

House Bill 564 (AS PASSED HOUSE AND SENATE)

By: Representatives McCall of the 30<sup>th</sup> and Benton of the 31<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide a new charter for the City of Nicholson; to provide for incorporation, boundaries,  
2 and powers of the city; to provide for a governing authority of such city and the powers,  
3 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 mayor and mayor pro tempore and certain duties,  
8 powers, and other matters relative thereto; to provide for administrative affairs and  
9 responsibilities; to provide for boards, commissions, and authorities; to provide for a city  
10 attorney, a city clerk, and other personnel and matters relating thereto; to provide for rules  
11 and regulations; to provide for a municipal court and the judge or judges thereof and other  
12 matters relative to those judges; to provide for the court's jurisdiction, powers, practices, and  
13 procedures; to provide for the right of certiorari; to provide for elections; to provide for  
14 taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to  
15 provide for bonded and other indebtedness; to provide for auditing, accounting, budgeting,  
16 and appropriations; to provide for city contracts and purchasing; to provide for the  
17 conveyance of property and interests therein; to provide for bonds for officials; to provide  
18 for prior ordinances and rules, pending matters, and existing personnel; to provide for  
19 penalties; to provide for definitions and construction; to provide for other matters relative to  
20 the foregoing; to repeal a specific Act; to provide for submission of this Act for preclearance  
21 under the federal Voting Rights Act of 1965, as amended; to provide for an effective date;  
22 to repeal conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

24

## ARTICLE I

25

## INCORPORATION AND POWERS

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**SECTION 1.10.**

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Name.

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This city and the inhabitants thereof are constituted and declared a body politic and corporate under the name and style Nicholson, Georgia, and by that name shall have perpetual succession.

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**SECTION 1.11.**

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Corporate boundaries.

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

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

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**SECTION 1.12.**

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Powers and construction.

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

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

- 53 (1) Air and water pollution. To regulate the emission of smoke or other exhaust which  
54 pollutes the air and to prevent the pollution of natural streams which flow within the  
55 corporate limits of the city and to establish regulations to prohibit noise pollution;
- 56 (2) Animal regulations. To regulate and license or to prohibit the keeping or running at  
57 large of animals and fowl and to provide for the impoundment of same if in violation of  
58 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane  
59 destruction of animals and fowl when not redeemed as provided by ordinance; and to  
60 provide punishment for violation of ordinances enacted under this charter;
- 61 (3) Appropriations and expenditures. To make appropriations for the support of the  
62 government of the city; to authorize the expenditure of money for any purposes  
63 authorized by this charter and for any purpose for which a municipality is authorized by  
64 the laws of the State of Georgia; and to provide for the payment of expenses of the city;
- 65 (4) Building regulation. To regulate and to license the erection and construction of  
66 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,  
67 and heating and air-conditioning codes; and to regulate all housing and building trades;
- 68 (5) Business regulation and taxation. To levy and to provide for collection of regulatory  
69 fees and taxes on privileges, occupations, trades, and professions as authorized by Title  
70 48 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted; to  
71 permit and regulate the same; to provide for the manner and method of payment of such  
72 regulatory fees and taxes; and to revoke such permits after due process for failure to pay  
73 any city taxes or fees;
- 74 (6) Condemnation. To condemn property, inside or outside the corporate limits of the  
75 city, for present or future use and for any corporate purpose deemed necessary by the  
76 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such  
77 other applicable laws as are now or may hereafter be enacted;
- 78 (7) Contracts. To enter into contracts and agreements with other governmental entities  
79 and with private persons, firms, and corporations;
- 80 (8) Emergencies. To establish procedures for determining and proclaiming that an  
81 emergency situation exists within or outside the city and to make and carry out all  
82 reasonable provisions deemed necessary to deal with or meet such an emergency for the  
83 protection, safety, health, or well-being of the citizens of the city;
- 84 (9) Environmental protection. To protect and preserve the natural resources,  
85 environment, and vital areas of the state through the preservation and improvement of air  
86 quality, the restoration and maintenance of water resources, the control of erosion and  
87 sedimentation, the management of solid and hazardous waste, and other necessary actions  
88 for the protection of the environment;

89 (10) Ethics. To adopt ethics ordinances and regulations governing the conduct of  
90 municipal elected officials, appointed officials, and employees, establishing procedures  
91 for ethics complaints, and setting forth penalties for violations of such rules and  
92 procedures;

93 (11) Fire regulations. To fix and establish fire limits and from time to time to extend,  
94 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with  
95 general law, relating to both fire prevention and detection and to fire fighting; and to  
96 prescribe penalties and punishment for violations thereof;

97 (12) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection  
98 and disposal and other sanitary service charge, tax, or fee for such services as may be  
99 necessary in the operation of the city from all individuals, firms, and corporations  
100 residing in or doing business in the city benefiting from such services; to enforce the  
101 payment of such charges, taxes, or fees; and to provide for the manner and method of  
102 collecting such service charges;

103 (13) General health, safety, and welfare. To define, regulate, and prohibit any act,  
104 practice, conduct, or use of property which is detrimental to health, sanitation,  
105 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the  
106 enforcement of such standards;

