

House Bill 816

By: Representatives Weldon of the 3rd, Neal of the 1st, and Dickson of the 6th

A BILL TO BE ENTITLED
AN ACT

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

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23

ARTICLE I

24

INCORPORATION AND POWERS

25

SECTION 1.10.

26

Name.

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

30

SECTION 1.11.

31

Corporate boundaries.

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

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

43

SECTION 1.12.

44

Powers and construction.

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

49 (b) The powers of this city shall be construed liberally in favor of the city. The specific
 50 mention or failure to mention particular powers shall not be construed as limiting in any way
 51 the powers of this city. Some of the more commonly used powers are set forth in
 52 Section 1.13; however, the powers set forth therein are not exclusive of all possible powers.

SECTION 1.13.

Powers.

- 55 (a) Animal regulations. To regulate and license or to prohibit the keeping or running
56 at-large of animals and fowl, and to provide for the impoundment of same if in violation of
57 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane
58 destruction of animals and fowl when not redeemed as provided by ordinance; and to provide
59 punishment for violation of ordinances enacted hereunder;
- 60 (b) Appropriations and expenditures. To make appropriations for the support of the
61 government of the city; to authorize the expenditure of money for any purposes authorized
62 by this charter and for any purpose for which a municipality is authorized by the laws of the
63 State of Georgia; and to provide for the payment of expenses of the city;
- 64 (c) Building regulation. To regulate and to license the erection and construction of buildings
65 and all other structures; to adopt building, housing, plumbing, fire safety, electrical, gas, and
66 heating and air conditioning codes; and to regulate all housing, and building trades;
- 67 (d) Business regulation and taxation. To levy and to provide for the collection of regulatory
68 fees and taxes on privileges, occupations, trades, and professions as authorized by Title 48
69 of the O.C.G.A., or other such applicable laws as are or may hereafter be enacted; to permit
70 and regulate the same; to provide for the manner and method of payment of such regulatory
71 fees and taxes; and to revoke such permits after due process for failure to pay any city taxes
72 or fees;
- 73 (e) Condemnation. To condemn property, inside or outside the corporate limits of the city,
74 for present or future use and for any corporate purpose deemed necessary by the governing
75 authority, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such other
76 applicable laws as are or may hereafter be enacted;
- 77 (f) Contracts. To enter into contracts and agreements with other governmental entities and
78 with private persons, firms, and corporations;
- 79 (g) Emergencies. To establish procedures for determining and proclaiming that an
80 emergency situation exists within or without the city, and to make and carry out all
81 reasonable provisions deemed necessary to deal with or meet such an emergency for the
82 protection, safety, health, or well-being of the citizens of the city;
- 83 (h) Environmental protection. To protect and preserve the natural resources, environment,
84 and vital areas of the city, the region, and the state through the preservation and improvement
85 of air quality, the restoration and maintenance of water resources, the control of erosion and
86 sedimentation, the management of stormwater and establishment of a stormwater utility, the
87 management of solid and hazardous waste, and other necessary actions for the protection of
88 the environment;

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

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

161 franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public
162 Service Commission;

163 (dd) Regulation of roadside areas. To prohibit or regulate and control the erection, removal,
164 and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other
165 structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within
166 view thereof, within or abutting the corporate limits of the city; and to prescribe penalties and
167 punishment for violation of such ordinances;

168 (ee) Retirement. To provide and maintain a retirement plan and other employee benefit
169 plans and programs for officers and employees of the city;

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

177 (gg) 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 made
180 available a sewer service fee, charge or sewer tax for the availability or use of the sewers; to
181 provide for the manner and method of collecting such service charges and for enforcing
182 payment of the same; and to charge, impose, and collect a sewer connection fee or fees to
183 those connected with the system;

184 (hh) 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, paper,
187 and other recyclable materials, and to provide for the sale of such items;

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

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

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

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

202 (mm) Taxicabs. To regulate and license vehicles operated for hire in the city; 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 (nn) Urban redevelopment. To organize and operate an urban redevelopment program; and

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

217 **SECTION 1.14.**

218 Exercise of powers.

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

223 **ARTICLE II**
 224 **GOVERNMENT STRUCTURE**

225 **SECTION 2.10.**

226 City council creation; number; election.

227 The legislative authority of the government of this city, except as otherwise specifically
 228 provided in this charter, shall be vested in a city council to be composed of a mayor and five
 229 councilmembers. The city council established shall in all respects be a successor to and

230 continuation of the governing authority under prior law. The mayor and councilmembers
231 shall be elected in the manner provided by general law and this charter. The council shall
232 be composed of five members elected by the voters of the city at large in accordance with
233 provisions of Article V of this charter. The mayor shall be elected as provided in
234 Section 2.32 of this charter.

