

House Bill 721

By: Representative Keown of the 173rd

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the Town of Ochlocknee; to provide for incorporation,
2 boundaries, and powers of the town; to provide for a governing authority of such town and
3 the powers, duties, authority, election, terms, vacancies, compensation, expenses,
4 qualifications, prohibitions, conflicts of interest, and suspension and removal from office
5 relative to members of such governing authority; to provide for inquiries and investigations;
6 to provide for oaths, organization, meetings, quorum, voting, rules, and procedures; to
7 provide for ordinances and codes; to provide for a mayor and mayor pro tempore and certain
8 duties, powers, and other matters relative thereto; to provide for administrative affairs and
9 responsibilities; to provide for boards, commissions, and authorities; to provide for a town
10 attorney, a town 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 town 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 an effective date; to repeal conflicting
21 laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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ARTICLE I

24

INCORPORATION AND POWERS

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SECTION 1.10.

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Name.

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The Town of Ochlocknee, in Thomas County, Georgia, is reincorporated by the enactment of this charter and is constituted and declared a body politic and corporate under the name and style Town of Ochlocknee, Georgia, and by that name shall have perpetual succession.

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SECTION 1.11.

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Corporate boundaries.

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(a) The boundaries of this town shall be those existing on July 2, 2009, with such alterations as may be made from time to time in the manner provided by law. The boundaries of this town at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the Town of Ochlocknee Town Hall and to be designated, as the case may be: "Official Map of the corporate limits of the Town of Ochlocknee, Georgia." Photographic, typed, or other copies of such map or description certified by the town clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

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

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SECTION 1.12.

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Powers and construction.

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

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

- (1) Animal regulations. To regulate and license or to prohibit the keeping or running at large of animals and fowl and to provide for the impoundment of same if in violation of

54 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane
55 destruction of animals and fowl when not redeemed as provided by ordinance; and to
56 provide punishment for violation of ordinances enacted under this charter;

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

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

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

70 (5) Condemnation. To condemn property, inside or outside the corporate limits of the
71 town, for present or future use and for any corporate purpose deemed necessary by the
72 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such
73 other applicable laws as are now or may hereafter be enacted;

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

76 (7) Emergencies. To establish procedures for determining and proclaiming that an
77 emergency situation exists within or outside the town and to make and carry out all
78 reasonable provisions deemed necessary to deal with or meet such an emergency for the
79 protection, safety, health, or well-being of the citizens of the town;

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

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

89 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
90 and disposal and other sanitary service charge, tax, or fee for such services as may be

91 necessary in the operation of the town from all individuals, firms, and corporations
92 residing in or doing business in the town benefiting from such services; to enforce the
93 payment of such charges, taxes, or fees; and to provide for the manner and method of
94 collecting such service charges;

95 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,
96 practice, conduct, or use of property which is detrimental to health, sanitation,
97 cleanliness, welfare, and safety of the inhabitants of the town and to provide for the
98 enforcement of such standards;

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

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

104 (14) Jail sentences. To provide that persons given jail sentences in the municipal court
105 may work out such sentences in any public works or on the streets, roads, drains, and
106 other public property in the town; to provide for commitment of such persons to any jail;
107 or to provide for commitment of such persons to any county work camp or county jail by
108 agreement with the appropriate county officials;

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

112 (16) Municipal agencies and delegation of power. To create, alter, or abolish
113 departments, boards, offices, commissions, and agencies of the town and to confer upon
114 such agencies the necessary and appropriate authority for carrying out all the powers
115 conferred upon or delegated to the same;

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

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

122 (19) Municipal property protection. To provide for the preservation and protection of
123 property and equipment of the town and the administration and use of same by the public;
124 and to prescribe penalties and punishment for violations thereof;

125 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
126 of public utilities, including but not limited to a system of waterworks, sewers and drains,
127 sewage disposal, gas works, electric light plants, cable television and other

128 telecommunications, transportation facilities, public airports, and any other public utility;
129 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and
130 to provide for the withdrawal of service for refusal or failure to pay the same;

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

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

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

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

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

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

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

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

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

163 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,
164 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any

165 and all other structures or obstructions upon or adjacent to the rights of way of streets and
166 roads or within view thereof, within or abutting the corporate limits of the town; and to
167 prescribe penalties and punishment for violation of such ordinances;

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

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

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

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

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

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

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

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

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

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

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

219 **SECTION 1.13.**

220 Exercise of powers.

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

225 **ARTICLE II**

226 **GOVERNMENT STRUCTURE**

227 **SECTION 2.10.**

228 Town council creation; number; election.

229 The legislative authority of the government of this town, except as otherwise specifically
 230 provided in this charter, shall be vested in a town council to be composed of four
 231 councilmembers. The councilmembers shall be elected in the manner provided by this
 232 charter.

