

House Bill 265 (AS PASSED HOUSE AND SENATE)

By: Representative Pruett of the 144<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

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

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 ARTICLE I  
24 INCORPORATION AND POWERS

25 SECTION 1.10.

26 Name.

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

30 SECTION 1.11.

31 Corporate boundaries.

32 (a) The corporate boundaries of this city shall be as described and set forth in Appendix A  
33 attached to this charter.

34 (b) The city council may provide for changes in Appendix A by ordinance to reflect lawful  
35 changes in the corporate boundaries.

36 SECTION 1.12.

37 Powers and construction.

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

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

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

50 (2) Appropriations and expenditures. To make appropriations for the support of the  
51 government of the city; to authorize the expenditure of money for any purposes  
52 authorized by this charter and for any purpose for which a municipality is authorized by  
53 the laws of the State of Georgia; and to provide for the payment of expenses of the city;

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

90 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the  
91 enforcement of such standards;

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

95 (13) Health and sanitation. To prescribe standards of health and sanitation and to  
96 provide for the enforcement of such standards;

97 (14) Jail sentences. To provide that persons given jail sentences in the municipal court  
98 may work out such sentences in any public works or on the streets, roads, drains, and  
99 other public property in the city; to provide for commitment of such persons to any jail;  
100 or to provide for commitment of such persons to any county work camp or county jail by  
101 agreement with the appropriate county officials;

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

105 (16) Municipal agencies and delegation of power. To create, alter, or abolish  
106 departments, boards, offices, commissions, and agencies of the city and to confer upon  
107 such agencies the necessary and appropriate authority for carrying out all the powers  
108 conferred upon or delegated to the same;

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

112 (18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or  
113 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or  
114 outside the property limits of the city;

115 (19) Municipal property protection. To provide for the preservation and protection of  
116 property and equipment of the city and the administration and use of same by the public:  
117 and to prescribe penalties and punishment for violations thereof;

118 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose  
119 of public utilities, including but not limited to a system of waterworks, sewers and drains,  
120 sewage disposal, gas works, electric light plants, cable television and other  
121 telecommunications, transportation facilities, public airports, and any other public utility;  
122 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and  
123 to provide for the withdrawal of service for refusal or failure to pay the same;

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

- 126 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to  
127 the authority of this charter and the laws of the State of Georgia;
- 128 (23) Planning and zoning. To provide comprehensive city planning for development by  
129 zoning; and to provide subdivision regulation and the like as the city council deems  
130 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;
- 131 (24) Police and fire protection. To exercise the power of arrest through duly appointed  
132 police officers and to establish, operate, or contract for a police and a fire-fighting  
133 agency;
- 134 (25) Public hazards; removal. To provide for the destruction and removal of any  
135 building or other structure which is or may become dangerous or detrimental to the  
136 public;
- 137 (26) Public improvements. To provide for the acquisition, construction, building,  
138 operation, and maintenance of public ways, parks and playgrounds, public grounds,  
139 recreational facilities, cemeteries, markets and market houses, public buildings, libraries,  
140 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, other  
141 public utilities, public housing, airports, hospitals, terminals, docks, parking facilities, and  
142 charitable, cultural, educational, recreational, conservation, sport, curative, corrective,  
143 detentional, penal, and medical institutions, agencies, and facilities; and to provide any  
144 other public improvements, inside or outside the corporate limits of the city; to regulate  
145 the use of public improvements: and, for such purposes, property may be acquired by  
146 condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are now  
147 or may hereafter be enacted;
- 148 (27) Public peace. To provide for the prevention and punishment of drunkenness, riots,  
149 and public disturbances;
- 150 (28) Public transportation. To organize and operate or contract for such public  
151 transportation systems as are deemed beneficial;
- 152 (29) Public utilities and services. To grant franchises or make contracts for or impose  
153 taxes on public utilities and public service companies and to prescribe the rates, fares,  
154 regulations, and standards and conditions of service applicable to the service to be  
155 provided by the franchise grantee or contractor, insofar as not in conflict with valid  
156 regulations of the Georgia Public Service Commission;
- 157 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,  
158 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any  
159 and all other structures or obstructions upon or adjacent to the rights of way of streets and  
160 roads or within view thereof, within or abutting the corporate limits of the city; and to  
161 prescribe penalties and punishment for violation of such ordinances;

