

House Bill 724

By: Representatives Austin of the 10th and Harden of the 28th

A BILL TO BE ENTITLED
AN ACT

1 To reincorporate and provide a new charter for the Town of Alto, Georgia; to provide for the
2 corporate limits of the town, the powers of the town, and the form and method of government
3 of the town; to provide for a town manager; to provide for the administration of town affairs;
4 to provide for the municipal court of the town; to provide for elections for town offices; to
5 provide for taxation by the town; to provide for financial management of the town; to provide
6 for the financial and fiscal affairs of the town; to provide for municipal services and
7 regulatory functions; to provide for general provisions; to provide for related matters; to
8 provide for specific repeal; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 ARTICLE I
11 INCORPORATION AND POWERS

12 SECTION 1.10.

13 Name.

14 The Town of Alto, in Habersham and Banks counties is reincorporated by the enactment of
15 this charter and is constituted and declared a body politic and corporate under the name of
16 the Town of Alto. The town shall have perpetual existence. The legal situs of the town shall
17 be Habersham County.

18 SECTION 1.11.

19 Corporate boundaries.

20 (a) The boundaries of this town shall be those existing on the effective date of the adoption
21 of this charter with such alterations as may be made from time to time by local law or in the
22 manner provided by general law. The boundaries of this town at all times shall be shown on
23 a map, a written description, or any combination thereof, to be retained permanently in the

24 office of the town clerk and to be designated, as the case may be: "Official Map or
 25 Description of the Corporate Limits of the Town of Alto, Georgia." Photographic, typed, or
 26 other copies of such map or description certified by the clerk shall be admitted as evidence
 27 in all courts and shall have the same force and effect as with the original map or description.

28 (b) The town council may provide for the redrawing of any such map by ordinance to reflect
 29 lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes
 30 the entire map or maps which it is designated to replace but such earlier maps shall be
 31 retained in the office of the town clerk.

32 **SECTION 1.12.**

33 Powers and construction.

34 (a) This town shall have all powers possible for a town to have under the present or future
 35 Constitution and laws of this state as fully and completely as though they were specifically
 36 enumerated in this charter.

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

40 **SECTION 1.13.**

41 Examples of Powers.

42 The powers of this town shall include, but not be limited to, the following powers:

43 (1) Air and water pollution. To regulate the emission of smoke or other exhaust which
 44 pollutes the air and to prevent the pollution of natural streams which flow within the
 45 corporate limits of the town;

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

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

55 (4) Building regulation. To regulate and to license the erection and construction of
 56 buildings and all other structures; to adopt building, housing, plumbing, fire safety,

57 electrical, gas, and heating and air conditioning codes and other similar technical codes;
58 and to regulate all housing and building trades;

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

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

69 (7) Contracts. To enter into contracts and agreements with other governmental entities
70 and with private persons, firms, and corporations;

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

75 (9) Environmental protection. To protect and preserve the natural resources,
76 environment, and vital areas of the town, the region, and the state through the
77 preservation and improvement of air quality, the restoration and maintenance of water
78 resources, the control of erosion and sedimentation, the management of storm water and
79 establishment of a storm-water utility, the management of solid and hazardous waste, the
80 management of commercial waste, and other necessary actions for the protection of the
81 environment;

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

86 (11) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
87 and disposal and other sanitary service charge, tax, or fee for such services as may be
88 necessary in the operation of the town from all individuals, firms, and corporations
89 residing in or doing business therein and benefiting from such services; to enforce the
90 payment of such charges, taxes, or fees; to provide for the manner and method of
91 collecting such service charges; and to provide that such fees may be based upon the
92 availability of the service as opposed to user fees;

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

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

100 (14) Health and sanitation. To prescribe standards of health and sanitation and to
101 provide for the enforcement of such standards;

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

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

111 (17) Municipal agencies and delegation of power. To create, alter, or abolish
112 departments, boards, offices, commissions, and agencies of the town, including, but not
113 limited to, any housing authority, and to confer upon such agencies the necessary and
114 appropriate authority for carrying out all the powers conferred upon or delegated to the
115 same;

116 (18) 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, the laws of the State of Georgia, or the
119 laws of the United States of America;

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

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

126 (21) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
127 of public utilities, including, but not limited to, a system of waterworks, sewers and
128 drains, sewage disposal, storm-water management, gas works, electric light plants, cable
129 television and other telecommunications, transportation facilities, public airports, and any

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

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

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

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

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

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

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

156 (28) Public peace. To provide for the prevention and punishment of loitering, disorderly
157 conduct, drunkenness, riots, and public disturbances;

158 (29) Public transportation. To organize and operate such public transportation systems
159 as are deemed beneficial;

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

- 166 (31) Regulation of roadside areas. To prohibit or regulate and control the erection,
167 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
168 and all other structures or obstructions upon or adjacent to the rights of way of streets and
169 roads or within view thereof, within or abutting the corporate limits of the town; and to
170 prescribe penalties and punishment for violation of such ordinances;
- 171 (32) Retirement. To provide and maintain a retirement plan and other employee benefit
172 plans and programs for elected officials, officers, and employees of the town;
- 173 (33) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
174 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
175 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
176 walkways within the corporate limits of the town; and to grant franchises and rights of
177 way throughout the streets and roads and over the bridges and viaducts for the use of
178 public utilities; and to require real estate owners to repair and maintain in a safe condition
179 the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;
- 180 (34) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
181 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
182 and sewerage system and to levy on those to whom sewers and sewerage systems are
183 made available a sewer service fee, charge, or sewer tax for the availability or use of the
184 sewers; to provide for the manner and method of collecting such service charges and for
185 enforcing payment of the same; and to charge, impose, and collect a sewer connection fee
186 or fees to those connected with the system;
- 187 (35) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
188 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
189 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
190 paper, and other recyclable materials and to provide for the sale of such items;
- 191 (36) Special areas of public regulation. To regulate or prohibit junk dealers and the
192 manufacture and sale of intoxicating liquors, to regulate the transportation, storage, and
193 use of combustible, explosive, and inflammable materials, the use of lighting and heating
194 equipment, the treatment of commercial waste or septage, or both, and any other business
195 or situation which may be dangerous to persons or property; to regulate and control the
196 conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows
197 of any kind, by taxation or otherwise; to license and tax professional fortunetelling,
198 palmistry, and massage parlors; and to restrict adult bookstores and other adult
199 entertainment to certain areas;
- 200 (37) Special assessments. To levy and provide for the collection of special assessments
201 to cover the costs for any public improvements;