235 **SECTION 2.11.**

236 City council terms and qualifications for office.

237 The mayor and members of the city council shall serve for terms of four years and until their
238 respective successors are elected and qualified. No person shall be eligible to serve as mayor
239 or councilmember unless that person shall have been a resident of the city for 12 months
240 prior to the date of election of mayor or members of the council; each shall continue to reside
241 therein during that member's period of service and to be registered and qualified to vote in
242 municipal elections of this city.

243 **SECTION 2.12.**

244 Vacancy; filling of vacancies.

245 (a) Vacancies - The office of mayor or councilmember shall become vacant upon the
246 incumbent's death, resignation, forfeiture of office, or occurrence of any event specified by
247 the Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such other applicable
248 laws as are or may hereafter be enacted.

249 (b) Filling of vacancies - A vacancy in the office of mayor or councilmember shall be filled
250 for the remainder of the unexpired term, if any, by appointment by the city council or those
251 members remaining if less than 12 months remains in the unexpired term. If such vacancy
252 occurs 12 months or more prior to the expiration of the term of that office, it shall be filled
253 for the remainder of the unexpired term by a special election, as provided for in Section 5.14
254 of this charter and in accordance with Titles 21 and 45 of the O.C.G.A., or other such laws
255 as are or may hereafter be enacted.

256 (c) This provision shall also apply to a temporary vacancy created by the suspension from
257 office of the mayor or any councilmember.

258 **SECTION 2.13.**

259 Compensation and expenses.

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

262 **SECTION 2.14.**

263 Holding other office; voting when financially interested.

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

266 (b) Except as authorized by law, the mayor or any councilmember shall not hold any other
267 city office or city employment during the term for which that person was elected.

268 (c) Neither the mayor nor any member of the city council shall vote upon, sign, or veto any
269 ordinance, resolution, contract, or other matter in which that person is financially interested.

270 **SECTION 2.15.**

271 Inquiries and investigations.

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

278 **SECTION 2.16.**

279 General power and authority of the city council.

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

282 (b) In addition to all other powers conferred upon it by law, the council shall have the
283 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and
284 regulations, not inconsistent with this charter and the Constitution and the laws of the State
285 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,
286 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,

287 or well-being of the inhabitants of the City of Ringgold and may enforce such ordinances by
288 imposing penalties for violation thereof.

289 **SECTION 2.17.**

290 Eminent domain.

291 The city council is hereby empowered to acquire, construct, operate, and maintain public
292 ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,
293 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports,
294 hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional,
295 penal, and medical institutions, agencies, and facilities, and any other public improvements
296 inside or outside the city, and to regulate the use thereof, and for such purposes, property
297 may be condemned under procedures established under general law applicable now or as
298 provided in the future.

299 **SECTION 2.18.**

300 Organizational meeting.

301 The city council shall hold an organizational meeting at 7:00 P.M. on the second Monday in
302 January of the next year following the municipal elections of the preceding year. The
303 meeting shall be called to order by either the mayor, if the mayor is already in office, or the
304 city manager, if the mayor is not yet sworn in, and the oath of office shall be administered
305 to the newly elected members by an officer duly authorized to administer oaths and shall, to
306 the extent it comports with state and federal law, be as follows:

307 "I do solemnly (swear)(affirm) that I will faithfully perform the duties of
308 (mayor)(councilmember) of this city and that I will support and defend the charter thereof
309 as well as the Constitution and laws of the State of Georgia and the United States of
310 America. I am not the holder of any unaccounted for money due this State or any political
311 subdivision thereof. I am not the holder of any office of trust of the government of the
312 United States, any other state, or any foreign state, which I by the laws of Georgia am
313 prohibited from holding. I am otherwise qualified to hold said office according to the
314 Constitution and laws of the State of Georgia. I have been a resident of the City of
315 Ringgold for the time required by the Constitution and laws of this State and by the
316 municipal charter. I will perform the duties of my office in the best interest of the City of
317 Ringgold, to the best of my ability without fear, favor, affection, reward, or expectation
318 thereof."