- 162 (31) Retirement. In its discretion, to provide and maintain a retirement plan for officers  
163 and employees of the city;
- 164 (32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade  
165 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise  
166 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and  
167 walkways within the corporate limits of the city; and to grant franchises and rights of way  
168 throughout the streets and roads and over the bridges and viaducts for the use of public  
169 utilities; and to require real estate owners to repair and maintain in a safe condition the  
170 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;
- 171 (33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,  
172 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant  
173 and sewerage system and to levy on those to whom sewers and sewerage systems are  
174 made available a sewer service fee, charge, or sewer tax for the availability or use of the  
175 sewers; to provide for the manner and method of collecting such service charges and for  
176 enforcing payment of the same; and to charge, impose, and collect a sewer connection fee  
177 or fees to those connected with the system;
- 178 (34) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,  
179 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by  
180 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,  
181 paper, and other recyclable materials and to provide for the sale of such items;
- 182 (35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,  
183 the manufacture, sale, or transportation of any intoxicating liquors, and the use of  
184 firearms; to regulate the transportation, storage, and use of combustible, explosive, and  
185 inflammable materials, the use of lighting and heating equipment, and any other business  
186 or situation which may be dangerous to persons or property; to regulate and control the  
187 conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows  
188 of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit  
189 professional fortunetelling, palmistry, adult bookstores, and massage parlors;
- 190 (36) Special assessments. To levy and provide for the collection of special assessments  
191 to cover the costs for any public improvements;
- 192 (37) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,  
193 and collection of taxes on all property subject to taxation;
- 194 (38) Taxes: other. To levy and collect such other taxes as may be allowed now or in the  
195 future by law;
- 196 (39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the  
197 number of such vehicles; to require the operators thereof to be licensed; to require public

198 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to  
 199 regulate the parking of such vehicles;  
 200 (40) Urban redevelopment. To organize and operate an urban redevelopment program;  
 201 and  
 202 (41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,  
 203 and immunities necessary or desirable to promote or protect the safety, health, peace,  
 204 security, good order, comfort, convenience, or general welfare of the city and its  
 205 inhabitants; and to exercise all implied powers necessary or desirable to carry into  
 206 execution all powers granted in this charter as fully and completely as if such powers  
 207 were fully stated in this charter; and to exercise all powers now or in the future authorized  
 208 to be exercised by other municipal governments under other laws of the State of Georgia;  
 209 and no listing of particular powers in this charter shall be held to be exclusive of others,  
 210 nor restrictive of general words and phrases granting powers, but shall be held to be in  
 211 addition to such powers unless expressly prohibited to municipalities under the  
 212 Constitution or applicable laws of the State of Georgia.

213 **SECTION 1.13.**

214 Exercise of powers.

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

219 **ARTICLE II**

220 **GOVERNMENT STRUCTURE**

221 **SECTION 2.10.**

222 City council creation; number; election.

223 The city council established in this charter shall in all respects be a successor to and  
 224 continuation of the city governing authority under prior law. The mayor and  
 225 councilmembers shall be elected in the manner provided by this charter.

226 **SECTION 2.11.**

227 City councilmembers; terms and qualifications for office.

228 The members of the city council shall serve for terms of four years and until their respective  
229 successors are elected and qualified. The term of office of each member of the city council  
230 shall begin on the first day of January immediately following the election of such member.  
231 No person shall be eligible to serve as mayor or councilmember unless that person shall have  
232 been a resident of the city for 12 months prior to the date of the election of mayor or  
233 members of the city council; each shall continue to reside therein during that person's period  
234 of service and to be registered and qualified to vote in municipal elections of this city.