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

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

206 (40) Taxicabs. To regulate and license vehicles operated for hire in the town; to limit the
207 number of such vehicles; to require the operators thereof to be licensed; to require public
208 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
209 regulate the parking of such vehicles;

210 (41) Urban redevelopment. To organize and operate an urban redevelopment program;
211 and

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

223 **SECTION 1.14.**

224 Exercise of powers.

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

229

ARTICLE II

230

GOVERNMENT STRUCTURE, ELECTIONS, AND REMOVAL

231

SECTION 2.10.

232

Town council creation; composition; number; election.

233

(a) The legislative authority of the government of this town, except as otherwise specifically provided in this charter, shall be vested in a town council to be composed of a mayor and five councilmembers.

236

(b) The mayor and councilmembers shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or councilmember unless that person shall have been a resident of this town for 12 months immediately preceding the election of mayor or councilmembers; each such person shall continue to reside within the town during that person's period of service and shall be registered and qualified to vote in municipal elections of this town. No person's name shall be listed as a candidate on the ballot for election for either mayor or councilmember unless such person shall file a written notice with the clerk of said town that he or she desires his or her name to be placed on said ballot as a candidate either for mayor or councilmember. No person shall be eligible for the office of mayor or councilmember unless such person shall file such notice within the time provided in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

248

SECTION 2.11.

249

Elections.

250

(a) At any election, all persons who are qualified under the Constitution and laws of Georgia to vote for members of the General Assembly of Georgia and who are bona fide residents of said town shall be eligible to qualify as voters in the election.

253

(b) All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code." Except as otherwise provided by this charter, the town council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under the "Georgia Election Code."

257

(c) The mayor and councilmembers who are in office on the effective date of this Act shall serve until the expiration of the terms of office to which they were elected and until their successors are elected and qualified.

260

(d) For the purpose of electing members of the council, the Town of Alto shall consist of one election district with five numbered posts. Each person seeking election shall designate the post for which such person seeks election.

263 (e) On the Tuesday after the first Monday in November, 2009, and on such day
 264 quadrennially thereafter, there shall be elected three councilmembers, being for Post 1,
 265 Post 3, and Post 5. Then, on the Tuesday after the first Monday in November, 2011, and on
 266 such day quadrennially thereafter, there shall be elected a mayor and two councilmembers,
 267 being for Post 2 and Post 4. The terms of the offices shall begin at the time of taking the oath
 268 of office as provided in Section 2.21 of this charter.

269 **SECTION 2.12.**

270 Vacancies in office.

271 (a)(1) The office of mayor or councilmember shall become vacant upon the incumbent's
 272 death, resignation, forfeiture of office, or removal from office in any manner authorized
 273 by this charter or the general laws of the State of Georgia.

274 (2) Upon the suspension from office of the mayor or a councilmember in any manner
 275 authorized by the general laws of the State of Georgia, the town council or those
 276 remaining shall appoint a successor for the duration of the suspension. If the suspension
 277 becomes permanent, then the office shall become vacant and shall be filled as provided
 278 in subsection (b) of this section.

279 (b) In the event that the office of mayor or councilmember shall become vacant, the town
 280 council or those remaining shall order a special election to fill the balance of the unexpired
 281 term of such official; provided, however, that, if such vacancy occurs within six months of
 282 the expiration of the term of that office, the town council or those members remaining shall
 283 appoint a successor for the remainder of the term. In all other respects, the special election
 284 shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the
 285 "Georgia Election Code," as now or hereafter amended.

286 **SECTION 2.13.**

287 Nonpartisan elections.

288 Political parties shall not conduct primaries for town offices and all names of candidates for
 289 town offices shall be listed without party labels.

290 **SECTION 2.14.**

291 Election by plurality.

292 The candidate receiving a plurality of the votes cast for any town office shall be elected.
293 Runoff elections shall be held and conducted in accordance with the provisions of Chapter 2
294 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

295 **SECTION 2.15.**

296 Compensation and expenses.

297 The mayor shall receive compensation of \$150.00 per month plus \$125.00 per meeting and
298 each councilmember and administrative officer shall receive compensation of \$100.00 per
299 meeting and reimbursement for expenses actually and necessarily incurred by them in
300 carrying out their official duties. The council shall be authorized to change their
301 compensation and expenses for their services as provided by ordinance and in accordance
302 with Chapter 35 of Title 36 of the O.C.G.A.

303 **SECTION 2.16.**

304 Prohibitions.

305 (a) No elected official, appointed officer, or employee of the town or any agency or political
306 entity to which this charter applies shall knowingly:

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

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

315 (3) Disclose confidential information concerning the property, government, or affairs of
316 the governmental body by which that person is engaged without proper legal
317 authorization or use such information to advance the financial or other private interest of
318 that person or others;

319 (4) Accept any valuable gift, whether in the form of service, loan, object, or promise,
320 from any person, firm, or corporation which to that person's knowledge is interested,
321 directly or indirectly, in any manner whatsoever, in business dealings with the

322 governmental body by which that person is engaged; provided, however, that an elected
 323 official who is a candidate for public office may accept campaign contributions and
 324 services in connection with any such campaign;

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

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

329 (b) Any elected official, appointed officer, or employee who has any private financial
 330 interest, directly or indirectly, in any contract or matter pending before or within any
 331 department of the town shall disclose such interest to the town council. The mayor or any
 332 councilmember who has a private financial interest in any matter pending before the town
 333 council shall disclose such private interest and such disclosure shall be entered on the records
 334 of the town council, and that person shall disqualify himself or herself from participating in
 335 any decision or vote relating thereto. Any elected official, appointed officer, or employee
 336 of any agency or political entity to which this charter applies who shall have any private
 337 financial interest, directly or indirectly, in any contract or matter pending before or within
 338 such entity shall disclose such private interest to the governing body of such agency or entity.