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

110 (15) Health and sanitation. To prescribe standards of health and sanitation and to provide  
111 for the enforcement of such standards;

112 (16) Jail sentences. To provide that persons given jail sentences in the municipal court  
113 may work out such sentences in any public works or on the streets, roads, drains, and  
114 other public property in the city; to provide for commitment of such persons to any jail;  
115 or to provide for commitment of such persons to any county work camp or county jail by  
116 agreement with the appropriate county officials;

117 (17) Motor vehicles. To regulate the operation of motor vehicles and exercise control  
118 over all traffic, including parking upon or across the streets, roads, alleys, and walkways  
119 of the city;

120 (18) Municipal agencies and delegation of power. To create, alter, or abolish  
121 departments, boards, offices, commissions, and agencies of the city and to confer upon  
122 such agencies the necessary and appropriate authority for carrying out all the powers  
123 conferred upon or delegated to the same;

- 124 (19) Municipal debts. To appropriate and borrow money for the payment of debts of the  
125 city and to issue bonds for the purpose of raising revenue to carry out any project,  
126 program, or venture authorized by this charter or the laws of the State of Georgia;
- 127 (20) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or  
128 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or  
129 outside the property limits of the city;
- 130 (21) Municipal property protection. To provide for the preservation and protection of  
131 property and equipment of the city and the administration and use of same by the public;  
132 and to prescribe penalties and punishment for violations thereof;
- 133 (22) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose  
134 of public utilities, including but not limited to a system of waterworks, sewers and drains,  
135 sewage disposal, gas works, electric light plants, cable television and other  
136 telecommunications, transportation facilities, public airports, and any other public utility;  
137 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and  
138 to provide for the withdrawal of service for refusal or failure to pay the same;
- 139 (23) Nuisance. To define a nuisance and provide for its abatement whether on public or  
140 private property;
- 141 (24) Penalties. To provide penalties for violation of any ordinances adopted pursuant to  
142 the authority of this charter and the laws of the State of Georgia;
- 143 (25) Planning and zoning. To provide comprehensive city planning for development by  
144 zoning; and to provide subdivision regulation and the like as the city council deems  
145 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;
- 146 (26) Police and fire protection. To exercise the power of arrest through duly appointed  
147 police officers and to establish, operate, or contract for a police and a fire-fighting  
148 agency;
- 149 (27) Public hazards; removal. To provide for the destruction and removal of any building  
150 or other structure which is or may become dangerous or detrimental to the public;
- 151 (28) Public improvements. To provide for the acquisition, construction, building,  
152 operation, and maintenance of public ways, parks and playgrounds, public grounds,  
153 recreational facilities, cemeteries, markets and market houses, public buildings, libraries,  
154 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, other  
155 public utilities, public housing, airports, hospitals, terminals, docks, parking facilities, and  
156 charitable, cultural, educational, recreational, conservation, sport, curative, corrective,  
157 detentional, penal, and medical institutions, agencies, and facilities; and to provide any  
158 other public improvements, inside or outside the corporate limits of the city; to regulate  
159 the use of public improvements; and, for such purposes, property may be acquired by

160 condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are now  
161 or may hereafter be enacted;

162 (29) Public peace. To provide for the prevention and punishment of drunkenness, riots,  
163 and public disturbances;

164 (30) Public transportation. To organize and operate such public transportation systems  
165 as are deemed beneficial;

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

171 (32) Regulation of roadside areas. To prohibit or regulate and control the erection,  
172 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any  
173 and all other structures or obstructions upon or adjacent to the rights of way of streets and  
174 roads or within view thereof, within or abutting the corporate limits of the city; and to  
175 prescribe penalties and punishment for violation of such ordinances;

176 (33) Retirement. To provide and maintain a retirement plan for officers and employees  
177 of the city;

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

185 (35) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,  
186 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant  
187 and sewerage system and to levy on those to whom sewers and sewerage systems are  
188 made available a sewer service fee, charge, or sewer tax for the availability or use of the  
189 sewers; to provide for the manner and method of collecting such service charges and for  
190 enforcing payment of the same; and to charge, impose, and collect a sewer connection fee  
191 or fees to those connected with the system;

192 (36) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,  
193 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by  
194 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,  
195 paper, and other recyclable materials and to provide for the sale of such items;

196 (37) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,  
197 the manufacture, sale, or transportation of any intoxicating liquors, and the use of  
198 firearms; to regulate the transportation, storage, and use of combustible, explosive, and  
199 inflammable materials, the use of lighting and heating equipment, and any other business  
200 or situation which may be dangerous to persons or property; to regulate and control the  
201 conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows  
202 of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit  
203 professional fortunetelling, palmistry, adult bookstores, and massage parlors;

204 (38) Special assessments. To levy and provide for the collection of special assessments  
205 to cover the costs for any public improvements;

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

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

210 (41) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the  
211 number of such vehicles; to require the operators thereof to be licensed; to require public  
212 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to  
213 regulate the parking of such vehicles;

214 (42) Urban redevelopment. To organize and operate an urban redevelopment program;