235 **SECTION 2.12.**

236 Vacancy; filling of vacancies; suspensions.

237 (a) Vacancies. The office of mayor or councilmember shall become vacant upon such  
238 person's failing or ceasing to reside in the city or upon the occurrence of any event specified  
239 by the Constitution, Title 45 of the O.C.G.A., or such other applicable laws as are or may  
240 hereafter be enacted.

241 (b) Filling of vacancies. A vacancy in the office of mayor or councilmember shall be filled  
242 for the remainder of the unexpired term, if any, by appointment if less than 12 months remain  
243 in the unexpired term, otherwise by an election as provided for in Section 5.14 of this charter  
244 and Titles 21 and 45 of the O.C.G.A. or such other laws as are or may hereafter be enacted.

245 (c) Suspension. Upon the suspension from office of mayor or councilmember in any manner  
246 authorized by the general laws of the State of Georgia, the city council or those remaining  
247 shall appoint a successor for the duration of the suspension. If the suspension becomes  
248 permanent, then the office shall become vacant and shall be filled for the remainder of the  
249 unexpired term, if any, as provided for in this charter.

250 **SECTION 2.13.**

251 Compensation and expenses.

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

254

**SECTION 2.14.**

255

Conflicts of interest; holding other offices.

256 (a) Elected and appointed officers of the city are trustees and servants of the residents of the  
257 city and shall act in a fiduciary capacity for the benefit of such residents.

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

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

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

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

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

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

281 (6) Vote or otherwise participate in the negotiation or in the making of any contract with  
282 any business or entity in which that person has a financial interest.

283 (c) Disclosure. Any elected official, appointed officer, or employee who shall have any  
284 financial interest, directly or indirectly, in any contract or matter pending before or within  
285 any department of the city shall disclose such interest to the city council. The mayor or any  
286 councilmember who has a financial interest in any matter pending before the city council  
287 shall disclose such interest and such disclosure shall be entered on the records of the city  
288 council, and that person shall disqualify himself or herself from participating in any decision  
289 or vote relating thereto. Any elected official, appointed officer, or employee of any agency

290 or political entity to which this charter applies who shall have any financial interest, directly  
291 or indirectly, in any contract or matter pending before or within such entity shall disclose  
292 such interest to the governing body of such agency or entity.

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

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

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

306 (g) Political activities of certain officers and employees. No appointed officer and no  
307 employee of the city shall continue in such employment upon qualifying as a candidate for  
308 nomination or election to any public office. No employee of the city shall continue in such  
309 employment upon election to any public office in this city or any other public office which  
310 is inconsistent, incompatible, or in conflict with the duties of the city employee. Such  
311 determination shall be made by the mayor and city council either immediately upon election  
312 or at any time such conflict may arise.

313 (h) Penalties for violation.

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

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

## 321 **SECTION 2.15.**

### 322 **Inquiries and investigations.**

323 Following the adoption of an authorizing resolution, the city council may make inquiries and  
324 investigations into the affairs of the city and conduct of any department, office, or agency

325 thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and  
326 require the production of evidence. Any person who fails or refuses to obey a lawful order  
327 issued in the exercise of these powers by the city council shall be punished as may be  
328 provided by ordinance.

329 **SECTION 2.16.**

330 General power and authority of the city council.

331 Except as otherwise provided by law or this charter, the city council shall be vested with all  
332 the powers of government of this city.

333 **SECTION 2.17.**

334 Organizational meetings.

335 The city council shall hold an organizational meeting on the first meeting in January of each  
336 year. The meeting shall be called to order by the city clerk and the oath of office shall be  
337 administered to the newly elected members as follows:

338 "I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor)  
339 (councilmember) of this city and that I will support and defend the charter thereof as well  
340 as the Constitution and laws of the State of Georgia and the United States of America."