339 (c) No elected official, appointed officer, or employee of the town or any agency or entity
 340 to which this charter applies shall use property owned by such governmental entity for
 341 personal benefit, convenience, or profit except in accordance with policies promulgated by
 342 the town council or the governing body of such agency or entity.

343 (d) Any violation of this section which occurs with the knowledge, express or implied, of
 344 a party to a contract or sale shall render such contract or sale voidable at the option of the
 345 town council.

346 (e) Except as authorized by law, no member of the council shall hold any other elective town
 347 office or other town employment during the term for which that person was elected. The
 348 provisions of this subsection shall not apply to any person holding employment on the
 349 effective date of this Act.

350 **SECTION 2.17.**

351 **Removal of officers.**

352 (a) The mayor, a councilmember, or other appointed officers provided for in this charter
 353 shall be removed from office for any one or more of the following causes:

354 (1) Incompetence, misfeasance, or malfeasance in office;

355 (2) Conviction of a crime that is a felony or a crime involving moral turpitude;

356 (3) Failure at any time to possess any qualifications of office as provided by this charter
357 or by law;

358 (4) Knowingly violating Section 2.16 or any other express prohibition of this charter;

359 (5) Abandonment of office or neglect to perform the duties thereof; or

360 (6) Failure for any cause to perform the duties of office as required by this charter or by
361 state law.

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

364 (1) By the vote of three councilmembers after an investigative hearing. In the event an
365 elected officer is sought to be removed by the action of the town council, such officer
366 shall be entitled to a written notice specifying the ground or grounds for removal and to
367 a public hearing which shall be held not less than ten days after the service of such
368 written notice. Any elected officer sought to be removed from office as provided in this
369 section shall have the right of appeal from the decision of the town council to the
370 Superior Court of Habersham County. Such appeal shall be governed by the same rules
371 as govern appeals to the superior court from the probate court; or

372 (2) By an order of the Superior Court of Habersham County following a hearing on a
373 complaint seeking such removal brought by any resident of the Town of Alto.

374 **SECTION 2.18.**

375 Exercise of powers.

376 All powers, functions, rights, privileges, and immunities of the town, its officers, agencies,
377 or employees shall be carried into execution as provided by the Constitution of Georgia, by
378 general law, and by this charter. If general law and this charter make no provision, such shall
379 be carried into execution as provided by ordinance.

380 **SECTION 2.19.**

381 Inquiries and Investigations.

382 The town council may make inquiries and investigations into the affairs of the town and the
383 conduct of any department, office, or agency thereof and for this purpose may subpoena
384 witnesses, administer oaths, take testimony, and require the production of evidence. Any
385 person who fails or refuses to obey a lawful order issued in the exercise of these powers by
386 the town council shall be punished as provided by ordinance.

387 **SECTION 2.20.**

388 General power and authority of the town council.

389 Except as otherwise provided by this charter, the town council shall be vested with all the
390 powers of government of this town as provided in Article I of this charter.

391 **SECTION 2.21.**

392 Organizational meeting.

393 The town council shall meet for organization on the second Tuesday in January of each year
394 or as soon thereafter as is practical. The meeting shall be called to order by the town clerk
395 and the oath of office shall be administered to the newly elected members as follows:

396 "I do solemnly swear (or affirm) that I will faithfully perform the duties of (a town
397 councilmember) (mayor) of this town and that I will support and defend the charter thereof
398 as well as the Constitution and laws of the State of Georgia and the United States of
399 America."

400 **SECTION 2.22.**

401 Regular and special meetings.

402 (a) The town council shall hold regular meetings at such times and places as shall be
403 prescribed by resolution.

404 (b) Special meetings of the town council may be held on call of the mayor or three other
405 members of the town council. Notice of such special meetings shall be served on all other
406 members personally, or by telephone personally, at least 24 hours in advance of the meeting.
407 Such notice to councilmembers shall not be required if all town councilmembers are present
408 when the special meeting is called. Such notice of any special meeting may be waived by
409 a councilmember in writing before or after such a meeting and attendance at the meeting
410 shall also constitute a waiver of notice on any business transacted in such councilmember's
411 presence. Except where waiver by all members is effected by their presence or in writing,
412 only the business stated in the call may be transacted at the special meeting.

413 (c) All meetings of the town council shall be public to the extent required by general state
414 law, and notice to the public of all meetings shall be made as required by general state law.

415 **SECTION 2.23.**

416 Rules of procedure.

417 (a) The town council shall adopt its rules of procedure and order of business consistent with
418 the provisions of this charter and shall provide for keeping minutes of its proceedings
419 according to general state law, which shall be a public record.

420 (b) All committees and committee chairpersons and officers of the town council shall be
421 appointed by the town council. The town council, by a majority vote, shall have the power
422 to remove members of any committee and the power to appoint new members to any
423 committee, at any time, with the town council's discretion.

424 **SECTION 2.24.**

425 Quorum; voting.

426 (a) Except as otherwise provided in subsection (b) of this section, three councilmembers
427 shall constitute a quorum and shall be authorized to transact business of the town council.
428 Voting on the adoption of ordinances shall be by voice vote and the ayes and nays shall be
429 recorded in the minutes, but any member of the town council shall have the right to request
430 a roll-call vote. Except as otherwise provided in this charter, the affirmative vote of three
431 councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

432 (b) In the event that vacancies in office result in less than a quorum of councilmembers
433 holding office, then the remaining councilmembers in office shall constitute a quorum and
434 shall be authorized to transact business for the town council. A vote of a majority of the
435 remaining councilmembers shall be required for the adoption of any ordinance, resolution,
436 or motion.

437 **SECTION 2.25.**

438 Ordinance form; procedure; notice and reading.

439 (a) Every proposed ordinance should be introduced in writing and must be finalized at the
440 time of passage at the second meeting for final adoption. The enacting clause shall be: "The
441 Council of the Town of Alto hereby ordains ..." and every ordinance shall so begin.