215 (43) Water fee. To levy a fee, charge, or water tax as necessary to assure the acquiring,  
216 constructing, equipping, operating, maintaining, and extending of a water plant; to levy  
217 on those to whom water systems are made available a water service fee, charge, or tax for  
218 the availability or use of the water; to provide for the manner and method of collecting  
219 such service charge and for enforcing payment of the same; and to charge, impose, and  
220 collect a water connection fee or fees to those connected with the system; and

221 (44) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,  
222 and immunities necessary or desirable to promote or protect the safety, health, peace,  
223 security, good order, comfort, convenience, or general welfare of the city and its  
224 inhabitants; and to exercise all implied powers necessary or desirable to carry into  
225 execution all powers granted in this charter as fully and completely as if such powers  
226 were fully stated in this charter; and to exercise all powers now or in the future authorized  
227 to be exercised by other municipal governments under other laws of the State of Georgia;  
228 and no listing of particular powers in this charter shall be held to be exclusive of others,  
229 nor restrictive of general words and phrases granting powers, but shall be held to be in  
230 addition to such powers unless expressly prohibited to municipalities under the  
231 Constitution or applicable laws of the State of Georgia.

232 **SECTION 1.13.**

233 Exercise of powers.

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

238 **ARTICLE II**  
 239 **GOVERNMENT STRUCTURE**

240 **SECTION 2.10.**

241 City council creation; number; election.

242 The legislative authority of the government of this city, except as otherwise specifically  
 243 provided in this charter, shall be vested in a city council to be composed of a mayor and four  
 244 councilmembers. The mayor and councilmembers shall be elected in the manner provided  
 245 by this charter.

246 **SECTION 2.11.**

247 City councilmembers;  
 248 terms and qualifications for office.

249 (a) The members of the city council shall serve for terms of four years and until their  
 250 respective successors are elected and qualified. No person shall be eligible to serve as mayor  
 251 or councilmember unless that person shall have been a resident of the city for 12 months  
 252 prior to the date of the election of mayor or members of the city council; each shall continue  
 253 to reside therein during that person's period of service and to be registered and qualified to  
 254 vote in municipal elections of this city. Notwithstanding the provisions of this section, the  
 255 mayor shall be elected in an election held the Tuesday after the first Monday in November  
 256 of 2009 and serve an initial term of two years and successors shall serve for terms of four  
 257 years thereafter.

258 (b) The mayor shall be elected by receiving the highest number of votes for that office from  
 259 the qualified electors of the city at large.

260 (c) Councilmembers shall be elected at large. The two qualified candidates for council  
 261 receiving the most votes cast for the offices of councilmembers shall be elected to fill such  
 262 positions. Notwithstanding the provisions of this subsection, for the elections held on the

263 Tuesday after the first Monday in November of 2009, the two candidates for councilmember  
264 receiving the first and second highest number of votes from the qualified electors of the city  
265 at large shall serve for an initial term of office of two years pursuant to subsection (a) of this  
266 section. The candidates for councilmember in such election receiving the third and fourth  
267 highest number of votes from the qualified electors of the city at large shall serve for a term  
268 of four years and successors shall serve for terms of four years thereafter.

269 **SECTION 2.12.**

270 Vacancy; filling of vacancies; suspensions.

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

275 (b) Filling of vacancies – vacancy in the office of mayor or councilmember shall be filled  
276 for the remainder of the unexpired term, if any, by appointment if less than 12 months remain  
277 in the unexpired term, otherwise by an election as provided for in Section 5.12 of this charter  
278 and Titles 21 and 45 of the O.C.G.A. or such other laws as are or may hereafter be enacted.

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

284 **SECTION 2.13.**

285 Compensation and expenses.

286 The annual salary of the mayor shall be \$4,800.00 and the annual salary for each  
287 councilmember shall be \$2,400.00. Such salaries shall be paid from the municipal funds in  
288 monthly installments. The city council may provide by ordinance for the provision of  
289 insurance, retirement, workers' compensation, and other employee benefits to the mayor and  
290 members of the city council and may provide by ordinance for the reimbursement of  
291 expenses actually and necessarily incurred by the mayor and members of the city council in  
292 carrying out their official duties.

293 **SECTION 2.14.**

294 Holding other office; voting when personally interested.

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

297 (b) Except as authorized by law, no councilmember nor the mayor shall hold any other city  
298 office or city employment during the term for which that person was elected.

299 (c) No councilmember nor the mayor shall vote upon any ordinance, resolution, contract,  
300 or other matter in which that person is financially interested.

301 **SECTION 2.15.**

302 Inquiries and investigations.

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

309 **SECTION 2.16.**

310 General power and authority of the city council.

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

313 (b) Notwithstanding any other powers conferred upon the council by law, the council shall  
314 have the authority to adopt and provide for the execution of such ordinances, resolutions,  
315 rules, and regulations, not inconsistent with this charter and the Constitution and laws of the  
316 State of Georgia, which it deems necessary, expedient, or helpful for the peace, good order,  
317 protection of life and property, health, welfare, comfort, convenience, prosperity, or  
318 well-being of the inhabitants of the City of Nicholson and may enforce such ordinances by  
319 imposing penalties for violation thereof.

