

House Bill 737 (AS PASSED HOUSE AND SENATE)

By: Representatives Houston of the 170<sup>th</sup>, Powell of the 171<sup>st</sup>, and Rynders of the 152<sup>nd</sup>

A BILL TO BE ENTITLED

AN ACT

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

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

## ARTICLE I

## INCORPORATION AND POWERS

**SECTION 1.10.**

Name.

27 The City of Norman Park and the inhabitants thereof are reincorporated by the enactment of  
 28 this charter and are hereby constituted and declared a body politic and corporate under the  
 29 name and style City of Norman Park, Georgia, and by that name shall have perpetual  
 30 existence.

**SECTION 1.11.**

Corporate boundaries.

33 (a) The boundaries of this city shall be those existing on the effective date of the adoption  
 34 of this charter with such alterations as may be made from time to time in the manner  
 35 provided by law. The boundaries of this city at all times shall be shown on a map to be  
 36 retained permanently in the City of Norman Park City Hall and to be identified by the city  
 37 clerk as "Official Map of the Corporate Limits of the City of Norman Park, Georgia." A  
 38 photographic, typed, or other copy of such map or description certified by the City of  
 39 Norman Park shall be admitted as evidence in all courts and shall have the same force and  
 40 effect as the original map or description.

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

**SECTION 1.12.**

Powers and construction.

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

50 (b) The powers of this city shall be construed liberally in favor of the city. The specific  
 51 mention or failure to mention particular powers shall not be construed as limiting in any way  
 52 the powers of this city.

**SECTION 1.13.**

## Specific powers.

55 The specific powers of the city shall include, but not be limited to, the following:

56 (1) 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 the same if in violation  
58 of 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 (2) 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 or for municipalities by the laws of the State of Georgia; and  
64 to provide for the payment of expenses of the city;

65 (3) 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 (4) Business regulation and taxation. To levy and to provide for the collection of  
69 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized  
70 by Title 48 of the Official Code of Georgia Annotated or other such applicable laws as  
71 are or may hereafter be enacted; to permit and regulate the same; to provide for the  
72 manner and method of payment of such regulatory fees and taxes; and to revoke such  
73 permits after due process for failure to pay any city taxes or fees;

74 (5) 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 as the same shall exist from time to time  
77 provided by the Official Code of Georgia Annotated;

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

80 (7) Emergencies. To establish procedures for determining and proclaiming that an  
81 emergency situation exists within or without 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 (8) Environmental protection. To protect and preserve the natural resources,  
85 environment, and vital areas of the city 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 (9) Fire regulations. To fix and establish fire limits and from time to time to extend,  
90 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with  
91 general law relating to fire prevention and detection and to fire fighting; and to prescribe  
92 penalties and punishment for violations thereof;
- 93 (10) Garbage Fees. To levy, fix, assess, and collect a garbage, refuse, and trash  
94 collection and disposal fee and other sanitary service charge as may be necessary in the  
95 operation of the city from all individuals, firms, and corporations residing in or doing  
96 business therein benefiting from such services or to whom such services are available;  
97 to enforce the payment of such charges, taxes, or fees; and to provide for the manner and  
98 method of collecting such service charges;
- 99 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,  
100 practice, conduct, or use of property which is detrimental to health, sanitation,  
101 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the  
102 enforcement of such standards;
- 103 (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for  
104 any purpose related to powers and duties of the city and the general welfare of its  
105 citizens, on such terms and conditions as the donor or grantor may impose;
- 106 (13) Health and sanitation. To prescribe standards of health and sanitation and to  
107 provide for the enforcement of such standards;
- 108 (14) Jail sentences. To provide that persons given jail sentences in the municipal court  
109 may work out such sentences in any public works or on the streets, roads, drains, and  
110 other public property in the city; to provide for commitment of such persons to any jail;  
111 or to provide for commitment of such persons to any county work camp or county jail by  
112 agreement with the appropriate county officials;
- 113 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control  
114 over all traffic, including parking upon or across the streets, roads, alleys, and walkways  
115 of the city;
- 116 (16) Municipal agencies and delegation of power. To create, alter, or abolish  
117 departments, boards, offices, commissions, and agencies of the city and to confer upon  
118 such agencies the necessary and appropriate authority for carrying out all the powers  
119 conferred upon or delegated to the same;
- 120 (17) Municipal debts. To appropriate and borrow money for the payment of debts of the  
121 city and to issue bonds for the purpose of raising revenue to carry out any project,  
122 program, or venture authorized by this charter and the laws of the State of Georgia;
- 123 (18) Municipal property ownership. To acquire, dispose of, lease, option, and hold in  
124 trust or otherwise accept or transfer an interest in any real, personal, or mixed property,  
125 in fee simple or lesser interest, inside or outside the property limits of the city;