442 (b) An ordinance may be introduced by any councilmember. Before an ordinance can be
443 voted on, it must be introduced at one regular or special meeting and passed at a second
444 regular or special meeting.

445 (c) Upon passage, all ordinances shall be signed by the mayor, or mayor pro tempore if
446 presiding, and the town clerk.

447 (d) Failure to comply with the technical requirements of this section shall not invalidate an
448 ordinance if the intention of the governing authority that the ordinance be effective is
449 evident.

450 **SECTION 2.26.**

451 Action requiring an ordinance.

452 Notwithstanding any other provisions of this charter, acts of the town council which have the
453 force and effect of law may be done by motion or resolution of the town council, except that
454 any act of the town council to amend the charter or the code of ordinances or any other act
455 required by general state law to be done by ordinance shall be done by ordinance.

456 **SECTION 2.27.**

457 Emergencies.

458 To meet a public emergency affecting life, health, property, or public peace, the town council
459 may convene on call of the mayor or two councilmembers and promptly adopt an emergency
460 ordinance, but such ordinance may not levy taxes; grant, renew, or extend a franchise;
461 regulate the rate charged by any public utility for its services; or authorize the borrowing of
462 money except for loans to be repaid within 30 days. An emergency ordinance shall be
463 introduced in the form prescribed for ordinances generally, except that it shall contain, after
464 the enacting clause, a declaration stating that an emergency exists and describing the
465 emergency in clear and specific terms. It shall become effective upon adoption or at such
466 later time as it may specify. Every emergency ordinance shall automatically stand repealed
467 30 days following the date upon which it was adopted, but this shall not prevent reenactment
468 of the ordinance in the manner specified in this section if the emergency still exists. An
469 emergency ordinance may also be repealed by adoption of a repealing ordinance in the same
470 manner specified in this section for adoption of emergency ordinances.

471 **SECTION 2.28.**

472 Codes of technical regulations.

473 (a) The town council may adopt any standard code of technical regulations by reference
474 thereto in an adopting ordinance. The procedure and requirements governing such adopting
475 ordinance shall be as prescribed for ordinances generally.

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

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479
480

SECTION 2.29.

Signing; authenticating;
recording; codification; printing.

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

483 (b) The town council shall provide for the preparation of a general codification of all the
484 ordinances of the town having the force and effect of law. The general codification shall be
485 adopted by the town council and shall be published as soon as is practicable, together with
486 all amendments thereto and such codes of technical regulations and other rules and
487 regulations as the town council may specify. This compilation shall be known and cited
488 officially as "The Code of the Town of Alto, Georgia." Copies of the code shall be furnished
489 to all officers, departments, and agencies of the town and made available for purchase by the
490 public at a reasonable price as fixed by the town council.

491 (c) The town council shall cause each ordinance and each amendment to this charter to be
492 printed as soon as is practicable following its adoption, and the printed ordinances and
493 charter amendments shall be made available for purchase by the public at reasonable prices
494 to be fixed by the town council. Following publication of the first code under this charter
495 and at all times thereafter, the ordinances and charter amendments shall be printed in
496 substantially the same style as the code currently in effect and shall be suitable in form for
497 incorporation therein. The town council shall make such further arrangements as deemed
498 desirable with respect to reproduction and distribution of any current changes in or additions
499 to codes of technical regulations and other rules and regulations included in the code.

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501

SECTION 2.30.

Chief executive officer; delegation of powers.

502 The mayor shall be the chief executive of this town. The mayor shall possess all of the
503 executive powers granted to the town under the Constitution and laws of the State of Georgia
504 and all of the executive powers contained in this charter, except as otherwise specifically
505 provided in this Act. The mayor shall have the authority to delegate any one or more
506 executive powers to a person or persons employed by the town and qualified in management
507 and administration. As chief executive officer, the mayor shall be the supervisor of any town
508 manager, if one is selected by the town council, but the town manager, if selected, shall
509 administratively handle the operations of the town on a day-to-day basis.

510
511**SECTION 2.31.**

Powers and duties of mayor.

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

513 (1) Supervise the town manager, if any, to see that all laws and ordinances of the town
514 are faithfully executed;515 (2) Review and approve the recommendation of appointment or removal by the town
516 manager of all officers, department heads, and employees of the town except as otherwise
517 provided in this charter; any appointment or removal by the mayor shall be subject to
518 confirmation by the town council;519 (3) Exercise supervision over all executive and administrative work of the town by the
520 town manager and provide for the coordination of administrative activities including, but
521 not limited to, appointment of councilmembers as administrative supervisors over town
522 departments, who will supervise the town manager's management of said departments;
523 the mayor shall coordinate the administrative tasks performed by the town manager and
524 those performed by a councilmember acting as an administrative supervisor over a town
525 department;526 (4) Exercise supervision over the town manager's preparation and submission to the
527 council of a recommended annual operating budget and recommended capital budget;528 (5) Ensure that the town manager shall submit to the council at least once a year a
529 statement covering the financial condition of the town and from time to time such other
530 information as the town council may request;

531 (6) Preside over all meetings of the town council;

532 (7) Call special meetings of the town council as provided for in Section 2.22 of this
533 charter;534 (8) Participate in the discussion of all matters brought before the town council and vote
535 on such matters only in the case of a tie vote or where such vote is needed to provide the
536 affirmative vote needed for approval of a matter;537 (9) Recommend to the town council such measures relative to the affairs of the town,
538 improvement of the government, and promotion of the welfare of its inhabitants as the
539 mayor may deem expedient;

540 (10) Approve or disapprove ordinances as provided in Section 2.32 of this charter;

541 (11) Require any department or agency of the town to submit written reports whenever
542 the mayor deems it expedient;543 (12) Sign as a matter of course all written contracts, ordinances, and other instruments
544 executed by the town which by law are required to be in writing;

- 545 (13) Perform the duties of town manager should that office not be filled or be vacant for
 546 any reason; and
 547 (14) Perform such other duties as may be required by general state law, this charter, or
 548 ordinance.