319

SECTION 2.19.

320

Regular and special meetings.

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

323 (b) Special meetings of the city council may be held on call of the mayor, mayor pro tem,
324 or three members of the city council. Notice of such special meetings shall be served on all
325 other members personally, or by telephone personally, at least 24 hours in advance of the
326 meeting. Such notice to councilmembers shall not be required if the mayor and all
327 councilmembers are present when the special meeting is called. Such notice of any special
328 meeting may be waived by a councilmember in writing before or after such a meeting, and
329 attendance at the meeting shall also constitute a waiver of notice on any business transacted
330 in such councilmembers' presence. Only the business stated in the call may be transacted at
331 the special meeting.

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

336

SECTION 2.20.

337

Rules of procedure.

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

341 (b) All committees and committee chairs and officers of the city council shall be appointed
342 by the mayor and approved by the council and shall serve at the pleasure of the mayor with
343 the approval of the council. The mayor shall have the power to appoint new members to any
344 committee at any time upon approval of the council.

345

SECTION 2.21.

346

Quorum; voting.

347 (a) Three councilmembers shall constitute a quorum and shall be authorized to transact
348 business of the city council. Voting on the adoption of ordinances shall be by voice vote and
349 the vote shall be recorded in the journal, but any member of the city council shall have the
350 right to request a roll call vote and such vote shall be recorded in the journal. The mayor

351 shall vote in case of a tie. Except as otherwise provided in this charter, the affirmative vote
352 of three councilmembers shall be required for the adoption of any ordinance, resolution, or
353 motion.

354 (b) No member of the city council nor the mayor shall abstain from voting on any matter
355 properly brought before the council for official action except when such councilmember has
356 a conflict of interest which is disclosed in writing prior to or at the meeting and made a part
357 of the minutes. Any member of the city council present and eligible to vote on a matter and
358 refusing to do so for any reason other than a properly disclosed and recorded conflict of
359 interest shall be deemed to have acquiesced or concurred with the members of the majority
360 who did vote on the question involved.

361 **SECTION 2.22.**

362 Ordinance form; procedures.

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

367 (b) An ordinance may be introduced by any councilmember or the mayor, and the ordinance
368 shall be posted and made available to the public prior to the meeting and shall be introduced
369 at a regular or special meeting of the city council. Ordinances shall be considered and
370 adopted or rejected by the city council in accordance with the rules which it shall establish;
371 provided, however, that an ordinance shall not be adopted the same day it is introduced,
372 except for emergency ordinances provided in Section 2.24 of this charter. Upon introduction
373 of any ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to
374 each councilmember and shall file a reasonable number of copies in the office of the clerk
375 and at such other public places as the city council may designate.

376 **SECTION 2.23.**

377 Action requiring an ordinance.

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

379

SECTION 2.24.

380

Emergencies.

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

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

402

SECTION 2.25.

403

Codes of technical regulations.

404 (a) The city council may adopt any standard code of technical regulations by reference
405 thereto in an adopting ordinance. The procedure and requirements governing such adopting
406 ordinance shall be as prescribed for ordinances generally except that the requirements of
407 subsection (b) of Section 2.22 of this charter for distribution and filing of copies of the
408 ordinance shall be construed to include copies of any code of technical regulations, as well
409 as the adopting ordinance.

410 (b) A copy of each adopted code of technical regulations, as well as the adopting ordinance,
411 shall be authenticated and recorded by the clerk pursuant to Section 2.26 of this charter.

412 (c) Copies of any adopted code of technical regulations shall be made available by the clerk
413 for inspection by the public.