341 **SECTION 2.18.**

342 Meetings.

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

345 (b) Special meetings of the city council may be held on call of the mayor or three members  
346 of the city council. Notice of such special meeting shall be served on all other members  
347 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such  
348 notice to councilmembers shall not be required if the mayor and all councilmembers are  
349 present when the special meeting is called. Such notice of any special meeting may be  
350 waived by a councilmember in writing before or after such a meeting and attendance at the  
351 meeting shall also constitute a waiver of notice on any business transacted in such  
352 councilmember's presence. Only the business stated in the call may be transacted at the  
353 special meeting.

354 (c) All meetings of the city council shall be public to the extent required by law, and notice  
355 to the public of special meetings shall be made as fully as is reasonably possible as provided

356 by Code Section 50-14-1 of the O.C.G.A. or other such applicable laws as are or may  
357 hereafter be enacted.

358 **SECTION 2.19.**

359 Rules of procedure.

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

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

366 **SECTION 2.20.**

367 Quorum; voting.

368 Three members of the city council shall constitute a quorum and shall be authorized to  
369 transact business of the city council. Voting on the adoption of ordinances shall be by voice  
370 vote and the vote shall be recorded in the journal, but any member of the city council shall  
371 have the right to request a roll-call vote and such vote shall be recorded in the journal.  
372 Except as otherwise provided in this charter, the affirmative vote of three members of the city  
373 council shall be required for the adoption of any ordinance, resolution, or motion. An  
374 abstention shall be counted as an affirmative vote.

375 **SECTION 2.21.**

376 Ordinance form; procedures.

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

381 (b) An ordinance may be introduced by any member of the city council and be read at a  
382 regular or special meeting of the city council. Ordinances shall be considered and adopted  
383 or rejected by the city council in accordance with the rules which it shall establish; provided,  
384 however, an ordinance shall not be adopted the same day it is introduced, except for  
385 emergency ordinances provided for in Section 2.23 of this charter. Upon introduction of any  
386 ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to each

387 councilmember and shall file a reasonable number of copies in the office of the clerk and at  
388 such other public places as the city council may designate.

389 **SECTION 2.22.**

390 Action requiring an ordinance.

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

392 **SECTION 2.23.**

393 Emergencies.

394 (a) To meet a public emergency affecting life, health, property, or public peace, the city  
395 council may convene on call of the mayor or two councilmembers and may promptly adopt  
396 an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a  
397 franchise; regulate the rate charged by any public utility for its services; or authorize the  
398 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance  
399 shall be introduced in the form prescribed for ordinances generally, except that it shall be  
400 plainly designated as an emergency ordinance and shall contain, after the enacting clause,  
401 a declaration stating that an emergency exists and describing the emergency in clear and  
402 specific terms. An emergency ordinance may be adopted, with or without amendment, or  
403 rejected at the meeting at which it is introduced, but the affirmative vote of at least three  
404 councilmembers shall be required for adoption. It shall become effective upon adoption or  
405 at such later time as it may specify. Every emergency ordinance shall automatically stand  
406 repealed 30 days following the date upon which it was adopted, but this shall not prevent  
407 reenactment of the ordinance in the manner specified in this section if the emergency still  
408 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance  
409 in the same manner specified in this section for adoption of emergency ordinances.

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

414 **SECTION 2.24.**

415 Codes of technical regulations.

416 (a) The city council may adopt any standard code of technical regulations by reference  
417 thereto in an adopting ordinance. The procedure and requirements governing such adopting

418 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements  
419 of subsection (b) of Section 2.21 of this charter for distribution and filing of copies of the  
420 ordinance shall be construed to include copies of any code of technical regulations, as well  
421 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as  
422 well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to  
423 Section 2.25 of this charter.

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

426 **SECTION 2.25.**

427 Signing; authenticating;  
428 recording; codification; printing.

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

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

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

448 **SECTION 2.26.**

449 Election of mayor; forfeiture; compensation.

450 The mayor shall be elected and shall serve for a term of four years and until the mayor's  
 451 successor is elected and qualified. The mayor shall be a qualified elector of this city and  
 452 shall have been a resident of the city for 12 months prior to the election. The mayor shall  
 453 continue to reside in this city during the period of the mayor's service. The mayor shall  
 454 forfeit the office of mayor on the same grounds and under the same procedure as for  
 455 councilmembers. The compensation of the mayor shall be established in the same manner  
 456 as for councilmembers.