549 **SECTION 2.32.**

550 Submission of ordinances to the mayor; veto power.

- 551 (a) Every ordinance adopted by the town council shall be presented by the town clerk to the
 552 mayor within three days after its adoption.
 553 (b) The mayor shall, within ten days of receipt of an ordinance, return it to the town clerk
 554 with or without the mayor's approval or with the mayor's disapproval. If the ordinance has
 555 been approved by the mayor, it shall become law upon its return to the town clerk; if the
 556 ordinance is neither approved nor disapproved, it shall become law on the fifteenth day after
 557 its adoption; if the ordinance is disapproved, the mayor shall submit to the town council
 558 through the town clerk a written statement of the reasons for the veto. The town clerk shall
 559 record upon the ordinance the date of its delivery to and receipt from the mayor.
 560 (c) Ordinances vetoed by the mayor shall be presented by the town clerk to the town council
 561 at its next meeting and should the town council then or at their next general meeting adopt
 562 the ordinance by an affirmative vote of the entire council, it shall become law.
 563 (d) The mayor may disapprove or reduce any item or items of appropriation in any
 564 ordinance. The approved part or parts of any ordinance making appropriations shall become
 565 law, and the part or parts disapproved shall not become law unless subsequently passed by
 566 the town council over the mayor's veto as provided in this section. The reduced part or parts
 567 shall be presented to the town council as though disapproved and shall not become law
 568 unless overridden by the council as provided in subsection (c) of this section.

569 **SECTION 2.33.**

570 Mayor pro tempore.

571 The town council at the first regular meeting, after the newly elected councilmembers have
 572 taken office following each annual election, shall elect from its membership a mayor pro
 573 tempore for a term of one year. In the event that no decision is reached at such first regular
 574 meeting, the town council shall elect from its membership, within ten days following such
 575 meeting, the mayor pro tempore; otherwise the councilmember who received the highest
 576 number of votes when he or she was last elected shall become mayor pro tempore. The
 577 mayor pro tempore shall perform the duties of the mayor during the mayor's absence or

578 inability to act and shall fill out any unexpired term in the office of mayor, in which case a
 579 new mayor pro tempore shall be elected by majority vote of the town council.

580 **SECTION 2.34.**

581 Town manager and acting town manager.

582 (a) The town council may select an officer of not less than 25 years of age whose title shall
 583 be town manager and who shall be the head of the administrative branch of the town
 584 government on a day-to-day basis. The town manager shall be chosen by the town council
 585 on the basis of qualifications for the position as such with specific reference to actual
 586 experience in and knowledge of the duties of the office as hereinafter prescribed. The town
 587 manager shall have received a bachelor's degree as a minimum educational requirement or,
 588 in lieu thereof, have a minimum of five years' experience in a town in a supervisory capacity.
 589 The town manager shall serve at the pleasure of the town council. The town manager shall
 590 receive such salary as the town council may fix. Should the town council not fill the office
 591 of town manager for any reason, including, but not limited to, choosing not to have a town
 592 manager, or should the office be vacant for any reason, then the mayor shall perform the
 593 duties of town manager.

594 (b) By letter filed with the town clerk, the mayor shall designate, subject to approval of the
 595 town council, a qualified administrative officer, which can include, but not be limited to, the
 596 mayor, to execute the powers and perform the duties of the town manager during the town
 597 manager's temporary absence or disability.

598 **SECTION 2.35.**

599 Powers and duties of town manager.

600 (a) The town manager shall be responsible to the mayor and town council for the proper
 601 administration of all affairs of the town. As chief administrator, the town manager shall have
 602 the power to recommend appointment and removal of all officers, department heads, and
 603 employees in the administrative service of the town except the town clerk, town police chief,
 604 town engineer, town attorney, and town judge; and these officers, department heads, and
 605 employees shall be administratively responsible to the town manager, except the town clerk,
 606 town police chief, town engineer, town attorney, and town judge who shall be appointed or
 607 removed by the mayor and subject to confirmation by the town council. The mayor and town
 608 council as determined in their discretion may modify any personnel decision made by the
 609 town manager. It shall be the duty of the town manager to supervise the administration of
 610 the affairs of the town; to see that the ordinances, resolutions, and regulations of the town

611 council and the laws of the state are faithfully executed and enforced; to make such
 612 recommendations to the town council concerning the affairs of the town as he or she shall
 613 deem expedient; to keep the town council advised of the financial condition and future
 614 financial needs of the town; to attend all meetings of the town council; and to prepare and
 615 submit to the town council such reports as may be deemed expedient or as may be required
 616 by the town council. The town manager shall perform such other functions as assigned by
 617 the town council; provided, however, that remuneration shall not exceed the amount of salary
 618 fixed in Section 2.34 of this charter.

619 (b) The town manager shall be designated and given authority to delegate duties as the
 620 purchasing agent, the personnel officer, and the finance officer of the Town of Alto. The
 621 town manager shall have responsibility of preparing and implementing the budget following
 622 budgetary review and adoption by the council in regular meeting. All department heads
 623 employed by the town manager shall be administratively accountable to the town manager.
 624 All department heads or other agents employed by the legislative body shall be
 625 administratively communicative with the town manager.

626 ARTICLE III

627 ADMINISTRATIVE AFFAIRS

628 SECTION 3.10.

629 Administrative and service departments.

630 (a) Except as otherwise provided in this charter, the town council, by ordinance or resolution
 631 as appropriate, shall prescribe the functions or duties of and establish, abolish, or alter all
 632 nonelective offices, positions of employment, departments, and agencies of the town as
 633 necessary for the proper administration of the affairs and government of this town.

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

637 (c) All appointed officers and directors of departments shall receive such compensation as
 638 prescribed by ordinance or resolution, as appropriate.

639 (d) There shall be a director of each department or agency who shall be its principal officer.
 640 Each director shall, subject to the direction and supervision of the town manager, be
 641 responsible for the administration and direction of the affairs and operations of that director's
 642 department or agency.

643

SECTION 3.11.

644

Boards, commissions, and authorities.