320

**SECTION 2.17.**

321

## Organizational meetings.

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

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

328

**SECTION 2.18.**

329

## Meetings.

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

332 (b) Special meetings of the city council may be held on call of the mayor or two members  
333 of the city council. Notice of such special meeting shall be served on all other members  
334 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such  
335 notice to councilmembers shall not be required if the mayor and all councilmembers are  
336 present when the special meeting is called. Such notice of any special meeting may be  
337 waived by a councilmember in writing before or after such a meeting and attendance at the  
338 meeting shall also constitute a waiver of notice on any business transacted in such  
339 councilmember's presence. Only the business stated in the call may be transacted at the  
340 special meeting.

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

345

**SECTION 2.19.**

346

## Rules of procedure.

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

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

353 **SECTION 2.20.**

354 Quorum; voting.

355 Two councilmembers and the mayor or three councilmembers shall constitute a quorum and  
 356 shall be authorized to transact business for the council. Voting on the adoption of ordinances  
 357 shall be taken by voice vote and the yeas and nays shall be recorded in the minutes, but on  
 358 the request of any member or the mayor, there shall be a roll-call vote. In order for any  
 359 ordinance, resolution, motion, or other actions of the council to be adopted, the measure must  
 360 receive at least three affirmative votes and must receive the affirmative votes of a majority  
 361 of those voting. No member of the city council shall abstain from voting on any matter  
 362 properly brought before the council for official action except when such member of council  
 363 has a conflict of interest which is disclosed in writing prior to or at the meeting and made a  
 364 part of the minutes. Any member of the city council present and eligible to vote on a matter  
 365 and refusing to do so for any reason other than a properly disclosed and recorded conflict of  
 366 interest shall be deemed to have acquiesced or concurred with the members of the majority  
 367 who did vote on question involved. The mayor shall vote only in the case of a tie or in the  
 368 case where his or her vote will provide the third affirmative vote required for approval of a  
 369 matter.

370 **SECTION 2.21.**

371 Ordinance form; procedures.

372 (a) Every proposed ordinance and resolution shall be introduced in writing and the city  
 373 council shall have the authority to approve, disapprove, or amend the same. A resolution may  
 374 be passed at the time it is offered, but an ordinance shall not be adopted until the title of said  
 375 ordinance shall have been read at two city council meetings, provided that the beginning of  
 376 said meetings be not less than 24 hours nor more than 60 days apart. This requirement of two  
 377 readings shall not apply to emergency ordinances or to ordinances adopted at the first  
 378 business meeting of the city council in a calendar year.

379 (b) The catchlines of sections of this charter or any ordinance printed in boldface type,  
 380 italics, or otherwise, are intended as mere captions to indicate the contents of the section; and

381 (1) Shall not be deemed or taken to be titles of such sections or as any part of the section;  
 382 and

383 (2) Shall not be so deemed when any of such sections, including the catchlines, are  
384 amended or reenacted unless expressly provided to the contrary. Furthermore, the  
385 chapter, article, and section headings contained in this charter shall not be deemed to  
386 govern, limit, or modify or in any manner affect the scope, meaning, or intent of the  
387 provisions of any chapter, article, or section hereof.

388 (c) The city council may, by ordinance or resolution, adopt rules and bylaws to govern the  
389 conduct of its business, including procedures and penalties for compelling the attendance of  
390 absent members. Such rules may include punishment for contemptuous behavior  
391 conducted in the presence of the city council.

392 **SECTION 2.22.**

393 Action requiring an ordinance.

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

395 **SECTION 2.23.**

396 Emergencies.

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

413 (b) Such meetings shall be open to the public to the extent required by law and notice to the  
414 public of emergency meetings shall be made as fully as is reasonably possible in accordance

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

417 **SECTION 2.24.**

418 Codes of technical regulations.

419 (a) The city council may adopt any standard code of technical regulations by reference  
420 thereto in an adopting ordinance. The procedure and requirements governing such adopting  
421 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements  
422 of subsection (b) of Section 2.21 of this charter for distribution and filing of copies of the  
423 ordinance shall be construed to include copies of any code of technical regulations, as well  
424 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as  
425 well as the adopting ordinance, shall be authenticated and recorded by the city clerk pursuant  
426 to Section 2.25 of this charter.

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

429 **SECTION 2.25.**

430 Signing; authenticating; recording; codification; printing.

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

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

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

448 distribution of any current changes in or additions to codes of technical regulations and other  
 449 rules and regulations included in the code.

450 **SECTION 2.26.**

451 Council's interference with administration.

452 Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the  
 453 city council or its members shall deal with city officers and employees who are subject to the  
 454 direction and supervision of the mayor solely through the mayor, and neither the city council  
 455 nor its members shall give orders to any such officer or employee, either publicly or  
 456 privately.