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SECTION 2.11.

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Town councilmembers;

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terms and qualifications for office.

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The members of the town council shall serve for terms of four years and until their respective

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

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councilmember unless that person shall have been a resident of the town for 12 months prior

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to the date of the election of mayor or members of the town council; each shall continue to

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reside therein during that person's period of service and to be registered and qualified to vote

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in municipal elections of this town.

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SECTION 2.12.

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Vacancy; filling of vacancies; suspensions.

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

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

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

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hereafter be enacted; provided, however, the office of mayor or councilmember shall become

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vacant upon the unexcused absence of the holder of the office from four consecutive

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regularly scheduled meetings of the town council. Excused absences shall be granted by a

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majority vote of the remaining town councilmembers and the mayor as provided in Section

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2.21 of this charter and shall be entered upon the minutes of the council meeting.

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(b) Filling of vacancies – A vacancy in the office of councilmember shall be filled for the

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remainder of the unexpired term, if any, by appointment by the remaining councilmembers.

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A vacancy in the office of mayor shall be filled by the mayor pro tempore. The council shall

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appoint a council member to serve the remainder of the unexpired term of the position

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vacated by the mayor pro tempore.

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SECTION 2.13.

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Compensation and expenses.

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

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as provided by ordinance.

261 **SECTION 2.14.**

262 Conflicts of interest.

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

265 (b) Neither the mayor nor any member of the town council shall vote upon, sign, or veto any
266 ordinance, resolution, contract, or other matter in which that person is financially interested.

267 **SECTION 2.15.**

268 Inquiries and investigations.

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

275 **SECTION 2.16.**

276 General power and authority of the town council.

277 Except as otherwise provided by law or this charter, the town council shall be vested with
278 all the powers of government of this town as provided by Article I of this charter.

279 **SECTION 2.17.**

280 Eminent domain.

281 The town council is empowered to acquire, construct, operate, and maintain public ways,
282 parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,
283 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports,
284 hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional,
285 penal, and medical institutions, agencies, and facilities and any other public improvements
286 inside or outside the town and to regulate the use thereof, and for such purposes, property
287 may be condemned under procedures established under general law applicable now or as
288 provided in the future.

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SECTION 2.18.

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Organizational meetings.

291 The town council shall hold an organizational meeting on the first meeting in January
 292 following election as provided in Section 5.11 of this charter. The meeting shall be called
 293 to order by the town clerk and the oath of office shall be administered to the newly elected
 294 members as follows:

295 "I _____ do solemnly swear or affirm that I will properly perform the duties of the
 296 office of _____ in and for the Town of Ochlocknee, to the best of my knowledge,
 297 skill, and ability; that I am not the holder of any unaccounted for public money due to the
 298 State of Georgia or any political subdivision or authority thereof; that I am not the holder of
 299 any office of trust under the government of the United States, any other state, or any foreign
 300 state, which I am by the laws of the State of Georgia prohibited from holding; that I am
 301 qualified to hold the office which I am about to enter according to the Constitution and laws
 302 of Georgia; that I will support the Constitutions of the United States and the State of Georgia;
 303 that I have been a resident of the Town of Ochlocknee for the time required by the
 304 Constitution and laws of the State of Georgia and the Charter of the Town of Ochlocknee,
 305 so help me God."

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SECTION 2.19.

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Meetings.

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

310 (b) Special meetings of the town council may be held on call of the mayor or two members
 311 of the town council. Notice of such special meeting shall be served on all other members
 312 personally, or by telephone personally, at least 24 hours in advance of the meeting. Such
 313 notice to councilmembers shall not be required if the mayor and all councilmembers are
 314 present when the special meeting is called. Such notice of any special meeting may be
 315 waived by a councilmember in writing before or after such a meeting and attendance at the
 316 meeting shall also constitute a waiver of notice on any business transacted in such
 317 councilmember's presence. Only the business stated in the call may be transacted at the
 318 special meeting.