645 (a) The town council shall create by ordinance or resolution, as appropriate, such boards,
646 commissions, and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative
647 functions as the town council deems necessary and shall by ordinance or resolution, as
648 appropriate, establish the composition, period of existence, duties, and powers thereof.

649 (b) All members of boards, commissions, and authorities of the town shall be appointed by
650 the town council for such terms of office and in such manner as shall be provided by
651 ordinance or resolution, as appropriate, except where other appointing authority, term of
652 office, or manner of appointment is prescribed by this charter or general state law.

653 (c) The town council by ordinance or resolution, as appropriate, may provide for the
654 compensation and reimbursement for actual and necessary expenses of the members of any
655 board, commission, or authority.

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

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

661 (f) No member of a board, commission, or authority shall assume office until that person has
662 executed and filed with the clerk of the town an oath obligating that person to perform
663 faithfully and impartially the duties of that person's office; such oath shall be prescribed by
664 ordinance or resolution, as appropriate, and administered by the mayor.

665 (g) Any member of a board, commission, or authority may be removed from office for any
666 reason by a majority vote of the town council.

667 (h) Except as otherwise provided by this charter or by general state law, each board,
668 commission, or authority of the town shall elect one of its members as chairperson and one
669 member as vice chairperson and one member as secretary. Each board, commission, or
670 authority of the town government may establish such bylaws, rules, and regulations, not
671 inconsistent with this charter, ordinances of the town, or general state law, as it deems
672 appropriate and necessary for the fulfillment of its duties or the conduct of its affairs, copies
673 of which shall be filed with the clerk of the town.

674 **SECTION 3.12.**

675 Town attorney.

676 (a) The mayor, subject to the approval of the town council, shall appoint a town attorney,
677 who shall be a member of the State Bar of Georgia and shall have actively practiced law for
678 at least one year. The town attorney shall serve at the pleasure of the town council.

679 (b) It shall be the duty of the town attorney to serve as legal advisor to the mayor, town
680 council, town manager, and other town officials with respect to the affairs of the town; to
681 draw proposed ordinances when requested to do so; to inspect and determine the legality and
682 form of all agreements, contracts, franchises, and other instruments with which the town may
683 be concerned; to attend all meetings of the town council upon request of the council; and to
684 perform such other duties as may be required by virtue of the position as town attorney. The
685 compensation of the town attorney shall be set by the town council.

686 **SECTION 3.13.**

687 Town clerk.

688 The mayor, subject to approval by the town council, shall appoint an officer who shall
689 perform the duties of the town clerk and who shall keep a journal of the proceedings of the
690 town council, maintain a safe place for all records and documents pertaining to the affairs of
691 the town, and perform such other duties as may be required by law or as the mayor and town
692 council may direct, including, but not limited to, the office of town treasurer.

693 **SECTION 3.14.**

694 Personnel policies.

695 (a) The town council may adopt rules and regulations consistent with this charter
696 concerning:

- 697 (1) The method of employee selection and probationary periods of employment;
698 (2) The administration of a position classification and pay plan;
699 (3) Hours of work, vacation, sick leave and other leaves of absence, overtime pay,
700 retirement, and the manner in which layoffs shall be effected;
701 (4) Civil service regulations for employees as to which personnel decisions of the town
702 manager, the mayor, and the town council would be subject; and
703 (5) Such other personnel policies as may be necessary to provide for adequate and
704 systematic handling of the personnel affairs of the Town of Alto.

705 (b) Notwithstanding the foregoing, all employees and personnel of the town are at-will
 706 employees, unless the town council enters into a written employment contract or creates by
 707 ordinance a personnel system providing for removal of employees only for cause.

708 **ARTICLE IV**
 709 **JUDICIAL BRANCH**
 710 **SECTION 4.10.**
 711 **Creation; name.**

712 There shall be a court to be known as the Municipal Court of the Town of Alto.

713 **SECTION 4.11.**
 714 **Chief judge; associate judge.**

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

717 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
 718 that person shall have attained the age of 21 years and is a member of the State Bar of
 719 Georgia. The town judge need not be a resident of the Town of Alto. All judges shall be
 720 appointed by the town council. Upon the effective date of this charter, the present presiding
 721 town judge shall be eligible to continue holding office subject to the approval of the town
 722 council.

723 (c) Compensation of the judges shall be fixed by resolution of the council.

724 (d) Judges may be removed at any time by a majority vote of the town council.

725 (e) Before entering on the duties of his or her office, each judge not presently serving at the
 726 time of the enactment of this charter shall take an oath given by the mayor that such judge
 727 will honestly and faithfully discharge the duties of the judge's office to the best of the judge's
 728 ability without fear, favor, or partiality. The oath shall be similar in form to the oath as set
 729 out in Section 2.21 and shall be entered upon the minutes of the town council.

730 **SECTION 4.12.**
 731 **Clerk of municipal court.**

732 The town manager shall designate, subject to the approval of the chief judge of the Municipal
 733 Court of the Town of Alto, a municipal employee to serve as the clerk of the municipal court.
 734 The clerk of the municipal court shall attend all hearings and be responsible for all records
 735 of said municipal court.

736 **SECTION 4.13.**

737 Convening.

738 The municipal court shall be convened at regular intervals as designated by procedure by the
739 chief judge of the Municipal Court of the Town of Alto.

740 **SECTION 4.14.**

741 Jurisdiction; power.

742 (a) The municipal court shall try and punish violations of all town ordinances and such
743 violations of state law allowed to be tried in municipal court under the general laws of the
744 State of Georgia.

745 (b) The municipal court shall have authority to punish those in its presence for contempt,
746 provided that such punishment shall not exceed \$1,000.00 or 180 days in jail, or both.

747 (c) The municipal court may fix punishment for offenses within its jurisdiction not
748 exceeding a fine of \$1,000.00 or imprisonment for 180 days, or both, or may sentence any
749 offender upon conviction to labor for the town on the streets, sidewalks, squares, or other
750 public places for a period not exceeding 180 days. A fine levied by the municipal court shall
751 not be subject to suspension, stay, or probation except that, if the fine will impose an
752 economic hardship on the defendant, the judge of the municipal court, in such judge's sole
753 discretion, may order the defendant to pay such fine in installments or under an order of
754 probation, and such order may be enforced through a contempt proceeding.