457 **SECTION 2.27.**

458 Powers and duties of mayor.

459 (a) The mayor shall be the chief executive officer as well as the chief administrative officer  
 460 of the city government, a member of and the presiding officer of the city council, and  
 461 responsible for the efficient and orderly administration of the city's affairs. The mayor shall  
 462 be responsible for the enforcement of laws, rules, regulations, ordinances, and franchises in  
 463 the city. The mayor may conduct inquiries and investigations into the conduct of the city's  
 464 affairs and shall have such powers and duties as specified in this charter or as may be  
 465 provided by ordinance consistent with this charter.

466 (b) The mayor shall:

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

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

470 (3) Sign as a matter of course on behalf of the city all written and approved contracts,  
 471 ordinances, resolutions, and other instruments executed by the city which by law are  
 472 required to be in writing;

473 (4) See that all laws and ordinances of the city are faithfully executed and fully enforced;

474 (5) Vote on any motion, resolution, ordinance, or other question before the council only  
 475 as provided in Section 2.20 of this charter and vote on any matter before a committee on  
 476 which he or she serves;

477 (6) Obtain short term loans in the name of the city when authorized by the city council to  
 478 do so;

479 (7) Appoint councilmembers to oversee and report on the functions of the various  
 480 departments of the city;

- 481 (8) Require any department head to meet with him or her at a time and place designated  
482 for consultation and advice upon the affairs of the city;
- 483 (9) Name qualified residents of the city to boards and commissions with approval of the  
484 city council;
- 485 (10) Make decisions with respect to the employment or termination of city employees;
- 486 (11) Prepare or have prepared an agenda for each meeting of the city council which shall  
487 include all business submitted by the mayor, any councilmember, or the city attorney;
- 488 (12) Appoint and employ all necessary employees of the city, provided that excepted from  
489 this power of appointment are those officers and employees who by this charter are  
490 appointed or elected by the council;
- 491 (13) Remove employees employed by the city without the consent of the council and  
492 without assigning any reason therefor;
- 493 (14) Exercise supervision and control of all departments and all divisions created in this  
494 charter or that may hereafter be created by the mayor and council except as otherwise  
495 provided in this charter;
- 496 (15) See that all terms and conditions imposed in favor of the city or its inhabitants in any  
497 public utility franchise are faithfully kept and performed and, if having knowledge of any  
498 violation thereof, to call the same to the attention to the city attorney, whose duty it shall  
499 be forthwith to take such steps as are necessary to protect and enforce the same;
- 500 (16) Make and execute all lawful contracts on behalf of the city as to matter within said  
501 officer's jurisdiction to the extent that such contracts are funded in the city's budget, except  
502 such as may be otherwise provided by law; provided, however, that no contract purchase  
503 or obligation requiring a budget amendment shall be valid and binding until after approval  
504 of the council;
- 505 (17) Act as budget officer to prepare and submit to the council prior to the beginning of  
506 each fiscal year a budget of proposed expenditures for the ensuing year, showing in as  
507 much detail as practicable the amounts allotted to each department of the city government  
508 and the reasons for such estimated expenditures;
- 509 (18) Keep the council at all times fully advised as to the financial condition and needs of  
510 the city;
- 511 (19) Make a full written report to the council on the first of each month showing the  
512 operations and expenditures of each department of the city government for the preceding  
513 month, and a synopsis of such reports shall be published by the clerk of the city;
- 514 (20) Fix all salaries and compensation of city employees in accordance with the city  
515 budget and the city pay and classification plan; and
- 516 (21) Perform such other duties as may be prescribed by this charter or required by  
517 ordinance or resolution of the council.

518 **SECTION 2.28.**

519 Mayor pro tempore.

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

528 **SECTION 2.29.**

529 Submission of ordinances to the mayor; veto power.

530 (a) Every ordinance adopted by the councilmembers shall be presented promptly by the city  
531 clerk to the mayor after its adoption.

532 (b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the city  
533 clerk with or without the mayor's approval or with the mayor's disapproval. If the ordinance  
534 has been approved by the mayor, it shall become law upon its return to the city clerk; if the  
535 ordinance is neither approved nor disapproved, it shall become law at 12:00 Noon on the  
536 tenth calendar day after its adoption; if the ordinance is disapproved, the mayor shall submit  
537 to the councilmembers through the city clerk a written statement of the reasons for the veto.  
538 The city clerk shall record upon the ordinance the date of its delivery to and receipt from the  
539 mayor.

540 (c) Ordinances vetoed by the mayor shall be presented by the city clerk to the  
541 councilmembers at their next meeting. If the councilmembers then or at their next meeting  
542 adopt the ordinance by an affirmative vote of three members, it shall become law.

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

549

**SECTION 2.30.**

550

Mayor pro tempore; selection; duties.

551 The mayor shall appoint a councilmember to be mayor pro tempore, who shall serve for a  
 552 period of one year. Each year thereafter, the mayor shall appoint a new member of the city  
 553 council to be mayor pro tempore. No councilmember shall be appointed to the position of  
 554 mayor pro tempore for two consecutive terms. The mayor pro tempore shall assume the  
 555 duties and powers of the mayor during the mayor's disability or absence, except that the  
 556 mayor pro tempore shall continue to act as a councilmember and may not exercise the  
 557 mayor's prerogative to vote in the case of a tie. During the mayor's disability or absence, the  
 558 mayor pro tempore may veto any action of council. If the mayor pro tempore is absent  
 559 because of sickness or disqualification, any one of the remaining councilmembers, chosen  
 560 by the majority of the city council, shall be clothed with all the rights and privileges of the  
 561 mayor and shall perform the mayor's duties in the same manner as the mayor pro tempore.