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

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

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

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

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

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

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

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

198 (36) Special assessments. To levy and provide for the collection of special assessments  
199 to cover the costs for any public improvements;  
200 (37) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,  
201 and collection of taxes on all property subject to taxation;  
202 (38) Taxes: other. To levy and collect such other taxes as may be allowed now or in the  
203 future by law;  
204 (39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the  
205 number of such vehicles; to require the operators thereof to be licensed; to require public  
206 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to  
207 regulate the parking of such vehicles;  
208 (40) Urban redevelopment. To organize and operate an urban redevelopment program;  
209 and  
210 (41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,  
211 and immunities necessary or desirable to promote or protect the safety, health, peace,  
212 security, good order, comfort, convenience, or general welfare of the city and its  
213 inhabitants; to exercise all implied powers necessary or desirable to carry into execution  
214 all powers granted in this charter as fully and completely as if such powers were fully  
215 stated herein; and to exercise all powers now or in the future authorized to be exercised  
216 by other municipal governments under other laws of the State of Georgia; and no listing  
217 of particular powers in this charter shall be held to be exclusive of others, nor restrictive  
218 of general words and phrases granting powers, but shall be held to be in addition to such  
219 powers unless expressly prohibited to municipalities under the Constitution or applicable  
220 laws of the State of Georgia.

221 **SECTION 1.14.**

222 **Exercise of powers.**

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

## 227 ARTICLE II

## 228 GOVERNMENT STRUCTURE

## 229 SECTION 2.10.

230 City council creation; number; election.

231 The legislative authority of the government of this city, except as otherwise specifically  
232 provided in this charter, shall be vested in a city council to be composed of a mayor and five  
233 councilmembers. The city council shall in all respects be a successor to and continuation of  
234 the governing authority under prior law. The mayor and councilmembers shall be elected  
235 in the manner provided by general law and this charter.

## 236 SECTION 2.11.

237 City council terms and qualifications for office.

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

## 244 SECTION 2.12.

245 Vacancy; filling of vacancies.

246 (a) Vacancies. The office of mayor or councilmember shall become vacant upon the  
247 occurrence of any event specified by the Constitution, Title 45 of the Official Code of  
248 Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;  
249 provided however, the office of mayor or councilmember shall become vacant upon the  
250 unexcused absence of the holder of the office from four consecutive regularly scheduled  
251 meetings of the city council. Excused absences shall be granted by a majority vote of the  
252 remaining city councilmembers and the mayor as provided in Section 2.21 of this charter and  
253 shall be entered upon the minutes of the council meeting.

254 (b) Filling of vacancies. A vacancy in the office of mayor or councilmember shall be filled  
255 for the remainder of the unexpired term, if any, by appointment by the remaining  
256 councilmembers if less than six months remain in the unexpired term, otherwise by an  
257 election, as provided for in Section 5.14 of this charter and in accordance with Titles 21 and



258 45 of the Official Code of Georgia Annotated or other such laws as are or may hereafter be  
259 enacted.