457 **SECTION 2.27.**

458 Mayor pro tempore.

459 By a majority vote, the councilmembers shall elect a councilmember to serve as mayor pro  
 460 tempore. The mayor pro tempore shall assume the duties and powers of the mayor during  
 461 the mayor's physical or mental disability or absence. Any such disability or absence shall  
 462 be declared by a majority vote of the councilmembers. The mayor pro tempore shall sign all  
 463 contracts and ordinances in which the mayor has a disqualifying financial interest as  
 464 provided in Section 2.14 of this charter.

465 **SECTION 2.28.**

466 Powers and duties of mayor.

467 The mayor shall:

- 468 (1) Preside at all meetings of the city council;
- 469 (2) Be the head of the city for the purpose of service of process and for ceremonial  
 470 purposes and be the official spokesperson for the city and the chief advocate of policy;
- 471 (3) Have the power to administer oaths and to take affidavits;
- 472 (4) Sign as a matter of course on behalf of the city all written and approved contracts,  
 473 ordinances, and other instruments executed by the city which by law are required to be  
 474 in writing;
- 475 (5) Vote on matters before the city council and be counted toward a quorum as any other  
 476 councilmember;
- 477 (6) Prepare and submit to the city council a recommended annual operating budget and  
 478 recommended capital budget; and

479 (7) Fulfill such other executive and administrative duties as the city council shall by  
480 ordinance establish.

481 **ARTICLE III**  
482 **ADMINISTRATIVE AFFAIRS**

483 **SECTION 3.10.**

484 Administrative and service departments.

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

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

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

494 (d) There shall be a director of each department or agency who shall be its principal officer.  
495 Each director shall, subject to the direction and supervision of the mayor, be responsible for  
496 the administration and direction of the affairs and operations of that director's department or  
497 agency.

498 (e) All appointed officers and directors under the supervision of the mayor shall be  
499 nominated by the mayor with confirmation of appointment by the city council. All appointed  
500 officers and directors shall be employees at will and subject to removal or suspension at any  
501 time by the mayor unless otherwise provided by law or ordinance.

502 **SECTION 3.11.**

503 Boards, commissions, and authorities.

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

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

- 512 (c) The city council by ordinance may provide for the compensation and reimbursement for  
513 actual and necessary expenses of the members of any board, commission, or authority.
- 514 (d) Except as otherwise provided by charter or by law, no member of any board,  
515 commission, or authority shall hold any elective office in the city.
- 516 (e) Any vacancy on a board, commission, or authority of the city shall be filled for the  
517 unexpired term in the manner prescribed in this charter for original appointment, except as  
518 otherwise provided by this charter or by law.
- 519 (f) No member of a board, commission, or authority shall assume office until that person has  
520 executed and filed with the clerk of the city an oath obligating that person to perform  
521 faithfully and impartially the duties of that person's office, such oath shall be prescribed by  
522 ordinance and administered by the mayor.
- 523 (g) All members of boards, commissions, or authorities of the city serve at will and may be  
524 removed at any time by the city council unless otherwise provided by law.
- 525 (h) Except as otherwise provided by this charter or by law, each board, commission, or  
526 authority of the city shall elect one of its members as chairperson and one member as vice  
527 chairperson and may elect as its secretary one of its own members or may appoint as  
528 secretary an employee of the city. Each board, commission, or authority of the city  
529 government may establish such bylaws, rules, and regulations, not inconsistent with this  
530 charter, ordinances of the city, or law, as it deems appropriate and necessary for the  
531 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and  
532 regulations shall be filed with the clerk of the city.

533

**SECTION 3.12.**

534

City attorney.

