with violations before such court and shall have discretionary  
 719 authority to accept cash or personal or real property as surety for the appearance of persons  
 720 charged with violations. Whenever any person shall give bail for that person's appearance  
 721 and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by the  
 722 judge presiding at such time and an execution issued thereon by serving the defendant and  
 723 the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi.  
 724 In the event that cash or property is accepted in lieu of bond for security for the appearance  
 725 of a defendant at trial, and if such defendant fails to appear at the time and place fixed for  
 726 trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the  
 727 property so deposited shall have a lien against it for the value forfeited which lien shall be  
 728 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

735 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of  
 736 persons charged with offenses against any ordinance of the city, and each judge of the  
 737 municipal court shall have the same authority as a magistrate of the state to issue warrants  
 738 for offenses against state laws committed within the city.

739 **SECTION 4.14.**

740 Certiorari.

741 The right of certiorari from the decision and judgment of the municipal court shall exist in  
 742 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under  
 743 the sanction of a judge of the Superior Court of DeKalb County under the laws of the State  
 744 of Georgia regulating the granting and issuance of writs of certiorari.

745 **SECTION 4.15.**

746 Rules for court.

747 With the approval of the city council, the judge shall have full power and authority to make  
 748 reasonable rules and regulations necessary and proper to secure the efficient and successful

749 administration of the municipal court; provided, however, that the city council may adopt in  
 750 part or in toto the rules and regulations applicable to municipal courts. The rules and  
 751 regulations made or adopted shall be filed with the city clerk, shall be available for public  
 752 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court  
 753 proceedings at least 48 hours prior to such proceedings.

754 **ARTICLE V**

755 **ELECTIONS AND REMOVAL**

756 **SECTION 5.10.**

757 Applicability of general law.

758 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title  
 759 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

760 **SECTION 5.11.**

761 Regular elections; time for holding.

762 The mayor and councilmembers elected in the general municipal elections in 2007 and 2009,  
 763 and any person selected to fill a vacancy in any such office, shall serve until the regular  
 764 expiration of their respective terms of office. Regular general municipal elections shall be  
 765 held on the Tuesday next following the first Monday in November of each odd-numbered  
 766 year for the election of successors to the mayor and councilmembers. The terms of office  
 767 shall begin at the time of taking the oath of office as provided in Section 2.17 of this charter.

768 **SECTION 5.12.**

769 Nonpartisan elections.

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

772 **SECTION 5.13.**

773 Election by plurality vote.

774 The person receiving a plurality of the votes cast for any city office shall be elected.

775 **SECTION 5.14.**

776 Special elections; vacancies.

777 In the event that the office of councilmember shall become vacant as provided in Section  
 778 2.12 of this charter, the city council or those remaining shall order a special election to fill  
 779 the balance of the unexpired term of such official; provided, however, if such vacancy occurs

780 within 12 months of the expiration of the term of that office, the city council or those  
 781 members remaining shall appoint a successor for the remainder of the term. In all other  
 782 respects, the special election shall be held and conducted in accordance with Chapter 2 of  
 783 Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

784 **SECTION 5.15.**

785 Other provisions.

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

789 **SECTION 5.16.**

790 Removal of officers.

791 (a) A councilmember, the mayor, or other appointed officers provided for in this charter  
 792 shall be removed from office for any one or more of the causes provided in Title 45 of the  
 793 O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

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

796 (1) Following a hearing at which an impartial panel shall render a decision. In the event  
 797 an elected officer is sought to be removed by the action of the city council, such officer  
 798 shall be entitled to a written notice specifying the ground or grounds for removal and to  
 799 a public hearing which shall be held not less than ten days after the service of such  
 800 written notice. The city council shall provide by ordinance for the manner in which such  
 801 hearings shall be held. Any elected officer sought to be removed from office as provided  
 802 in this section shall have the right of appeal from the decision of the city council to the  
 803 Superior Court of DeKalb County. Such appeal shall be governed by the same rules as  
 804 govern appeals to the superior court from the probate court; or

805 (2) By an order of the Superior Court of DeKalb County following a hearing on a  
 806 complaint seeking such removal brought by any resident of the City of Stone Mountain.