260 **SECTION 2.13.**

261 Compensation and expenses.

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

264 **SECTION 2.14.**

265 Conflicts of interest.

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

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

282 **SECTION 2.17.**

283 Eminent domain.

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

292 **SECTION 2.18.**

293 Organizational meetings.

294 The city council shall hold an organizational meeting on its first meeting date in January  
 295 following the regular election, as provided in Section 5.11 of this charter. The meeting shall  
 296 be called to order by the city clerk, and the oath of office shall be administered to the newly  
 297 elected members as follows:

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

309 **SECTION 2.19.**

310 Regular and special meetings.

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

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

322 (c) All meetings of the city council shall be public to the extent required by law, and notice  
323 to the public of special meetings shall be made fully as is reasonably possible as provided by  
324 Code Section 50-14-1 of the Official Code of Georgia Annotated or other such applicable  
325 laws as are or may hereafter be enacted.

326 **SECTION 2.20.**

327 Rules of procedure.

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

331 (b) All committees and committee chairs and officers of the city council shall be appointed  
332 by the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power  
333 to appoint new members to any committee at any time.

334 **SECTION 2.21.**

335 Quorum; voting.

336 Three councilmembers shall constitute a quorum and shall be authorized to transact business  
337 of the city council. Voting on the adoption of ordinances shall be by oral vote, and the vote  
338 shall be recorded in the journal; but any member of the city council shall have the right to  
339 request a roll-call vote, and such vote shall be recorded in the journal. Except as otherwise  
340 provided in this charter, the affirmative vote of three councilmembers shall be required for  
341 the adoption of any ordinance, resolution, or motion. The mayor shall vote only in the event  
342 of a tie. An abstention shall not be counted as either an affirmative or negative vote.

343

**SECTION 2.22.**

344

Ordinance form; procedures.

345 (a) Every proposed ordinance should be introduced in writing and in the form required for

346 final adoption. No ordinance shall contain a subject which is not expressed in its title. The

347 enacting clause shall be "It is hereby ordained by the governing authority of the City of

348 Norman Park" and every ordinance shall so begin.

349 (b) An ordinance may be introduced by any councilmember and be read at a regular or

350 special meeting of the city council. Ordinances shall be considered and adopted or rejected

351 by the city council in accordance with the rules which it shall establish. Except for

352 emergency ordinances, all ordinances shall have two separate readings; provided, however,

353 the city council may dispense with the second reading with the unanimous consent of the

354 members present. Upon introduction of any ordinance, the city clerk shall as soon as

355 possible distribute a copy to the mayor and to each councilmember and shall file a reasonable

356 number of copies in the office of the city clerk and at such other public places as the city

357 council may designate.

358

**SECTION 2.23.**

359

Action requiring an ordinance.

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

361

**SECTION 2.24.**

362

Emergencies.

363 (a) To meet a public emergency affecting life, health, property, or public peace, the city

364 council may convene on call of the mayor or three councilmembers and promptly adopt an

365 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a

366 franchise; regulate the rate charged by any public utility for its services; or authorize the

367 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance

368 shall be introduced in the form prescribed for ordinances generally, except that it shall be

369 plainly designated as an emergency ordinance and shall contain, after the enacting clause,

370 a declaration stating that an emergency exists and describing the emergency in clear and

371 specific terms. An emergency ordinance may be adopted, with or without amendment, or

372 rejected at the meeting at which it is introduced, but the affirmative vote of at least three

373 councilmembers shall be required for adoption. It shall become effective upon adoption or

374 at such later time as it may specify. Every emergency ordinance shall automatically stand

375 repealed 30 days following the date upon which it was adopted, but this shall not prevent

376 re-enactment of the ordinance in the manner specified in this section if the emergency still  
377 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance  
378 in the same manner specified in this section for adoption of emergency ordinances.

379 (b) Such meetings shall be open to the public to the extent required by law, and notice to the  
380 public of emergency meetings shall be made as fully as is reasonably possible in accordance  
381 with Code Section 50-14-1 of the Official Cod of Georgia Annotated or such other applicable  
382 laws as are or may hereafter be enacted.