562

**ARTICLE III**

563

**ADMINISTRATIVE AFFAIRS**

564

**SECTION 3.10.**

565

Administrative and service departments.

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

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

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

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

579 (e) All appointed officers and directors under the supervision of the mayor shall be  
 580 nominated by the mayor with confirmation of appointment by the city council. All appointed

581 officers and directors shall be employees at will and subject to removal or suspension at any  
582 time by the mayor unless otherwise provided by law or ordinance.

583 **SECTION 3.11.**

584 Boards, commissions, and authorities.

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

589 (b) All members of boards, commissions, and authorities of the city shall be appointed by  
590 the mayor for such terms of office and in such manner as shall be provided by ordinance,  
591 except where other appointing authority, terms of office, or manner of appointment is  
592 prescribed by this charter or by law.

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

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

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

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

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

606 (h) Except as otherwise provided by this charter or by law, each board, commission, or  
607 authority of the city shall elect one of its members as chairperson and one member as vice  
608 chairperson and may elect as its secretary one of its own members or may appoint as  
609 secretary an employee of the city. Each board, commission, or authority of the city  
610 government may establish such bylaws, rules, and regulations, not inconsistent with this  
611 charter, ordinances of the city, or law, as it deems appropriate and necessary for the  
612 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and  
613 regulations shall be filed with the clerk of the city.

614 **SECTION 3.12.**

615 City attorney.

616 The mayor shall appoint a city attorney, together with such assistant city attorneys as may  
617 be authorized, and shall provide for the payment of such attorney or attorneys for services  
618 rendered to the city. The city attorney shall be responsible for providing for the  
619 representation and defense of the city in all litigation in which the city is a party; may be the  
620 prosecuting officer in the municipal court; shall attend the meetings of the city council as  
621 directed; shall advise the mayor and other officers and employees of the city concerning legal  
622 aspects of the city's affairs; and shall perform such other duties as may be required by virtue  
623 of such person's position as city attorney.

624 **SECTION 3.13.**

625 City clerk.

626 The mayor shall appoint a city clerk who shall not be a councilmember. The city clerk shall  
627 be custodian of the official city seal and city records; maintain city council records required  
628 by this charter; and perform such other duties as may be required by the city council.

629 **SECTION 3.14.**

630 Position classification and pay plans.

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

637 **SECTION 3.15.**

638 Personnel policies.

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

641 ARTICLE IV  
642 JUDICIAL BRANCH

643 **SECTION 4.10.**

644 Creation; name.

645 There shall be a court to be known as the Municipal Court of the City of Nicholson.

646 **SECTION 4.11.**

647 Chief judge; associate judge.

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

650 (b) No person shall be qualified or eligible to serve as judge unless he or she shall have  
651 attained the age of 25 years and shall have been a member of the State Bar of Georgia for a  
652 minimum of three years. The judge shall be appointed by resolution of the council. The  
653 compensation of the judge shall be fixed by the council. The position of judge, created in this  
654 article, shall not be a full-time position, and the person serving in said position may engage  
655 in the private practice of law.

656 (c) A judge pro tem shall serve as requested by the judge, shall have the same qualifications  
657 as the judge, shall be appointed by resolution of the council, and shall take the same oath as  
658 the judge.

659 (d) Before entering on duties of his or her office, the judge and judge pro tem shall take an  
660 oath before an officer duly authorized to administer oaths in this state declaring that he or she  
661 will truly, honestly, and faithfully discharge the duties of his or her office to the best of his  
662 or her ability without fear, favor, or partiality. The oath shall be entered before the members  
663 of council and the mayor.

664 (e) The judge, or judge pro tem, shall serve for a term at the will of the mayor, but may be  
665 removed from the position by a two-thirds' vote of the entire membership of the city council  
666 or upon action taken by the State Judicial Qualifications Commission for:

- 667 (1) Willful misconduct in office;  
668 (2) Willful and persistent failure to perform duties;  
669 (3) Habitual intemperance;  
670 (4) Conduct prejudicial to the administration of justice which brings the judicial office  
671 into disrepute; or  
672 (5) Disability seriously interfering with the performance of duties, which is, or is likely  
673 to become, of a permanent character.

674 **SECTION 4.12.**

675 Convening.

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

677 **SECTION 4.13.**

678 Jurisdiction; powers.

679 (a) The municipal court shall try and punish for crimes against the City of Nicholson and for  
680 violation of its ordinances. The municipal court shall have authority to punish those in its  
681 presence for contempt, provided that such punishment shall not exceed \$1,000.00 or  
682 imprisonment for 15 days. The municipal court may fix punishment for offenses within its  
683 jurisdiction to the full extent allowed by state law.

684 (b) The municipal court shall have authority to establish a schedule of fees to defray the cost  
685 of operation.