807 **ARTICLE VI**

808 **FINANCE**

809 **SECTION 6.10.**

810 Property tax.

811 The city council may assess, levy, and collect an ad valorem tax on all real and personal  
 812 property within the corporate limits of the city that is subject to such taxation by the state and

813 county. This tax is for the purpose of raising revenues to defray the costs of operating the  
814 city government, of providing governmental services, for the repayment of principal and  
815 interest on general obligations, and for any other public purpose as determined by the city  
816 council in its discretion.

817 **SECTION 6.11.**

818 Millage rate; due dates; payment methods.

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

823 **SECTION 6.12.**

824 Occupation and business taxes.

825 The city council by ordinance shall have the power to levy such occupation or business taxes  
826 as are not denied by law. The city council may classify businesses, occupations, or  
827 professions for the purpose of such taxation in any way which may be lawful and may  
828 compel the payment of such taxes as provided in Section 6.18 of this charter.

829 **SECTION 6.13.**

830 Licenses; permits; fees.

831 The city council by ordinance shall have the power to require businesses or practitioners  
832 doing business in this city to obtain a permit for such activity from the city and pay a  
833 regulatory fee for such permit as provided by general law. Such fees shall reflect the total  
834 cost to the city of regulating the activity and, if unpaid, shall be collected as provided in  
835 Section 6.18 of this charter.

836 **SECTION 6.14.**

837 Franchises.

838 (a) The city council shall have the power to grant franchises for the use of this city's streets  
839 and alleys for the purposes of railroads, street railways, telephone companies, electric  
840 companies, electric membership corporations, cable television and other telecommunications  
841 companies, gas companies, transportation companies, and other similar organizations. The  
842 city council shall determine the duration, terms, whether the same shall be exclusive or  
843 nonexclusive, and the consideration for such franchises; provided, however, no franchise  
844 shall be granted for a period in excess of 35 years and no franchise shall be granted unless  
845 the city receives just and adequate compensation therefor. The city council shall provide for

846 the registration of all franchises with the city clerk in a registration book kept by the city  
847 clerk. The city council may provide by ordinance for the registration within a reasonable  
848 time of all franchises previously granted.

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

854 **SECTION 6.15.**

855 Service charges.

856 The city council by ordinance shall have the power to assess and collect fees, charges, and  
857 tolls for sewers, sanitary and health services, or any other services provided or made  
858 available within and outside the corporate limits of the city for the total cost to the city of  
859 providing or making available such services. If unpaid, such charges shall be collected as  
860 provided in Section 6.18 of this charter.

861 **SECTION 6.16.**

862 Special assessments.

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

868 **SECTION 6.17.**

869 Construction; other taxes.

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

873 **SECTION 6.18.**

874 Collection of delinquent taxes and fees.

875 The city council by ordinance may provide generally for the collection of delinquent taxes,  
876 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by  
877 whatever reasonable means as are not precluded by law. This shall include providing for the  
878 dates when the taxes or fees are due; late penalties or interest; issuance and execution of

879 fi. fas.; creation and priority of liens; making delinquent taxes and fees personal debts of the  
880 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any  
881 city taxes or fees; and providing for the assignment or transfer of tax executions.

882 **SECTION 6.19.**

883 General obligation bonds.

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

888 **SECTION 6.20.**

889 Revenue bonds.

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

893 **SECTION 6.21.**

894 Short-term loans.

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

897 **SECTION 6.22.**

898 Lease-purchase contracts.

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

906 **SECTION 6.23.**

907 Fiscal year.

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

911 **SECTION 6.24.**

912 Budget ordinance.

913 The city council shall provide an ordinance on the procedures and requirements for the  
 914 preparation and execution of an annual operating budget, a capital improvement plan, and  
 915 a capital budget, including requirements as to the scope, content, and form of such budgets  
 916 and plans. The city council shall also comply with the budgeting and auditing provisions of  
 917 Chapter 81 of Title 36 of the O.C.G.A.

918 **SECTION 6.25.**

919 Operating budget.

920 On or before a date fixed by the city council but not later than 45 days prior to the beginning  
 921 of each fiscal year, the city manager shall submit to the city council a proposed operating  
 922 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the  
 923 city manager containing a statement of the general fiscal policies of the city, the important  
 924 features of the budget, explanations of major changes recommended for the next fiscal year,  
 925 a general summary of the budget, and other pertinent comments and information. The  
 926 operating budget and the capital budget provided for in Section 6.29 of this charter, the  
 927 budget message, and all supporting documents shall be filed in the office of the city clerk and  
 928 shall be open to public inspection.