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

323 **SECTION 2.20.**

324 Rules of procedure.

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

328 (b) All committees and committee chairpersons and officers of the town council shall be
329 appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have
330 the power to appoint new members to any committee at any time.

331 **SECTION 2.21.**

332 Quorum; voting.

333 Three councilmembers or two councilmembers and the mayor shall constitute a quorum and
334 shall be authorized to transact business of the town council. Voting on the adoption of
335 ordinances shall be by voice vote and the vote shall be recorded in the journal, but any
336 councilmember shall have the right to request a roll-call vote and such vote shall be recorded
337 in the journal. Except as otherwise provided in this charter, the affirmative vote of three
338 councilmembers shall be required for the adoption of any ordinance, resolution, or motion.
339 An abstention shall be counted as an affirmative vote.

340 **SECTION 2.22.**

341 Ordinance form; procedures.

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

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

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SECTION 2.23.

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Action requiring an ordinance.

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

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SECTION 2.24.

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Emergencies.

360 (a) To meet a public emergency affecting life, health, property, or public peace, the town
361 council may convene on call of the mayor or three councilmembers and may promptly adopt
362 an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
363 franchise; regulate the rate charged by any public utility for its services; or authorize the
364 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
365 shall be introduced in the form prescribed for ordinances generally, except that it shall be
366 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
367 a declaration stating that an emergency exists and describing the emergency in clear and
368 specific terms. An emergency ordinance may be adopted, with or without amendment, or
369 rejected at the meeting at which it is introduced, but the affirmative vote of at least three
370 councilmembers shall be required for adoption. It shall become effective upon adoption or
371 at such later time as it may specify. Every emergency ordinance shall automatically stand
372 repealed 30 days following the date upon which it was adopted, but this shall not prevent
373 reenactment of the ordinance in the manner specified in this section if the emergency still
374 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
375 in the same manner specified in this section for adoption of emergency ordinances.

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

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SECTION 2.25.

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Codes of technical regulations.

382 (a) The town council may adopt any standard code of technical regulations by reference
383 thereto in an adopting ordinance. The procedure and requirements governing such adopting
384 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements
385 of subsection (b) of Section 2.22 of this charter for distribution and filing of copies of the

386 ordinance shall be construed to include copies of any code of technical regulations, as well
 387 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as
 388 well as the adopting ordinance, shall be authenticated and recorded by the town clerk
 389 pursuant to Section 2.26 of this charter.

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

392 **SECTION 2.26.**

393 Signing; authenticating; recording; codification; printing.

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

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

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

413 **SECTION 2.27.**

414 Chief executive officer; delegation of powers.

415 The mayor shall be the chief executive of this town. The mayor shall possess all of the
 416 executive and administrative power granted to a city under the Constitution and laws of the
 417 State of Georgia, and all the executive and administrative powers contained in this charter.

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SECTION 2.28.

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Powers and duties of mayor.

420 As the chief executive of this town, the mayor shall:

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(1) See that all laws and ordinances of the town are faithfully executed;

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(2) Exercise supervision over all executive and administrative work of the town and over

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all employees and departments of the town and provide for the coordination of

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administrative activities;

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(3) Prepare and submit to the town council a recommended operating budget;

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(4) Submit to the town council at least once a year a statement covering the financial

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condition of the town, and from time to time, such other information as the town council

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may request;

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(5) Recommend to the town council such measures relative to the affairs of the town,

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improvement of the government, and promotion of the welfare of its inhabitants as the

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mayor may deem expedient;

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(6) Call special meetings of the town council as provided for in subsection (b) of Section

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2.19 of this charter;

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(7) Preside at all meetings of the town council and vote only in the event of a tie or when

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an affirmative or negative vote by the mayor constitutes a majority of three votes;

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(8) Provide for an annual audit of all accounts of the town;

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(9) Require any department or agency of the town to submit written reports whenever

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the mayor deems it expedient; and

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(10) Perform such other duties as may be required by law, this charter, or by ordinance.

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SECTION 2.29.

441

Mayor pro tempore; selection; duties.

442 By a majority vote, the town council shall elect a councilmember to serve as mayor pro

443 tempore. In the mayor's absence, the mayor pro tempore shall preside at meetings of the

444 town council and shall assume the duties and powers of the mayor upon the mayor's physical

445 or mental disability, provided that the mayor pro tempore shall vote as a member of the town

446 council at all times when serving as provided in this section.