### 383 **SECTION 2.25.**

384 Codes of technical regulations.

385 (a) The city council may adopt any standard code of technical regulations by reference  
386 thereto in an adopting ordinance. The procedure and requirements governing such adopting  
387 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements  
388 of subsection (b) of Section 2.22 of this charter for distribution and filing of copies of the  
389 ordinance shall be construed to include copies of any code of technical regulations as well  
390 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations as  
391 well as the adopting ordinance shall be authenticated and recorded by the city clerk pursuant  
392 to Section 2.26 fo this charter.

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

### 395 **SECTION 2.26.**

396 Signing; authenticating; recording; codification; printing.

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

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

407 (c) The city council shall cause each ordinance and each amendment to this charter to be  
408 printed promptly following its adoption, and the printed ordinances and charter amendments  
409 shall be made available for purchase by the public at reasonable prices to be fixed by the city

410 council. Following publication of the first code under this charter and at all times thereafter,  
 411 the ordinances and charter amendments shall be printed in substantially the same style as the  
 412 code currently in effect and shall be suitable in form for incorporate therein. The city council  
 413 shall make such further arrangements as deemed desirable with reproduction and distribution  
 414 of any current changes in or additions to codes of technical regulations and other rules and  
 415 regulations included in the code.

416 **SECTION 2.27.**

417 Chief executive officer.

418 The mayor shall be the chief executive of this city. The mayor shall possess all of the  
 419 executive and administrative power granted to the city under the Constitution and laws of the  
 420 State of Georgia and all the executive powers contained in this charter.

421 **SECTION 2.28.**

422 Powers and duties of mayor.

423 As the chief executive of this city, the mayor shall:

- 424 (1) See that all laws and ordinances of the city are faithfully executed;
- 425 (2) Exercise supervision over all executive and administrative work of the city and over  
 426 all employees and departments of the city and provide for the coordination of  
 427 administrative activities;
- 428 (3) Prepare and submit to the city council a recommended operating budget and capital  
 429 budget;
- 430 (4) Submit to the city council at least once a year a statement covering the financial  
 431 conditions of the city and, from time to time, such other information as the city council  
 432 may request;
- 433 (5) Recommend to the city council such measures relative to the affairs of the city,  
 434 improvement of the government, and promotion of the welfare of its inhabitants as the  
 435 mayor may deem expedient;
- 436 (6) Call special meetings of the city council as provided for in Section 2.19 of this  
 437 charter;
- 438 (7) Preside at all meetings of the city council and vote only in the event of a tie or when  
 439 an affirmative or negative vote by the mayor constitutes a majority of three votes;
- 440 (8) Provide for an annual audit of all accounts of the city;
- 441 (9) Require any department or agency of the city to submit written reports whenever the  
 442 mayor deems it expedient; and

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

444 **SECTION 2.29.**

445 Mayor pro tempore; selection; duties.

446 By a majority vote, the city council shall elect a councilmember to serve as mayor pro  
 447 tempore. In the mayor's absence, the mayor pro tempore shall preside at meetings of the city  
 448 council and shall assume the duties and powers of the mayor upon the mayor's physical or  
 449 mental disability, provided that the mayor pro tempore shall vote as a member of the city  
 450 council at all times when serving as mayor pro tempore.

451 **ARTICLE III**

452 **ADMINISTRATIVE AFFAIRS**

453 **SECTION 3.10.**

454 Administrative and service departments.

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

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

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

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

468 (e) All appointed officers, directors, and department heads under the supervision of the  
 469 mayor shall be nominated by the mayor with confirmation of appointment by the city  
 470 council. All appointed officers, directors, and department heads shall be employees at will  
 471 and subject to removal or suspension at any time by the mayor unless otherwise provided by  
 472 law or ordinance.