414 **SECTION 2.26.**

415 Signing; authenticating; recording; codification; printing.

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

418 (b) The city council shall provide for the preparation of a general codification of all the
419 ordinances of the city having the force and effect of law. The general codification shall be
420 adopted by the city council by ordinance and shall be published promptly, together with all
421 amendments thereto and such codes of technical regulations and other rules and regulations
422 as the city council may specify. This compilation shall be known and cited officially as "The
423 Code of the City of Ringgold, Georgia." Copies of the code shall be furnished to all officers,
424 departments, and agencies of the city, and made available for purchase by the public at a
425 reasonable price as fixed by the city council.

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

435 **SECTION 2.27.**

436 City manager; appointment; qualifications; compensation.

437 The city council shall appoint a city manager for an indefinite term and shall fix the
438 manager's compensation. The manager shall be appointed solely on the basis of executive
439 and administrative qualifications.

440

SECTION 2.28.

441

Removal of city manager.

442

The city manager shall be employed at will and may be summarily removed from office at

443

any time by the city council.

444

SECTION 2.29.

445

Acting city manager.

446

By letter filed with the city clerk, the manager shall designate, subject to approval of the city

447

council, a qualified city administrative officer to exercise the powers and perform the duties

448

of manager during the manager's temporary absence or physical or mental disability. During

449

such absence or disability, the city council may revoke such designation at any time and

450

appoint another officer of the city to serve until the manager shall return or the manager's

451

disability shall cease.

452

SECTION 2.30.

453

Powers and duties of the city manager.

454

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

455

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

456

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

457

administrative officer, the manager shall:

458

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

459

or remove all city employees and administrative officers the manager appoints, except as

460

otherwise provided by law or personnel ordinances adopted pursuant to this charter. The

461

manager may authorize any administrative officer who is subject to the manager's direction

462

and supervision to exercise these powers with respect to subordinates in that officer's

463

department, office or agency;

464

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

465

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

466

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

467

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

468

right to take part in discussion but not vote;

469

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

470

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

471

supervision, are faithfully executed;

- 472 (5) Prepare and submit the annual operating budget and capital budget to the city council;
473 (6) Submit to the city council and make available to the public a complete report on the
474 finances and administrative activities of the city as of the end of each fiscal year;
475 (7) Make such other reports as the city council may require concerning the operations of
476 city departments, offices, and agencies subject to the manager's direction and supervision;
477 (8) Keep the city council fully advised as to the financial condition and future needs of the
478 city, and make such recommendations to the city council concerning the affairs of the city
479 as the manager deems desirable; and
480 (9) Perform other such duties as are specified in this charter or as may be required by the
481 city council.

482 **SECTION 2.31.**

483 Council interference with administration.

484 Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the
485 city council or its members shall deal with city officers and employees who are subject to the
486 direction and supervision of the manager solely through the manager, and neither the city
487 council nor its members shall give orders to any such officer or employee, either publicly or
488 privately.

489 **SECTION 2.32.**

490 Selection of mayor and mayor pro tem.

491 At every other regular municipal election, the voters of the city shall elect a mayor at large
492 for a term of four years. Every two years, at the initial meeting of the city council on the
493 second Monday in January, following the regular municipal elections, the council shall elect
494 from among its members a mayor pro tem who shall act as mayor during the absence or
495 disability of the mayor, but shall only vote once on matters before the council, and, if a
496 vacancy occurs, shall become mayor for the remainder of the unexpired term provided that
497 the unexpired term is not over 180 days. If the vacancy will be over 180 days, an election
498 will be held to fill the unexpired term of the mayor and the mayor pro tem will act as mayor
499 until such election is held and the new mayor is sworn in.

500

SECTION 2.33.

501

Powers and duties of mayor.

502 The mayor shall:

503

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

504

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

505

506

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

507

(4) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, and other instruments executed by the city which by law are required to be in

508

509

writing.

510

SECTION 2.34.

511

Position of mayor pro tem.

512

During the absence or physical or mental disability of the mayor for any cause, the mayor

513

pro tem, or in the mayor pro tem's absence or disability for any reason, any one of the

514

councilmembers chosen by a majority vote of the city council, shall be clothed with all the

515

rights and privileges of the mayor and shall perform the duties of the office of the mayor so

516

long as such absence or disability shall continue. Any such absence or disability shall be

517

declared by majority vote of all councilmembers. The mayor pro tem or selected

518

councilmember shall sign all contracts and ordinances in which the mayor has a disqualifying

519

financial interest as provided in Section 2.14 of this charter. When acting as mayor, the

520

mayor pro tem shall continue to have only vote as a member of the council.