535 The councilmembers shall appoint a city attorney, together with such assistant city attorneys  
536 as may be authorized, and shall provide for the payment of such attorney or attorneys for  
537 services rendered to the city. The city attorney shall be responsible for providing for the  
538 representation and defense of the city in all litigation in which the city is a party; may be the  
539 prosecuting officer in the municipal court; shall attend the meetings of the city council as  
540 directed; shall advise the councilmembers, mayor and other officers and employees of the  
541 city concerning legal aspects of the city's affairs; and shall perform such other duties as may  
542 be required by virtue of such person's position as city attorney.

543 **SECTION 3.13.**

544 City clerk.

545 The councilmembers shall appoint a city clerk who shall not be a councilmember. The city  
546 clerk shall be custodian of the official city seal and city records; maintain city council records  
547 required by this charter; and perform such other duties as may be required by the city  
548 council.

549 **SECTION 3.14.**

550 Position classification and pay plans.

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

557 **SECTION 3.15.**

558 Personnel policies.

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

561 **ARTICLE IV**

562 **JUDICIAL BRANCH**

563 **SECTION 4.10.**

564 Creation; name.

565 There shall be a court to be known as the Municipal Court of the City of Rhine, Georgia.

566 **SECTION 4.11.**

567 Chief judge; associate judge.

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

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

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

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

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

#### 581 **SECTION 4.12.**

##### 582 Convening.

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

#### 584 **SECTION 4.13.**

##### 585 Jurisdiction; powers.

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

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

590 (c) The municipal court may fix punishment for offenses within its jurisdiction not  
591 exceeding a fine of \$5,000.00 or imprisonment for 365 days or both such fine and  
592 imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing, as  
593 now or hereafter provided by law.

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

597 (e) The municipal court shall have authority to establish bail and recognizances to ensure  
598 the presence of those charged with violations before such court and shall have discretionary  
599 authority to accept cash or personal or real property as surety for the appearance of persons  
600 charged with violations. Whenever any person shall give bail for that person's appearance  
601 and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by the  
602 judge presiding at such time and an execution issued thereon by serving the defendant and

603 the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi.  
604 In the event that cash or property is accepted in lieu of bond for security for the appearance  
605 of a defendant at trial, and if such defendant fails to appear at the time and place fixed for  
606 trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the  
607 property so deposited shall have a lien against it for the value forfeited, which lien shall be  
608 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

#### 619 **SECTION 4.14.**

##### 620 Certiorari.

621 The right of certiorari from the decision and judgment of the municipal court shall exist in  
622 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under  
623 the sanction of a judge of the Superior Court of Dodge County under the laws of the State  
624 of Georgia regulating the granting and issuance of writs of certiorari.

#### 625 **SECTION 4.15.**

##### 626 Rules for court.

627 With the approval of the city council, the judge shall have full power and authority to make  
628 reasonable rules and regulations necessary and proper to secure the efficient and successful  
629 administration of the municipal court; provided, however, that the city council may adopt in  
630 part or in toto the rules and regulations applicable to municipal courts. The rules and  
631 regulations made or adopted shall be filed with the city clerk, shall be available for public  
632 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court  
633 proceedings at least 48 hours prior to such proceedings.



660 **SECTION 5.15.**

661 Other provisions.

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

665 **SECTION 5.16.**

666 Removal of officers.

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

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

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

681 (2) By an order of the Superior Court of Dodge County following a hearing on a  
 682 complaint seeking such removal brought by any resident of the City of Rhine.

683 **ARTICLE VI**

684 **FINANCE**

685 **SECTION 6.10.**

686 Property tax.

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

693

**SECTION 6.11.**

694

Millage rate; due dates; payment methods.

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

699

**SECTION 6.12.**

700

Occupation and business taxes.

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

705

**SECTION 6.13.**

706

Licenses; permits; fees.

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

712

**SECTION 6.14.**

713

Franchises.

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

723 clerk. The city council may provide by ordinance for the registration within a reasonable  
724 time of all franchises previously granted.