473

**SECTION 3.11.**

474

**Boards, commissions, and authorities.**

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

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

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

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

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

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

494 (g) All board members serve at will and may be removed at any time by a vote of three  
495 members of the city council unless otherwise provided by law.

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



504 **SECTION 3.12.**

505 City attorney.

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

514 **SECTION 3.13.**

515 City clerk.

516 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk  
517 shall be custodian of the official city seal and city records; maintain city council records  
518 required by this charter; and perform such other duties as may be required by the city  
519 council. The city clerk shall be under the supervision of the mayor.

520 **SECTION 3.14.**

521 Personnel policies.

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

524 **ARTICLE IV**

525 **JUDICIAL BRANCH**

526 **SECTION 4.10.**

527 Municipal court creation.

528 There shall be a court to be known as the Municipal Court of the City of Norman Park.

529

**SECTION 4.11.**

530

Chief judge; associate judge.

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

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

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

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

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

544

**SECTION 4.12.**

545

Convening.

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

547

**SECTION 4.13.**

548

Jurisdiction; powers.

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

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

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

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

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

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

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

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

582 **SECTION 4.14.**

583 Certiorari.

584 The right of certiorari from the decision and judgment of the municipal court shall exist in  
585 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under  
586 the sanction of a judge of the Superior Court of Colquitt County under the laws of the State  
587 of Georgia regulating the granting and issuance of writs of certiorari.

588 **SECTION 4.15.**

589 Rules for court.

590 With the approval of the city council, the judge of municipal court shall have full power and  
591 authority to make reasonable rules and regulations necessary and proper to secure the  
592 efficient and successful administration of the municipal court; provided, however, that the

593 city council may adopt in part or in total the rules and regulations applicable to municipal  
594 courts. The rules and regulations made or adopted shall be filed with the city clerk, shall be  
595 available for public inspection, and, upon request, a copy shall be furnished to all defendants  
596 in municipal court proceedings at least 48 hours prior to said proceedings.

597 **SECTION 4.16.**

598 Indigent defense and prosecutor.

599 The mayor and council shall have the power to provide for a system of defense for  
600 indigent persons charged in the municipal court of the City of Norman Park with violations  
601 of ordinances state laws and for the prosecution of such cases by a prosecutor and to provide  
602 for and require the expense of same to be prorated over all criminal cases disposed of by the  
603 court and all bond forfeitures in said cases, to be imposed by the municipal court judge and  
604 collected in all criminal cases and in bond forfeitures in such cases as costs in addition to  
605 fines, penalties, and all other costs.

606 **ARTICLE V**

607 **ELECTIONS AND REMOVAL**

608 **SECTION 5.10.**

609 Applicability of general law.

610 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title  
611 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as now or  
612 hereafter amended.

613 **SECTION 5.11.**

614 Regular elections; time for holding.

615 Beginning in 2010, on the Tuesday following the first Monday in November, there shall be  
616 an election for mayor and two city councilmembers for a term of three years. Thereafter, on  
617 the Tuesday following the first Monday in November of 2013 and every four years  
618 thereafter, the mayor and two councilmembers shall be elected for four-year terms. On  
619 Tuesday following the first Monday in November of 2011, and every four years thereafter,  
620 three councilmembers shall be elected. The terms of office shall begin at the organizational  
621 meeting as provided in Section 2.18 of this charter.

622 **SECTION 5.12.**

623 Nonpartisan elections.

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

626 **SECTION 5.13.**

627 Election by plurality.

628 The person receiving a plurality of the votes cast for the office of mayor shall be elected.

629 The persons receiving the highest number of votes cast for city council positions shall be  
630 elected.

631 **SECTION 5.14.**

632 Special elections; vacancies.

633 In the event that the office of mayor or councilmember shall become vacant as provided in  
634 Section 2.12 of this charter, the city council or those remaining shall appoint a successor for  
635 the remainder of the term if less than six months remain in the unexpired term. In all other  
636 respects, the special election shall be held and conducted in accordance with Chapter 2 of  
637 Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as now or  
638 hereafter amended.