521

ARTICLE III

522

ADMINISTRATIVE AFFAIRS

523

SECTION 3.10.

524

Administrative and service departments.

525

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

526

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

527

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

528

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

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

532 (c) All appointive officers and directors of departments shall receive such compensation as
533 prescribed by ordinance or resolution.

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

538 (e) All appointive officers and directors under the supervision of the city manager shall be
539 nominated by the city manager with confirmation of appointment by the city council. All
540 appointive officers and directors shall be employees-at-will and subject to removal or
541 suspension at any time by the city manager unless otherwise provided by law or ordinance.

542 **SECTION 3.11.**

543 **Boards, commissions and authorities.**

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

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

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

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

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

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

563 (g) All board members serve at-will and may be removed at any time by a vote of majority
564 members of the city council unless otherwise provided by law.

565 (h) Except as otherwise provided by this charter or by law, each board, commission, or
566 authority of the city shall elect one of its members as chair and one member as vice-chair,
567 and may elect as its secretary one of its own members or may appoint as secretary an
568 employee of the city. Each board, commission, or authority of the city government may
569 establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances
570 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or
571 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with
572 the clerk of the city.

573 **SECTION 3.12.**

574 City attorney.

575 The city council shall appoint a city attorney, together with such assistant city attorneys as
576 may be authorized, and shall provide for the payment of such attorney or attorneys for
577 services rendered to the city. The city attorney shall be responsible for providing for the
578 representation and defense of the city in all litigation in which the city is a party; may be the
579 prosecuting officer in the municipal court; shall attend the meetings of the council as
580 directed; shall advise the city council, mayor, and other officers and employees of the city
581 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
582 required by virtue of the person's position as city attorney. The city attorney shall not be a
583 public official of the city and shall not take an oath of office. The city attorney shall at all
584 times be an independent contractor. A law firm, rather than an individual, may be designated
585 as the city attorney.

586 **SECTION 3.13.**

587 City clerk.

588 The city manager shall appoint a city clerk who shall not be a councilmember. The city clerk
589 shall be custodian of the official city seal and city records; maintain city council records
590 required by this charter; and perform such other duties as may be required by the city
591 manager.

592 **SECTION 3.14.**

593 Position classification and pay plans.

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

600 **SECTION 3.15.**

601 Personnel policies.

602 All employees shall serve at-will and may be removed from office at any time unless
603 otherwise provided by ordinance.

604 **ARTICLE IV**
605 **MUNICIPAL COURT**

606 **SECTION 4.10.**

607 Creation; name.

608 There shall be a court to be known as the Municipal Court of the City of Ringgold.

609 **SECTION 4.11.**

610 Chief judge; associate judge.

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

613 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
614 that person shall have attained the age of 21 years, and shall possess all minimum
615 qualifications required by law. All judges shall be appointed by the city council and shall
616 serve until a successor is appointed and qualified.

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

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

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

624 **SECTION 4.12.**

625 Convening.

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

627 **SECTION 4.13.**

628 Jurisdiction; powers.

629 (a) The municipal court shall have jurisdiction and authority to try and punish violations of
630 this charter, all city ordinances, and such other violations as provided by law.

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

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

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

640 (e) The municipal court shall have authority to establish bail and recognizances to ensure
641 the presence of those charged with violations before said court, and shall have discretionary
642 authority to accept cash or personal or real property as surety for the appearance of persons
643 charged with violations. Whenever any person shall give bail for that person's appearance
644 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
645 presiding at such time, and an execution issued thereon by serving the defendant and the
646 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the
647 event that cash or property is accepted in lieu of bond for security for the appearance of a
648 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
649 the cash so deposited shall be on order of the judge declared forfeited to the city, or the
650 property so deposited shall have a lien against it for the value forfeited which lien shall be
651 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

662 **SECTION 4.14.**

663 Certiorari.

664 The right of certiorari from the decision and judgment of the municipal court shall exist in
665 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
666 the sanction of a judge of the Superior Court of Catoosa County under the laws of the State
667 of Georgia regulating the granting and issuance of writs of certiorari.