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

758 (e) The municipal court shall have authority to establish bail and recognizances to ensure
759 the presence of those charged with violations before such court and shall have discretionary
760 authority to accept cash or personal or real property as surety for the appearance of persons
761 charged with violations. Whenever any person shall give bail for that person's appearance
762 and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by the
763 judge presiding at such time. In the event that cash or property is accepted in lieu of bond
764 for security for the appearance of a defendant at trial, and if such defendant fails to appear
765 at the time and place fixed for trial, the cash so deposited shall be on order of the judge
766 declared forfeited to the town, or the property so deposited shall have a lien against it for the
767 value forfeited which lien shall be enforceable in the same manner and to the same extent as
768 a lien for town property taxes.

769 (f) The municipal court shall have the authority to bind prisoners over to the appropriate
 770 court when it appears by probable cause that state law has been violated and a jury trial is
 771 requested.

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

775 (h) The municipal court may compel the presence of all parties necessary to a proper
 776 disposal of each case by the issuance of summonses, subpoenas, and warrants which may be
 777 served as executed by an officer as authorized by this charter or by general state law. All
 778 judges of the municipal court and the clerk of the municipal court are authorized to issue
 779 warrants for the arrest of persons charged with offenses against any ordinance of the town
 780 or as to violations of state law.

781 (i) The municipal court is specifically vested with all of the jurisdiction and powers
 782 throughout the entire area of this town granted by general state laws to municipal courts, and
 783 particularly by such laws as authorize the abatement of nuisances and prosecution of traffic
 784 violations.

785 **SECTION 4.15.**

786 Certiorari.

787 The right of certiorari from the decision and judgment of the municipal court shall exist in
 788 all cases, and such certiorari shall be obtained under the sanction of a judge of the
 789 appropriate court of Habersham County under the laws of the State of Georgia regulating the
 790 granting and issuance of writs of certiorari.

791 **SECTION 4.16.**

792 Rules for court.

793 With the approval of the town council, the judge shall have full power and authority to make
 794 reasonable rules and regulations necessary to secure the proper administration of the
 795 municipal court and to require the prosecution by a prosecuting officer or by a council
 796 appointed solicitor; provided, however, that the town council may adopt in part or in toto the
 797 rules and regulations for procedure in the superior court under the general laws of the State
 798 of Georgia. The rules and regulations made or adopted shall be filed with the town clerk,
 799 shall be available for public inspection, and, upon request, a copy shall be furnished to all
 800 defendants in municipal court proceedings.

801 **SECTION 4.17.**

802 Probation.

803 The Municipal Court of the Town of Alto may establish rules and regulations to allow those
 804 convicted of ordinances or violations of state law to serve their sentences pursuant to such
 805 terms of probation as may be set by the municipal judge. The municipal court may establish
 806 or contract for probation services as determined are necessary for the proper operation of the
 807 court by the municipal judge and as approved by the town council.

808 **ARTICLE V**809 **FINANCE**810 **SECTION 5.10.**

811 Property tax.

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

818 **SECTION 5.11.**

819 Millage rate; due dates; payment methods.

820 The town council by ordinance shall establish a millage rate for the town property tax, a due
 821 date, and in what length of time these taxes must be paid. The town council by ordinance
 822 may provide for the payment of these taxes by installments or in one lump sum and may
 823 authorize the voluntary payment of taxes prior to the time when due.

824 **SECTION 5.12.**

825 Occupation and business taxes.

826 The town council by ordinance shall have the power to levy such occupation or business
 827 taxes as are not denied by general state law. Such taxes may be levied on both individuals
 828 and corporations who transact business in this town or who practice or offer to practice any
 829 profession or calling therein to the extent such persons have a constitutionally sufficient
 830 nexus to this town to be so taxed. The town council may classify businesses, occupations,

831 professions, or callings for the purpose of such taxation in any way which may be lawful and
832 compel the payment of such taxes as provided in Section 5.18 of this charter.

833 **SECTION 5.13.**

834 Licenses; permits; fees.

835 The town council by ordinance shall have the power to require individuals or corporations
836 which transact business in this town or who practice or offer to practice any profession or
837 calling therein to obtain a license or permit for such activity from the town and pay a
838 reasonable fee for such license or permit where such activities are not now regulated by
839 general state law in such a way as to preclude town regulation. Such fees, if unpaid, shall
840 be collected as provided in Section 5.18 of this charter. The town council by ordinance may
841 establish reasonable requirements for obtaining or keeping such licenses as the public health,
842 safety, and welfare necessitate.

843 **SECTION 5.14.**

844 Franchises.

845 The town council shall have the power to grant franchises for the use of this town's streets
846 and alleys for the purposes of railroads, street railways, telephone companies, electric
847 companies, and other similar organizations. The town council shall determine the duration,
848 provisions, terms, whether the same shall be exclusive or nonexclusive, and the consideration
849 for such franchises. The town council shall have the right to set franchise fees as to state
850 franchises as allowed by the general laws of the State of Georgia.

851 **SECTION 5.15.**

852 Service charges.

853 The town council by ordinance shall have the power to assess and collect fees, charges, and
854 tolls for law enforcement, fire, emergency, water, zoning, sewers, sanitary and health
855 services, or any other services rendered within and without the corporate limits of the town,
856 or as to providing the availability of said services, or both. If unpaid, such charges shall be
857 collected as provided in Section 5.18 of this charter.

858 **SECTION 5.16.**

859 Special assessments.

860 The town council by ordinance shall have the power to assess and collect the cost of
861 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
862 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
863 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be
864 collected as provided in Section 5.18 of this charter.

865 **SECTION 5.17.**

866 Construction; other taxes.

867 The town council shall be empowered to levy any other tax or fee allowed now or hereafter
868 by state law, and the specific mention of any right, power, or authority in this article shall not
869 be construed as limiting in any way the general powers of this town to govern its local
870 affairs.