929 **SECTION 6.26.**

930 Action by city council on budget.

931 (a) The councilmembers may amend the operating budget proposed by the city manager,  
 932 except that the budget as finally amended and adopted must provide for all expenditures  
 933 required by state law or by other provisions of this charter and for all debt service  
 934 requirements for the ensuing fiscal year. The total appropriations from any fund shall not  
 935 exceed the estimated fund balance, reserves, and revenues.

936 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal  
 937 year not later than the first day of the ensuing fiscal year. If the city council fails to adopt  
 938 the budget by said date, the amounts appropriated for operation for the then current fiscal  
 939 year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all  
 940 items prorated accordingly, until such time as the city council adopts a budget for the ensuing  
 941 fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting  
 942 out the estimated revenues in detail by sources and making appropriations according to fund  
 943 and by organizational unit, purpose, or activity as set out in the budget preparation ordinance  
 944 adopted pursuant to Section 6.24 of this charter.

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

949 **SECTION 6.27.**

950 Levy of taxes.

951 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates  
952 set by such ordinance shall be such that reasonable estimates of revenues from such levy  
953 shall at least be sufficient, together with other anticipated revenues, fund balances, and  
954 applicable reserves, to equal the total amount appropriated for each of the several funds set  
955 forth in the annual operating budget for defraying the expenses of the general government  
956 of this city.

957 **SECTION 6.28.**

958 Changes in appropriations.

959 The city council by ordinance may make changes in the appropriations contained in the  
960 current operating budget at any regular meeting or special or emergency meeting called for  
961 such purpose, but any additional appropriations may be made only from an existing  
962 unexpended surplus.

963 **SECTION 6.29.**

964 Capital improvements.

965 (a) On or before the date fixed by the city council, but not later than 45 days prior to the  
966 beginning of each fiscal year, the city manager shall submit to the city council a proposed  
967 capital improvements plan with a recommended capital budget containing the means of  
968 financing the improvements proposed for the ensuing fiscal year. The city council shall have  
969 power to accept, with or without amendments, or reject the proposed plan and budget. The  
970 city council shall not authorize an expenditure for the construction of any building, structure,  
971 work, or improvement unless the appropriations for such project are included in the capital  
972 budget, except to meet a public emergency as provided in Section 2.23 of this charter.

973 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal  
974 year not later than the first day of the ensuing fiscal year. No appropriation provided for in  
975 a prior capital budget shall lapse until the purpose for which the appropriation was made  
976 shall have been accomplished or abandoned; provided, however, the city manager may  
977 submit amendments to the capital budget at any time during the fiscal year, accompanied by

978 recommendations. Any such amendments to the capital budget shall become effective only  
979 upon adoption by ordinance.

980 **SECTION 6.30.**

981 Audits.

982 There shall be an annual independent audit of all city accounts, funds, and financial  
983 transactions by a certified public accountant selected by the city council. The audit shall be  
984 conducted according to generally accepted auditing principles. Any audit of any funds by  
985 the state or federal governments may be accepted as satisfying the requirements of this  
986 charter. Copies of annual audit reports shall be available at printing costs to the public.

987 **SECTION 6.31.**

988 Procurement and property management.

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

- 990 (1) It is in writing;
- 991 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of  
992 course, is signed by the city attorney to indicate such drafting or review; and
- 993 (3) It is made or authorized by the city council and such approval is entered in the city  
994 council journal of proceedings pursuant to Section 2.19 of this charter.

995 **SECTION 6.32.**

996 Purchasing.

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

999 **SECTION 6.33.**

1000 Sale and lease of property.

- 1001 (a) The city council may sell and convey or lease any real or personal property owned or  
1002 held by the city for governmental or other purposes as now or hereafter provided by law.
- 1003 (b) The city council may quitclaim any rights it may have in property not needed for public  
1004 purposes upon report by the city manager and adoption of a resolution, both finding that the  
1005 property is not needed for public or other purposes and that the interest of the city has no  
1006 readily ascertainable monetary value.
- 1007 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place  
1008 of the city a small parcel or tract of land is cut off or separated by such work from a larger  
1009 tract or boundary of land owned by the city, the city council may authorize the city manager  
1010 to sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining

1011 property owner or owners where such sale and conveyance facilitates the highest and best  
 1012 use of the abutting owner's property. Included in the sales contract shall be a provision for  
 1013 the rights of way of said street, avenue, alley, or public place. Each abutting property owner  
 1014 shall be notified of the availability of the property and given the opportunity to purchase said  
 1015 property under such terms and conditions as set out by ordinance. All deeds and  
 1016 conveyances heretofore and hereafter so executed and delivered shall convey all title and  
 1017 interest the city has in such property, notwithstanding the fact that no public sale after  
 1018 advertisement was or is hereafter made.