668 **SECTION 4.15.**

669 Rules for court.

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

677 ARTICLE V
678 ELECTIONS AND REMOVAL

679 SECTION 5.10.
680 Applicability of general law.

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

683 SECTION 5.11.
684 Election of the city council and mayor.

685 (a) There shall be a municipal general election biennially in the odd years on the Tuesday
686 next following the first Monday in November.

687 (b) There shall be elected the mayor and three councilmembers at one election and at every
688 other regular election thereafter. The remaining city council seats shall be filled at the
689 election alternating with the first election so that a continuing body is created. Terms shall
690 be for four years.

691 SECTION 5.12.
692 Nonpartisan elections.

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

695 SECTION 5.13.
696 Election procedures.

697 When the three city councilmember positions are open, all who qualify for office will merely
698 qualify for a council position. The three candidates receiving the highest number of votes
699 in the election shall be declared the winners of the three open council positions. When the
700 other two city councilmember positions are open, all who qualify for office will merely
701 qualify for a council position. The two candidates receiving the highest number of votes in
702 the election shall be declared the winners of the two open council positions. In the event that
703 there shall be a tie for the last available position, there shall be a run-off between the two or
704 more candidates receiving the identical number of votes. The run-off shall be held four
705 weeks from the date of the election.

706 **SECTION 5.14.**

707 Special elections; vacancies.

708 In the event that the office of mayor or councilmember shall become vacant as provided in
 709 Section 2.12 of this charter, the city council or those remaining shall order a special election
 710 to fill the balance of the unexpired term of such official; provided, however, that, if such
 711 vacancy occurs within 12 months of the expiration of the term of that office, the city council
 712 or those remaining shall appoint a successor for the remainder of the term. In all other
 713 respects, the special election shall be held and conducted in accordance with the Georgia
 714 Election Code, Chapter 2 of Title 21 of the O.C.G.A., as now or hereafter amended.

715 **SECTION 5.15.**

716 Other provisions.

717 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe
 718 such rules and regulations it deems appropriate to fulfill any options and duties under the
 719 Georgia Election Code.

720 **SECTION 5.16.**

721 Removal of officers.

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

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

727 (1) Following a hearing at which an impartial panel shall render a decision. In the event
 728 an elected officer is sought to be removed by the action of the city council, such officer
 729 shall be entitled to a written notice specifying the ground or grounds for removal and to a
 730 public hearing which shall be held not less than ten days after the service of such written
 731 notice. The city council shall provide by ordinance for the manner in which such hearings
 732 shall be held. Any elected officer sought to be removed from office as herein provided
 733 shall have the right of appeal from the decision of the city council to the Superior Court of
 734 Catoosa County. Such appeal shall be governed by the same rules as govern appeals to the
 735 superior court from the probate court; or

736 (2) By an order of the Superior Court of Catoosa County following a hearing on a
737 complaint seeking such removal brought by any resident of the City of Ringgold.

738 **ARTICLE VI**
739 **FINANCE**

740 **SECTION 6.10.**
741 **Property tax.**

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

748 **SECTION 6.11.**
749 **Millage rate; due dates; payment methods.**

750 The city council, by ordinance, shall establish a millage rate for the city property tax, a due
751 date, and the time period within which these taxes must be paid in one lump sum, as well as
752 authorize the voluntary payment of taxes prior to the time when due.

753 **SECTION 6.12.**
754 **Occupation and business taxes.**

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

759 **SECTION 6.13.**
760 **Regulatory fees; permits.**

761 The city council by ordinance shall have the power to require businesses or practitioners
762 doing business within this city to obtain a permit for such activity from the city and pay a
763 reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect

764 the total cost to the city of regulating the activity and, if unpaid, shall be collected as
765 provided in Section 6.18 of this charter.