447

ARTICLE III

448

ADMINISTRATIVE AFFAIRS

449

SECTION 3.10.

450

Administrative and service departments.

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

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

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

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

464 (e) All appointed officers and directors under the supervision of the mayor shall be
465 nominated by the mayor with confirmation of appointment by the town council. All
466 appointed officers and directors shall be employees at will and subject to removal or
467 suspension at any time by the mayor unless otherwise provided by law or ordinance.

468

SECTION 3.11.

469

Boards, commissions, and authorities.

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

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

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

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

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

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

489 (g) All members of boards, commissions, or authorities of the town serve at will and may
490 be removed at any time by a vote of three members of the town council unless otherwise
491 provided by law.

492 (h) Except as otherwise provided by this charter or by law, each board, commission, or
493 authority of the town shall elect one of its members as chairperson and one member as vice
494 chairperson and may elect as its secretary one of its own members or may appoint as
495 secretary an employee of the town. Each board, commission, or authority of the town
496 government may establish such bylaws, rules, and regulations, not inconsistent with this
497 charter, ordinances of the town, or law, as it deems appropriate and necessary for the
498 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and
499 regulations shall be filed with the clerk of the town.

500 **SECTION 3.12.**

501 Town attorney.

502 The town council shall appoint a town attorney, together with such assistant town attorneys
503 as may be authorized, and shall provide for the payment of such attorney or attorneys for
504 services rendered to the town. The town attorney shall be responsible for providing for the
505 representation and defense of the town in all litigation in which the town is a party; may be
506 the prosecuting officer in the municipal court; shall attend the meetings of the town council
507 as directed; shall advise the town council and other officers and employees of the town
508 concerning legal aspects of the town's affairs; and shall perform such other duties as may be
509 required by virtue of such person's position as town attorney.

510 **SECTION 3.13.**

511 Town clerk.

512 The town council shall appoint a town clerk who shall not be a councilmember. The town
 513 clerk shall be custodian of the official town seal and town records; maintain town council
 514 records required by this charter; and perform such other duties as may be required by the
 515 town council.

516 **SECTION 3.14.**

517 Position classification and pay plans.

518 The town council shall be responsible for the preparation of a position classification and pay
 519 plan which shall be submitted to the town council for approval. Such plan may apply to all
 520 employees of the town and any of its agencies, departments, boards, commissions, or
 521 authorities. When a pay plan has been adopted, the town council shall not increase or
 522 decrease the salary range applicable to any position except by amendment of such pay plan.
 523 For purposes of this section, all elected and appointed town officials are not town employees.

524 **SECTION 3.15.**

525 Personnel policies.

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

528 **ARTICLE IV**
 529 **JUDICIAL BRANCH**

530 **SECTION 4.10.**

531 Creation; name.

532 There shall be a court to be known as the Municipal Court of the Town of Ochlocknee.

533

SECTION 4.11.

534

Chief judge; associate judge.

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

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

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

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

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

548

SECTION 4.12.

549

Convening.

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

551

SECTION 4.13.

552

Jurisdiction; powers.

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

555 (b) The municipal court shall have authority to punish those in its presence for contempt,
556 provided that such punishment shall not exceed \$500.00 or ten days in jail.

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

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

564 (e) The municipal court shall have authority to establish bail and recognizances to ensure
 565 the presence of those charged with violations before such court and shall have discretionary
 566 authority to accept cash or personal or real property as surety for the appearance of persons
 567 charged with violations. Whenever any person shall give bail for that person's appearance
 568 and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by the
 569 judge presiding at such time and an execution issued thereon by serving the defendant and
 570 the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi.
 571 In the event that cash or property is accepted in lieu of bond for security for the appearance
 572 of a defendant at trial, and if such defendant fails to appear at the time and place fixed for
 573 trial, the cash so deposited shall be on order of the judge declared forfeited to the town, or
 574 the property so deposited shall have a lien against it for the value forfeited which lien shall
 575 be enforceable in the same manner and to the same extent as a lien for town property taxes.

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

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

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

586 **SECTION 4.14.**

587 **Certiorari.**

588 The right of certiorari from the decision and judgment of the municipal court shall exist in
 589 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
 590 the sanction of a judge of the Superior Court of Thomas County under the laws of the State
 591 of Georgia regulating the granting and issuance of writs of certiorari.