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

730 **SECTION 6.15.**

731 Service charges.

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

737 **SECTION 6.16.**

738 Special assessments.

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

744 **SECTION 6.17.**

745 Construction; other taxes.

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

749 **SECTION 6.18.**

750 Collection of delinquent taxes and fees.

751 The city council by ordinance may provide generally for the collection of delinquent taxes,  
 752 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by  
 753 whatever reasonable means as are not precluded by law. This shall include providing for the  
 754 dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi.  
 755 fa.; creation and priority of liens; making delinquent taxes and fees personal debts of the  
 756 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any  
 757 city taxes or fees; and providing for the assignment or transfer of tax executions.

758 **SECTION 6.19.**

759 General obligation bonds.

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

764 **SECTION 6.20.**

765 Revenue bonds.

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

769 **SECTION 6.21.**

770 Short-term loans.

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

773 **SECTION 6.22.**

774 Lease-purchase contracts.

775 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the  
 776 acquisition of goods, materials, real and personal property, services, and supplies, provided

777 the contract terminates without further obligation on the part of the municipality at the close  
778 of the calendar year in which it was executed and at the close of each succeeding calendar  
779 year for which it may be renewed. Contracts must be executed in accordance with the  
780 requirements of Code Section 36-60-13 of the O.C.G.A., or other such applicable laws as are  
781 or may hereafter be enacted.

782 **SECTION 6.23.**

783 Fiscal year.

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

787 **SECTION 6.24.**

788 Budget ordinance.

789 The city council shall provide an ordinance on the procedures and requirements for the  
790 preparation and execution of an annual operating budget, a capital improvement plan, and  
791 a capital budget, including requirements as to the scope, content, and form of such budgets  
792 and plans.

793 **SECTION 6.25.**

794 Operating budget.

795 On or before a date fixed by the city council but not later than thirty days prior to the  
796 beginning of each fiscal year, the mayor shall submit to the city council a proposed operating  
797 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the  
798 mayor containing a statement of the general fiscal policies of the city, the important features  
799 of the budget, explanations of major changes recommended for the next fiscal year, a general  
800 summary of the budget, and other pertinent comments and information. The operating  
801 budget and the capital budget provided for in Section 6.29 of this charter, the budget  
802 message, and all supporting documents shall be filed in the office of the city clerk and shall  
803 be open to public inspection.

804

**SECTION 6.26.**

805

Action by city council on budget.

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

811 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal  
812 year not later than the 31st day of December of each year. If the city council fails to adopt  
813 the budget by said date, the amounts appropriated for operation for the then current fiscal  
814 year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all  
815 items prorated accordingly, until such time as the city council adopts a budget for the ensuing  
816 fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting  
817 out the estimated revenues in detail by sources and making appropriations according to fund  
818 and by organizational unit, purpose, or activity as set out in the budget preparation ordinance  
819 adopted pursuant to Section 6.24 of this charter.

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

824

**SECTION 6.27.**

825

Levy of taxes.

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

832

**SECTION 6.28.**

833

Changes in appropriations.

834 The city council by ordinance may make changes in the appropriations contained in the  
835 current operating budget at any regular meeting or special or emergency meeting called for

836 such purpose, but any additional appropriations may be made only from an existing  
837 unexpended surplus.

838 **SECTION 6.29.**

839 Capital improvements.

840 (a) On or before the date fixed by the city council, but not later than thirty days prior to the  
841 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital  
842 improvements plan with a recommended capital budget containing the means of financing  
843 the improvements proposed for the ensuing fiscal year. The city council shall have power  
844 to accept, with or without amendments, or reject the proposed plan and budget. The city  
845 council shall not authorize an expenditure for the construction of any building, structure,  
846 work, or improvement unless the appropriations for such project are included in the capital  
847 budget, except to meet a public emergency as provided in Section 2.23 of this charter.

848 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal  
849 year not later than the 31st day of December of each year. No appropriation provided for in  
850 a prior capital budget shall lapse until the purpose for which the appropriation was made  
851 shall have been accomplished or abandoned; provided, however, the mayor may submit  
852 amendments to the capital budget at any time during the fiscal year, accompanied by  
853 recommendations. Any such amendments to the capital budget shall become effective only  
854 upon adoption by ordinance.