871 **SECTION 5.18.**

872 Collection of delinquent taxes and fees.

873 The town council by ordinance may provide generally for the collection of delinquent taxes,
874 fees, charges, or other revenue due the town by whatever reasonable means as are not
875 precluded by general state law, including, but not limited to, the termination of town services
876 such as water or sewer, or both. This shall include providing for the dates when the taxes or
877 fees are due; late penalties or interest; issuance and execution of fi. fas.; creation and priority
878 of liens; making delinquent taxes and fees personal debts of the persons required to pay the
879 taxes or fees imposed; revoking town licenses for failure to pay any town taxes or fees,
880 allowing exceptions for hardship; and providing for the assignment or transfer of tax
881 executions.

882 **SECTION 5.19.**

883 General obligation bonds.

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

888 **SECTION 5.20.**

889 Revenue bonds.

890 Revenue bonds may be issued by the town council as state law now or hereafter provides.

891 Such bonds are to be paid out of any revenue produced by the project, program, or venture
892 for which they were issued.

893 **SECTION 5.21.**

894 Short-term loans.

895 Any short-term loan obtained by the town must be repaid by December 31 of the year in
896 which the loan was obtained unless otherwise provided by present or future state law.

897 **SECTION 5.22.**

898 Fiscal year.

899 The town council shall set the fiscal year by resolution. This fiscal year shall constitute the
900 budget year and the year for financial accounting and reporting of each and every office,
901 department, agency, and activity of the town government, unless otherwise provided by
902 general state or federal law.

903 **SECTION 5.23.**

904 Action by town council on budget.

905 (a) The town council shall adopt and may thereafter amend an annual budget, by resolution,
906 except that the budget as finally adopted and amended must provide for all expenditures
907 required by state law or by other provisions of this charter and for all debt service
908 requirements for the ensuing fiscal year and the total appropriations from any fund shall not
909 exceed the estimated fund balance, reserves, and revenues.

910 (b) The amount set out in the adopted budget for each organizational unit shall constitute the
911 annual appropriation for such, and no expenditure shall be made or encumbrance created in
912 excess of the otherwise unencumbered balance of the appropriations or allotment thereof to
913 which it is chargeable unless by a majority vote of the town council.

914 **SECTION 5.24.**

915 Tax levies.

916 After adoption of the budget, in a timely fashion, the town council shall levy by ordinance
 917 such taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that
 918 reasonable estimates of revenues from such levy shall at least be sufficient, together with
 919 other anticipated revenues, fund balances, and applicable reserves, to equal the total amount
 920 appropriated for each of the several funds set forth in the total amount of the operating
 921 budget for defraying the expenses of the general government of this town.

922 **SECTION 5.25.**

923 Changes in appropriations.

924 The town council by majority vote may make changes by resolution in the appropriations
 925 contained in the current operating budget at any regular meeting or special or emergency
 926 meeting called for such purpose.

927 **SECTION 5.26.**

928 Independent audit.

929 There shall be an independent audit of all town accounts, funds, and financial transactions
 930 by a certified public accountant selected by the town council as required by general state law.
 931 The audit shall be conducted according to generally accepted auditing standards. Any audit
 932 of any funds by the state or federal government may be accepted as satisfying the
 933 requirements of this charter. Copies of all audit reports shall be available at printing costs
 934 to the public.

935 **SECTION 5.27.**

936 Contracting procedures.

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

- 938 (1) It is in writing;
- 939 (2) It is drawn by or submitted and reviewed by the town attorney; and
- 940 (3) It is made or authorized by the town council and such approval is entered in the town
 941 council minutes.

942 **SECTION 5.28.**

943 Centralized purchasing.

944 The town council may prescribe procedures for a system of centralized purchasing for the
945 town.946 **SECTION 5.29.**

947 Sale of town property.

948 (a) The town council may sell and convey any real or personal property owned or held by
949 the town for governmental or other purposes as provided by general state law.950 (b) The town council may quitclaim any rights it may have in property not needed for public
951 purposes upon a report and the adoption of a resolution, both finding that the property is not
952 needed for public or other purposes and that the interest of the town is of no readily
953 ascertainable monetary value.954 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
955 of the town a small parcel or tract of land is cut off or separated by such work from a larger
956 tract or boundary of land owned by the town, the town council may authorize the town
957 manager to execute and deliver in the name of the town a deed conveying said cut-off or
958 separated parcel or tract of land to an abutting or adjoining property owner or owners in
959 exchange for rights of way of said street, avenue, alley, or public place or in settlement of
960 any alleged damages sustained by said abutting or adjoining property owner. All deeds and
961 conveyances heretofore and hereafter so executed and delivered shall convey all title and
962 interest the town has in such property, notwithstanding the fact that no public sale after
963 advertisement was or is hereafter made.964 **ARTICLE VI**965 **GENERAL PROVISIONS**966 **SECTION 6.10.**

967 Official bonds.

968 The officers and employees of this town, both elected and appointed, shall execute such
969 official bonds in such amounts and upon such terms and conditions as the town council shall
970 from time to time require by ordinance or as may be provided by state law.

971 **SECTION 6.11.**

972 Prior ordinances.

973 All ordinances, bylaws, rules, and regulations now in force in the town not inconsistent with
974 this charter are declared valid and of full effect and force until amended or repealed by the
975 town council.

976 **SECTION 6.12.**

977 Pending matters.

978 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
979 contracts, and legal or administrative proceedings shall continue and any such ongoing work
980 or cases shall be dealt with by such town agencies, personnel, or offices as may be provided
981 by the town council.

982 **SECTION 6.13.**

983 Specific repealer.

984 An Act incorporating the Town of Alto in Habersham and Banks counties, approved
985 December 16, 1895 (Ga. L. 1895, p. 121), is repealed in its entirety and all amendatory Acts
986 thereto are likewise repealed in their entirety except the amendatory Act approved June 4,
987 2003 (Ga. L. 2003, p. 939). The boundaries of the town as provided by local Act and as
988 expanded previously or hereafter pursuant to general state law shall not be affected by this
989 Act.

990 **SECTION 6.14.**

991 General repealer.

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