766 **SECTION 6.14.**

767 Franchises.

768 (a) The city council shall have the power to grant franchises for the use of this city's streets
769 and alleys for the purposes of railroads, street railways, telephone companies, electric
770 companies, electric membership corporations, cable television and other telecommunications
771 companies, gas companies, transportation companies, and other similar organizations. The
772 city council shall determine the duration, terms, whether the same shall be exclusive or
773 nonexclusive, and the consideration for such franchises; provided, however, that no franchise
774 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
775 the city receives just and adequate compensation therefor. The city council shall provide for
776 the registration of all franchises with the city clerk in a registration book kept by the clerk.
777 The city council may provide by ordinance for the registration within a reasonable time of
778 all franchises previously granted.

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

784 **SECTION 6.15.**

785 Service charges.

786 The city council by ordinance shall have the power to assess and collect fees, charges,
787 assessments, and tolls for sewers, sanitary, and health services, or any other services
788 provided or made available within and without the corporate limits of the city. If unpaid,
789 such charges shall be collected as provided in Section 6.18 of this charter.

790 **SECTION 6.16.**

791 Special assessments.

792 The city council by ordinance shall have the power to assess and collect the cost of
793 constructing, reconstructing, widening, or improving any public way, street, sidewalk,

794 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
795 owners. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

796 **SECTION 6.17.**

797 Construction; other taxes and fees.

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

801 **SECTION 6.18.**

802 Collection of delinquent taxes and fees.

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

810 **SECTION 6.19.**

811 General obligation bonds.

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

816 **SECTION 6.20.**

817 Revenue bonds.

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

821 **SECTION 6.21.**

822 Short-term loans.

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

825 **SECTION 6.22.**

826 Lease-purchase contracts.

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

834 **SECTION 6.23.**

835 Fiscal year.

836 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
837 budget year and the year for financial accounting and reporting of each and every office,
838 department, agency, and activity of the city government unless otherwise provided by state
839 or federal law.

840 **SECTION 6.24.**

841 Preparation of budgets.

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

846

SECTION 6.25.

847

Submission of operating budget to city council.

848 On or before a date fixed by the city council but not later than 30 days prior to the beginning
849 of each fiscal year, the city manager shall submit to the city council a proposed operating
850 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
851 city manager containing a statement of the general fiscal policies of the city, the important
852 features of the budget, explanations of major changes recommended for the next fiscal year,
853 a general summary of the budget, and such other pertinent comments and information. The
854 operating budget and the capital budget hereinafter provided for, the budget message, and
855 all supporting documents shall be filed in the office of the city clerk and shall be open to
856 public inspection.

857

SECTION 6.26.

858

Action by city council on budget.

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

864 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
865 year not later than the first day of January of each year. If the city council fails to adopt the
866 budget by this date, the amounts appropriated for operation for the current fiscal year shall
867 be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items
868 prorated accordingly until such time as the city council adopts a budget for the ensuing fiscal
869 year. Adoption of the budget shall take the form of an appropriations ordinance setting out
870 the estimated revenues in detail by sources and making appropriations according to fund and
871 by organizational unit, purpose, or activity as set out in the budget preparation ordinance
872 adopted pursuant to Section 6.24 of this charter.

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

877 **SECTION 6.27.**

878 Tax levies.

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

885 **SECTION 6.28.**

886 Changes in appropriations.

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

891 **SECTION 6.29.**

892 Capital budget.

893 (a) On or before the date fixed by the city council but no later than 30 days prior to the
894 beginning of each fiscal year, the city manager shall submit to the city council a proposed
895 capital improvements plan with a recommended capital budget containing the means of
896 financing the improvements proposed for the ensuing fiscal year. The city council shall have
897 power to accept, with or without amendments, or reject the proposed plan and proposed
898 budget. The city council shall not authorize an expenditure for the construction of any
899 building, structure, work, or improvement, unless the appropriations for such project are
900 included in the capital budget, except to meet a public emergency as provided in Section 2.24
901 of this charter.

902 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
903 year not later than the first day of January of each year. No appropriation provided for in a
904 prior capital budget shall lapse until the purpose for which the appropriation was made shall
905 have been accomplished or abandoned; provided, however, that the city manager may submit
906 amendments to the capital budget at any time during the fiscal year, accompanied by
907 recommendations. Any such amendments to the capital budget shall become effective only
908 upon adoption by ordinance.