686 (c) The municipal court shall have authority to establish bail and recognizances to ensure  
687 the presence of those charged with violations before said court and shall have discretionary  
688 authority to accept cash or personal or real property as security for appearance of persons  
689 charged with violations. Whenever any person shall give bail for his or her appearance and  
690 shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge  
691 presiding at such time and an execution issued thereon by serving the defendant and his or  
692 her sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event  
693 that cash or property is accepted in lieu of bond for security for the appearance of a defendant  
694 at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so  
695 deposited shall be on order of the judge declared forfeited to the City of Nicholson, or the  
696 property so deposited shall have a lien against it for the value forfeited.

697 (d) The municipal court shall have the authority to bind prisoners over to the appropriate  
698 court when it appears, by probable cause, that a state law has been violated.

699 (e) The municipal court shall have the authority to administer oaths and to perform all other  
700 acts necessary or proper to the conduct of said court.

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

704 (g) The municipal court is specifically vested with all of the judicial jurisdiction and judicial  
705 powers throughout the entire area of the City of Nicholson granted by state laws generally  
706 to municipal courts and particularly by such laws as authorize the abatement of nuisances.

707 **SECTION 4.14.**

708 Certiorari.

709 The right of certiorari from the decision and judgment of the municipal court shall exist in  
 710 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under  
 711 the sanction of a judge of the Superior Court of Jackson County under the laws of the State  
 712 of Georgia regulating the granting and issuance of writs of certiorari.

713 **SECTION 4.15.**

714 Rules for court.

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

722 **ARTICLE V**

723 **ELECTIONS AND REMOVAL**

724 **SECTION 5.10.**

725 Applicability of general law.

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

728 **SECTION 5.11.**

729 Regular elections; time for holding.

730 Municipal elections shall be conducted in odd-numbered years, on the Tuesday next  
 731 following the first Monday in November.

732 **SECTION 5.12.**

733 Special elections; vacancies.

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

741 **SECTION 5.13.**

742 Other provisions.

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

746 **SECTION 5.14.**

747 Removal of officers.

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

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

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

762 (2) By an order of the Superior Court of Jackson County following a hearing on a  
 763 complaint seeking such removal brought by any resident of the City of Nicholson.



793 **SECTION 6.14.**

794 Franchises.

795 (a) The city council shall have the power to grant franchises for the use of this city's streets  
 796 and alleys for the purposes of railroads, street railways, telephone companies, electric  
 797 companies, electric membership corporations, cable television and other telecommunications  
 798 companies, gas companies, transportation companies, and other similar organizations. The  
 799 city council shall determine the duration, terms, whether the same shall be exclusive or  
 800 nonexclusive, and the consideration for such franchises; provided, however, no franchise  
 801 shall be granted for a period in excess of 35 years and no franchise shall be granted unless  
 802 the city receives just and adequate compensation therefor. The city council shall provide for  
 803 the registration of all franchises with the city clerk in a registration book kept by the city  
 804 clerk. The city council may provide by ordinance for the registration within a reasonable  
 805 time of all franchises previously granted.

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

811 **SECTION 6.15.**

812 Service charges.

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

818 **SECTION 6.16.**

819 Special assessments.

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

825 **SECTION 6.17.**

826 Construction; other taxes.

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

830 **SECTION 6.18.**

831 Collection of delinquent taxes and fees.

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

839 **SECTION 6.19.**

840 General obligation bonds.

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

845 **SECTION 6.20.**

846 Revenue bonds.

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

850 **SECTION 6.21.**

851 Short-term loans.

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

854 **SECTION 6.22.**

855 Lease-purchase contracts.

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

863 **SECTION 6.23.**

864 Fiscal year.

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

868 **SECTION 6.24.**

869 Budget ordinance.

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

875 **SECTION 6.25.**

876 Operating budget.

877 On or before a date fixed by the city council but not later October 1 of each year, the mayor  
878 shall submit to the city council a proposed operating budget for the ensuing fiscal year. The  
879 budget shall be accompanied by a message from the city mayor containing a statement of the  
880 general fiscal policies of the city, the important features of the budget, explanations of major  
881 changes recommended for the next fiscal year, a general summary of the budget, and such  
882 other comments and information as may be deemed pertinent. The operating budget, the

883 capital improvements budget, the budget message, and all supporting documents shall be  
884 filed in the office of the city clerk and shall be open to public inspection.

885 **SECTION 6.26.**

886 Action by city council on budget.

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

892 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal  
893 year not later than November 1 of each year. If the city council fails to adopt the budget by  
894 said date, the amounts appropriated for operation for the then current fiscal year shall be  
895 deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items  
896 prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal  
897 year. Adoption of the budget shall take the form of an appropriations ordinance setting out  
898 the estimated revenues in detail by sources and making appropriations according to fund and  
899 by organizational unit, purpose, or activity as set out in the budget preparation ordinance  
900 adopted pursuant to Section 6.24 of this charter.