592 **SECTION 4.15.**

593 **Rules for court.**

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

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

601 **SECTION 4.16.**

602 Indigent defense and prosecutor.

603 The mayor and council shall have the power:

- 604 (1)(A) To provide for a system of defense for indigent persons charged in the
605 Municipal Court of the Town of Ochlocknee with violations of ordinances; and
606 (B) To provide for the prosecution of such cases by a prosecutor;
- 607 (2) To provide for and require the expense of such defense and prosecution to be
608 prorated over all criminal cases disposed of by the court; and
- 609 (3) To provide that all bond forfeitures collected from all criminal cases heard before the
610 municipal court shall be collected by the court in addition to all other fines, penalties, or
611 other costs.

612 **ARTICLE V**

613 **ELECTIONS AND REMOVAL**

614 **SECTION 5.10.**

615 Applicability of general law.

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

618 **SECTION 5.11.**

619 Regular elections; time for holding.

620 Elections for mayor and town council shall be held on the Tuesday following the first
621 Monday in November of each election year. The mayor and two councilmembers shall be
622 elected in the election held on the Tuesday following the first Monday in November of 2009
623 for an initial term of two years and their successors shall serve for terms of four years
624 thereafter. Two councilmembers shall be elected in the election held on the Tuesday
625 following the first Monday in November of 2009 and serve for a term of four years and their

626 successors shall serve for terms of four years thereafter. Notwithstanding the provisions of
627 this section the mayor and councilmembers shall serve for regular terms of four years.

628 **SECTION 5.12.**

629 Nonpartisan elections.

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

632 **SECTION 5.13.**

633 Election by plurality vote.

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

635 **SECTION 5.14.**

636 Other provisions.

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

640 **SECTION 5.15.**

641 Removal of officers.

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

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

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

654 council to the Superior Court of Thomas County. Such appeal shall be governed by the
 655 same rules as govern appeals to the superior court from the probate court; or
 656 (2) By an order of the Superior Court of Thomas County following a hearing on a
 657 complaint seeking such removal brought by any resident of the Town of Ochlocknee.

658 **ARTICLE VI**

659 **FINANCE**

660 **SECTION 6.10.**

661 **Property tax.**

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

668 **SECTION 6.11.**

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

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

674 **SECTION 6.12.**

675 **Occupation and business taxes.**

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

680

SECTION 6.13.

681

Licenses; permits; fees.

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

687

SECTION 6.14.

688

Franchises.

689 (a) The town council shall have the power to grant franchises for the use of this town's
690 streets and alleys for the purposes of railroads, street railways, telephone companies, electric
691 companies, electric membership corporations, cable television and other telecommunications
692 companies, gas companies, transportation companies, and other similar organizations. The
693 town council shall determine the duration, terms, whether the same shall be exclusive or
694 nonexclusive, and the consideration for such franchises; provided, however, no franchise
695 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
696 the town receives just and adequate compensation therefor. The town council shall provide
697 for the registration of all franchises with the town clerk in a registration book kept by the
698 town clerk. The town council may provide by ordinance for the registration within a
699 reasonable time of all franchises previously granted.

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

705

SECTION 6.15.

706

Service charges.

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

712 **SECTION 6.16.**

713 Special assessments.

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

719 **SECTION 6.17.**

720 Construction; other taxes.

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

724 **SECTION 6.18.**

725 Collection of delinquent taxes and fees.

726 The town council by ordinance may provide generally for the collection of delinquent taxes,
 727 fees, or other revenue due the town under Sections 6.10 through 6.17 of this charter by
 728 whatever reasonable means as are not precluded by law. This shall include providing for the
 729 dates when the taxes or fees are due; late penalties or interest; issuance and execution of
 730 fi. fas.; creation and priority of liens; making delinquent taxes and fees personal debts of the
 731 persons required to pay the taxes or fees imposed; revoking town permits for failure to pay
 732 any town taxes or fees; and providing for the assignment or transfer of tax executions.

733 **SECTION 6.19.**

734 General obligation bonds.

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

739 **SECTION 6.20.**

740 Revenue bonds.

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

744 **SECTION 6.21.**

745 Short-term loans.

746 The town may obtain short-term loans and must repay such loans not later than December
747 31 of each year, unless otherwise provided by law.