909 **SECTION 6.30.**

910 Independent audit.

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

916 **SECTION 6.31.**

917 Contracting procedures.

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

- 919 (1) It is in writing;
- 920 (2) It is drawn by or submitted to and reviewed by the city attorney and, as a matter of
 921 course, is signed by the city attorney to indicate such drafting or review; and
- 922 (3) It is made or authorized by the city council and such approval is entered in the city
 923 council journal of proceedings pursuant to Section 2.21 of this charter.

924 **SECTION 6.32.**

925 Centralized purchasing.

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

928 **SECTION 6.33.**

929 Sale and lease of city property.

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

932 (b) The city council may quitclaim any rights it may have in property not needed for public
 933 purposes upon report by the mayor or city manager and adoption of a resolution, both finding
 934 that the property is not needed for public or other purposes and that the interest of the city
 935 has no readily ascertainable monetary value.

936 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
 937 of the city, a small parcel or tract of land is cutoff or separated by such work from a larger

938 tract or boundary of land owned by the city, the city council may authorize the mayor or city
939 manager to sell and convey said cut-off or separated parcel or tract of land to an abutting or
940 adjoining property owner or owners where such sale and conveyance facilitates the
941 enjoyment of the highest and best use of the abutting owner's property. Included in the sales
942 contract shall be a provision for the rights-of-way of said street, avenue, alley, or public
943 place. Each abutting property owner shall be notified of the availability of the property and
944 given the opportunity to purchase said property under such terms and conditions as set out
945 by ordinance. All deeds and conveyances heretofore and hereafter so executed and delivered
946 shall convey all title and interest the city has in such property, notwithstanding the fact that
947 no public sale after advertisement was or is hereafter made.

948 **ARTICLE VII**
949 **GENERAL PROVISIONS**

950 **SECTION 7.10.**
951 **Bonds for officials.**

952 The officers and employees of this city, both elective and appointive, shall execute such
953 surety or fidelity bonds in such amounts and upon such terms and conditions as the city
954 council shall from time to time require by ordinance or as may be provided by law.

955 **SECTION 7.11.**
956 **Existing ordinances, resolutions, rules, and regulations.**

957 Existing ordinances, resolutions, rules, and regulations of this city not in conflict with this
958 charter shall continue in force, unless repealed or amended, for two years from the effective
959 date of this charter. During such two-year period, the city council shall review all such
960 provisions and shall readopt, repeal, or amend each, so that a codification as provided by
961 subsection (b) of Section 2.26 of this charter is accomplished.

962 **SECTION 7.12.**
963 **Existing personnel and officers.**

964 Except as specifically provided otherwise by this charter, all personnel and officers of the
965 city and their rights, privileges, and powers shall continue beyond the time this charter takes
966 effect for a period of 60 days before or during which the existing city council shall pass a
967 transition ordinance detailing the changes in personnel and appointive officers required or

968 desired and arranging such titles, rights, privileges, and powers as may be required or desired
969 to allow a reasonable transition.

970 **SECTION 7.13.**

971 Pending matters.

972 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
973 contracts, and legal or administrative proceedings shall continue and any such ongoing work
974 or cases shall be completed by such city agencies, personnel, or offices as may be provided
975 by the city council.

976 **SECTION 7.14.**

977 Construction.

978 (a) Section captions in this charter are informative only and are not to be considered as a part
979 thereof.

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

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

983 **SECTION 7.15.**

984 Severability.

985 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
986 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
987 or impair other parts of this charter unless it clearly appears that such other parts are wholly
988 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
989 legislative intent in enacting this charter that each article, section, subsection, paragraph,
990 sentence, or part thereof be enacted separately and independent of each other.

991 **SECTION 7.16.**

992 Specific repealer.

993 An Act incorporating the City of Ringgold in the County of Catoosa, approved March 15,
994 1943 (Ga. L. 1943, p. 1508), is hereby repealed in its entirety and all amendatory acts thereto
995 are likewise repealed in their entirety.

996 **SECTION 7.17.**

997 Effective date.

998 This Act shall become effective upon its approval by the Governor or upon its becoming law
999 without such approval.

1000 **SECTION 7.18.**

1001 General repealer.

1002 All other laws and parts of laws in conflict with this Act are hereby repealed.