855 **SECTION 6.30.**

856 Audits.

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

862 **SECTION 6.31.**

863 Procurement and property management.

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

865 (1) It is in writing;

- 866 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of  
867 course, is signed by the city attorney to indicate such drafting or review; and  
868 (3) It is made or authorized by the city council and such approval is entered in the city  
869 council journal of proceedings pursuant to Section 2.19 of this charter.

870 **SECTION 6.32.**

871 Purchasing.

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

874 **SECTION 6.33**

875 Sale and lease of property.

- 876 (a) The city council may sell and convey or lease any real or personal property owned or  
877 held by the city for governmental or other purposes as now or hereafter provided by law.  
878 (b) The city council may quitclaim any rights it may have in property not needed for public  
879 purposes upon report by the mayor and adoption of a resolution, both finding that the  
880 property is not needed for public or other purposes and that the interest of the city has no  
881 readily ascertainable monetary value.  
882 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place  
883 of the city a small parcel or tract of land is cut off or separated by such work from a larger  
884 tract or boundary of land owned by the city, the city council may authorize the mayor to sell  
885 and convey said cut-off or separated parcel or tract of land to an abutting or adjoining  
886 property owner or owners where such sale and conveyance facilitates the highest and best  
887 use of the abutting owner's property. Included in the sales contract shall be a provision for  
888 the rights of way of said street, avenue, alley, or public place. Each abutting property owner  
889 shall be notified of the availability of the property and given the opportunity to purchase said  
890 property under such terms and conditions as set out by ordinance. All deeds and  
891 conveyances heretofore and hereafter so executed and delivered shall convey all title and  
892 interest the city has in such property, notwithstanding the fact that no public sale after  
893 advertisement was or is hereafter made.



920

**SECTION 7.14.**

921

Construction and definitions.

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

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

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

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

928 (1) "City council" means the members of the city council and the mayor.

929 (2) "Councilmember" means a member of the city council other than the mayor.

930

**SECTION 7.15.**

931

Specific repealer.

932 An act incorporating the Town of Rhine in the County of Dodge approved August 18, 1917,  
933 (Ga. L. 1917, p. 791), as amended, is hereby repealed in its entirety and all amendatory acts  
934 thereto are likewise repealed in their entirety. All other laws and parts of laws in conflict  
935 with this charter are hereby repealed.

936

**SECTION 7.16.**

937

Effective date.

938 This Act shall become effective on July 1, 2009.

939

**SECTION 7.17.**

940

General repealer.

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

942

## APPENDIX A

943 All that tract or parcel of land lying and being in the City of Rhine, County of Dodge, located  
944 in the 14th Land District of Dodge County, Georgia, and being more particularly described  
945 as follows: To establish the POINT OF BEGINNING, BEGIN at a spike located in the  
946 center of the intersection formed by U. S. Highway 280 and State Road 117; thence run  
947 South 05 degrees 00 minutes 09 seconds East a distance of 247.25 feet to a point located in  
948 Land Lot No. 248 in said Land District, which point is also identified as the East corner of  
949 a brick building formerly owned by Ms. Mamie Maloy and once occupied by King & Brown  
950 Bankers and, later, Williams Banking Company, this point being identified as the center  
951 point of the City of Rhine and from said center point, run in all directions a distance of one  
952 (1) mile (5,280 feet) to form a circle measuring two (2) miles in diameter (10,560 feet). The  
953 center or radius point of said described property is shown on a plat of survey prepared by  
954 Ronny Barron, Georgia Registered Land Surveyor No. 2532, dated December 11, 2008, and  
955 recorded in the Office of the Clerk of Dodge Superior Court in Plat Book 37, Page 106, said  
956 plat and the recording thereof being incorporated herein and made a part hereof by reference  
957 for descriptive and all other legal purposes.