748 **SECTION 6.22.**

749 Lease-purchase contracts.

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

757 **SECTION 6.23.**

758 Fiscal year.

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

762 **SECTION 6.24.**

763 Budget ordinance.

764 The town council shall provide an ordinance on the procedures and requirements for the
765 preparation and execution of an annual operating budget, including requirements as to the

766 scope, content, and form of such budgets and plans. The town council shall also comply with
767 the budgeting and auditing provisions of Chapter 81 of Title 36 of the O.C.G.A.

768 **SECTION 6.25.**

769 Operating budget.

770 On or before a date fixed by the town council but not later than 60 days prior to the
771 beginning of each fiscal year, the mayor shall submit to the town council a proposed
772 operating budget for the ensuing fiscal year. The budget shall be accompanied by a message
773 from the mayor containing a statement of the general fiscal policies of the town, the
774 important features of the budget, explanations of major changes recommended for the next
775 fiscal year, a general summary of the budget, and other pertinent comments and information.
776 The operating budget, the budget message, and all supporting documents shall be filed in the
777 office of the town clerk and shall be open to public inspection.

778 **SECTION 6.26.**

779 Action by town council on budget.

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

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

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

798 **SECTION 6.27.**

799 Levy of taxes.

800 The town council shall levy by ordinance such taxes as are necessary. The taxes and tax
 801 rates set by such ordinance shall be such that reasonable estimates of revenues from such
 802 levy shall at least be sufficient, together with other anticipated revenues, fund balances, and
 803 applicable reserves, to equal the total amount appropriated for each of the several funds set
 804 forth in the annual operating budget for defraying the expenses of the general government
 805 of this town.

806 **SECTION 6.28.**

807 Changes in appropriations.

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

812 **SECTION 6.29.**

813 Audits.

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

819 **SECTION 6.30.**

820 Procurement and property management.

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

822 (1) It is in writing;

823 (2) It is drawn by or submitted and reviewed by the town attorney and, as a matter of
824 course, is signed by the town attorney to indicate such drafting or review; and825 (3) It is made or authorized by the town council and such approval is entered in the town
826 council journal of proceedings pursuant to Section 2.20 of this charter.

827 **SECTION 6.31.**

828 Purchasing.

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

831 **SECTION 6.32.**

832 Sale and lease of property.

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

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

839 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
840 of the town a small parcel or tract of land is cut off or separated by such work from a larger
841 tract or boundary of land owned by the town, the town council may authorize the mayor to
842 sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
843 property owner or owners where such sale and conveyance facilitates the highest and best
844 use of the abutting owner's property. Included in the sales contract shall be a provision for
845 the rights of way of said street, avenue, alley, or public place. Each abutting property owner
846 shall be notified of the availability of the property and given the opportunity to purchase said
847 property under such terms and conditions as set out by ordinance. All deeds and
848 conveyances heretofore and hereafter so executed and delivered shall convey all title and
849 interest the town has in such property, notwithstanding the fact that no public sale after
850 advertisement was or is hereafter made.

851 **ARTICLE VII**852 **GENERAL PROVISIONS**853 **SECTION 7.10.**

854 Bonds for officials.

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

858 **SECTION 7.11.**

859 Prior ordinances.

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

863 **SECTION 7.12.**

864 Existing personnel and officers.

865 Except as specifically provided otherwise by this charter, all personnel and officers of this
866 town and their rights, privileges, and powers shall continue beyond the time this charter takes
867 effect for a period of 180 days before or during which time the existing town council shall
868 pass a transition ordinance detailing the changes in personnel and appointed officers required
869 or desired and arranging such titles, rights, privileges, and powers as may be required or
870 desired to allow a reasonable transition.

871 **SECTION 7.13.**

872 Pending matters.

873 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
874 contracts, and legal or administrative proceedings shall continue and any such ongoing work
875 or cases shall be completed by such town agencies, personnel, or offices as may be provided
876 by the town council.

877 **SECTION 7.14.**

878 Construction and definitions.

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

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

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

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

885 (1) "Town council" means the members of the town council and the mayor.

886 (2) "Councilmember" means a member of the town council other than the mayor.

887 **SECTION 7.15.**

888 Specific repealer.

889 An Act incorporating the Town of Ochlocknee, approved August 22, 1909 (Ga. L. 1907, p.
890 854), is repealed in its entirety and all amendatory Acts thereto are likewise repealed in their
891 entirety.

892 **SECTION 7.16.**

893 Effective date.

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

895 **SECTION 7.17.**

896 General repealer.

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