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

905 **SECTION 6.27.**

906 Levy of taxes.

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

913 **SECTION 6.28.**

914 Changes in appropriations.

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

919 **SECTION 6.29.**

920 Capital improvements.

921 (a) On or before the date fixed by the city council, but not later than October 1, the mayor  
 922 shall submit to the city council a proposed capital improvements plan with a recommended  
 923 capital budget containing the means of financing the improvements proposed for the ensuing  
 924 fiscal year. The city council shall have power to accept, with or without amendments, or  
 925 reject the proposed plan and budget. The city council shall not authorize an expenditure for  
 926 the construction of any building, structure, work, or improvement unless the appropriations  
 927 for such project are included in the capital budget, except to meet a public emergency as  
 928 provided in Section 2.23 of this charter.

929 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal  
 930 year not later than January 1 of each year. No appropriation provided for in a prior capital  
 931 budget shall lapse until the purpose for which the appropriation was made shall have been  
 932 accomplished or abandoned; provided, however, the mayor may submit amendments to the  
 933 capital budget at any time during the fiscal year, accompanied by recommendations. Any  
 934 such amendments to the capital budget shall become effective only upon adoption by  
 935 ordinance.

936 **SECTION 6.30.**

937 Any homestead exemptions applicable to ad valorem taxes levied by the city shall be as  
 938 provided by Act of the General Assembly pursuant to Article VII, Section II, Paragraph II  
 939 of the Georgia Constitution.

940 **SECTION 6.31.**

941 Audits.

942 There shall be an annual independent audit of all city accounts, funds, and financial  
 943 transactions by a certified public accountant selected by the city council. The audit shall be

944 conducted according to generally accepted auditing principles. Any audit of any funds by  
 945 the state or federal governments may be accepted as satisfying the requirements of this  
 946 charter. Copies of annual audit reports shall be available at printing costs to the public.

947 **SECTION 6.32.**

948 Procurement and property management.

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

950 (1) It is in writing;

951 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of  
 952 course, is signed by the city attorney to indicate such drafting or review; and

953 (3) It is made or authorized by the city council and such approval is entered in the city  
 954 council journal of proceedings pursuant to Section 2.19 of this charter.

955 **SECTION 6.33.**

956 Purchasing.

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

959 **SECTION 6.34.**

960 Sale and lease of property.

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

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

967 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place  
 968 of the city a small parcel or tract of land is cut off or separated by such work from a larger  
 969 tract or boundary of land owned by the city, the city council may authorize the mayor to sell  
 970 and convey said cut-off or separated parcel or tract of land to an abutting or adjoining  
 971 property owner or owners where such sale and conveyance facilitates the highest and best  
 972 use of the abutting owner's property. Included in the sales contract shall be a provision for  
 973 the rights of way of said street, avenue, alley, or public place. Each abutting property owner  
 974 shall be notified of the availability of the property and given the opportunity to purchase said

975 property under such terms and conditions as set out by ordinance. All deeds and  
976 conveyances heretofore and hereafter so executed and delivered shall convey all title and  
977 interest the city has in such property, notwithstanding the fact that no public sale after  
978 advertisement was or is hereafter made.

979 **ARTICLE VII**  
980 **GENERAL PROVISIONS**

981 **SECTION 7.10.**  
982 **Bonds for officials.**

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

986 **SECTION 7.11.**  
987 **Prior ordinances.**

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

991 **SECTION 7.12.**  
992 **Existing personnel and officers.**

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

999 **SECTION 7.13.**  
1000 **Pending matters.**

1001 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,  
1002 contracts, and legal or administrative proceedings shall continue and any such ongoing work

1003 or cases shall be completed by such city agencies, personnel, or offices as may be provided  
1004 by the city council.

1005 **SECTION 7.14.**

1006 Construction and definitions.

1007 (a) Section captions in this charter are informative only and are not be considered as a part  
1008 thereof.

1009 (b) The word "shall" is mandatory and the word "may" is permissive.

1010 (c) The singular shall include the plural, the masculine shall include the feminine, and vice  
1011 versa.

1012 (d) Except as specifically provided otherwise by this charter, the term:

1013 (1) "City council" means the members of the city council and the mayor.

1014 (2) "Councilmember" means a member of the city council other than the mayor.

1015 **SECTION 7.15.**

1016 Specific repealer.

1017 An Act incorporating the City of Nicholson, approved April 22, 1907 (Ga. L. 1907, p. 845),  
1018 is repealed in its entirety and all amendatory Acts thereto are likewise repealed in their  
1019 entirety.

1020 **SECTION 7.16.**

1021 Preclearance.

1022 The governing authority of the City of Nicholson shall through its legal counsel cause this  
1023 Act to be submitted for preclearance under the federal Voting Right Act of 1965, as  
1024 amended; and such submission shall be made to the United States Department of Justice or  
1025 filed with the appropriate court no later than 45 days after the date on which this Act is  
1026 approved by the Governor or otherwise becomes law without such approval.

1027 **SECTION 7.17.**

1028 Effective date.

1029 This Act shall become effective upon its approval by the Governor or upon its becoming law  
1030 without such approval.

1031

**SECTION 7.18.**

1032

General repealer.

1033 All laws and parts of laws in conflict with this Act are repealed.