1019 **ARTICLE VII**

1020 **GENERAL PROVISIONS**

1021 **SECTION 7.10.**

1022 Bonds for officials.

1023 The officers and employees of this city, both elected and appointed, shall execute such surety  
 1024 or fidelity bonds in such amounts and upon such terms and conditions as the city council  
 1025 shall from time to time require by ordinance or as may be provided by law.

1026 **SECTION 7.11.**

1027 Prior ordinances.

1028 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent  
 1029 with this charter are declared valid and of full effect and force until amended or repealed by  
 1030 the city council.

1031 **SECTION 7.12.**

1032 Existing personnel and officers.

1033 Except as specifically provided otherwise by this charter, all personnel and officers of this  
 1034 city and their rights, privileges, and powers shall continue beyond the time this charter takes  
 1035 effect for a period of 60 days before or during which time the existing city council shall pass  
 1036 a transition ordinance detailing the changes in personnel and appointed officers required or  
 1037 desired and arranging such titles, rights, privileges, and powers as may be required or desired  
 1038 to allow a reasonable transition.

1039 **SECTION 7.13.**

1040 Pending matters.

1041 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,  
 1042 contracts, and legal or administrative proceedings shall continue and any such ongoing work

1043 or cases shall be completed by such city agencies, personnel, or offices as may be provided  
1044 by the city council.

1045 **SECTION 7.14.**

1046 Construction and definitions.

1047 (a) Section captions in this charter are informative only and are not be considered as a part  
1048 thereof.

1049 (b) The word "shall" is mandatory and the word "may" is permissive.

1050 (c) The singular shall include the plural, the masculine shall include the feminine, and vice  
1051 versa.

1052 (d) Except as specifically provided otherwise by this charter, the term:

1053 (1) "City council" means the members of the city council.

1054 (2) "Councilmember" means a member of the city council.

1055 **SECTION 7.15.**

1056 Specific repealer.

1057 An Act incorporating the City of Stone Mountain, approved March 28, 1990 (Ga. L. 1990,  
1058 P. 4790), is repealed in its entirety and all amendatory Acts thereto are likewise repealed in  
1059 their entirety.

1060 **SECTION 7.16.**

1061 Referendum.

1062 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election  
1063 superintendent of the City of Stone Mountain shall call and conduct an election as provided  
1064 in this section for the purpose of submitting this Act to the electors of the City of Stone  
1065 Mountain for approval or rejection. The election superintendent shall conduct that election  
1066 on the date of the general election in November, 2009, and shall issue the call and conduct  
1067 that election as provided by general law. The election superintendent shall cause the date and  
1068 purpose of the election to be published once a week for two weeks immediately preceding  
1069 the date thereof in the official organ of DeKalb County. The ballot shall have written or  
1070 printed thereon the words:

1071 "( ) YES Shall the Act which provides a new charter for the City of Stone Mountain

1072 ( ) NO be approved?"

1073 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring  
1074 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on  
1075 such question are for approval of the Act, it shall become of full force and effect on January  
1076 1, 2010. If the Act is not so approved or if the election is not conducted as provided in this

1077 section, the remaining sections of this Act shall not become effective and this Act shall be  
1078 automatically repealed on January 1, 2010. The expense of such election shall be borne by  
1079 the City of Stone Mountain. It shall be the election superintendent's duty to certify the result  
1080 thereof to the Secretary of State.

1081 **SECTION 7.17.**

1082 Effective date.

1083 Section 7.16 and this section shall become effective upon signature of the Governor. The  
1084 remaining sections of this charter shall become effective as provided in Section 7.16.

1085 **SECTION 7.18.**

1086 Preclearance.

1087 The governing authority of the City of Stone Mountain shall through its legal counsel cause  
1088 this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as  
1089 amended; and such submission shall be made to the United States Department of Justice or  
1090 filed with the appropriate court no later than 45 days after the date on which this Act is  
1091 approved by the Governor or otherwise becomes law without such approval.

1092 **SECTION 7.19.**

1093 General repealer.

1094 All laws and parts of laws in conflict with this Act are repealed.