639 **SECTION 5.15.**

640 Other provisions.

641 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe  
642 such rules and regulations it deems appropriate to fulfill any options and duties required by  
643 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election  
644 Code," as now or hereafter amended.

645 **SECTION 5.16.**

646 Removal of officers.

647 (a) The mayor, councilmembers, or other appointed officers provided for in this charter shall  
648 be removed from office for any one or more of the causes provided in Title 45 of the Official  
649 Code of Georgia Annotated or such other applicable laws as are or may hereafter be enacted.

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

652 (1) Following a hearing at which an impartial panel shall render a decision. In the event  
653 an elected officer is sought to be removed by the action of the city council, such officer  
654 shall be entitled to a written notice specifying the ground or grounds for removal and to  
655 a public hearing which shall be held not less than ten days after the service of such  
656 written notice. The city council shall provide by ordinance for the manner in which such  
657 hearings shall be held. Any elected officer sought to be removed from office as provided  
658 in this paragraph shall have the right of appeal from the decision of the city council to the  
659 Superior Court of Colquitt County. Such appeal shall be governed by the same rules as  
660 govern appeals to the superior court from the probate court; or

661 (2) By an order of the Superior Court of Colquitt County following a hearing on a  
662 complaint seeking such removal brought by any resident of the City of Norman Park.

663 **ARTICLE VI**

664 **FINANCE**

665 **SECTION 6.10.**

666 **Property tax.**

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

673 **SECTION 6.11.**

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

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

679

**SECTION 6.12.**

680

Occupation and business taxes.

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

685

**SECTION 6.13.**

686

Regulatory fees; permits.

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

692

**SECTION 6.14.**

693

Franchises.

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

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

710 **SECTION 6.15.**

711 Service charges.

712 The city council, by ordinance, shall have the power to assess and collect fees, charges, and  
 713 tolls for sewers, sanitary and health services, or any other services provided or made  
 714 available within and without the corporate limits of the city for the total cost to the city of  
 715 providing or making available such services. If unpaid, such charges shall be collected as  
 716 provided in Section 6.18 of this charter.

717 **SECTION 6.16.**

718 Special assessments.

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

724 **SECTION 6.17.**

725 Construction; other taxes and fees.

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

729 **SECTION 6.18.**

730 Collection of delinquent taxes and fees.

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



738 **SECTION 6.19.**

739 General obligation bonds.

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

744 **SECTION 6.20.**

745 Revenue bonds.

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

749 **SECTION 6.21.**

750 Short term loans.

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

753 **SECTION 6.22.**

754 Lease-purchase contracts.

755 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the  
756 acquisition of goods, materials, real and personal property, services, and supplies provided  
757 the contract terminates without further obligation on the part of the municipality at the close  
758 of the calendar year in which it was executed and at the close of each succeeding calendar  
759 year for which it may be renewed. Contracts must be executed in accordance with the  
760 requirements of Code Section 36-60-13 of the Official Code of Georgia Annotated or other  
761 such applicable laws as are or may hereafter be enacted.

762 **SECTION 6.23.**

763 Fiscal year.

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

767 **SECTION 6.24.**

768 Preparation of budgets.

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

773 **SECTION 6.25.**

774 Submission of operating budget to city council.

775 On or before a date fixed by the city council, but not later than 60 days prior to the beginning  
776 of each fiscal year, the mayor shall submit to the city council a proposed operating budget  
777 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor  
778 containing a statement of the general fiscal policies of the city, the important features of the  
779 budget, explanations of major changes recommended for the next fiscal year, a general  
780 summary of the budget, and such other pertinent comments and information. The operating  
781 budget and the capital budget required by this article, the budget message, and all supporting  
782 documents shall be filed in the office of the city clerk and shall be open to public inspection.

783 **SECTION 6.26.**

784 Action by city council on budget.

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

790 (b) The city council, by ordinance, shall adopt the final operating budget for the ensuing  
791 fiscal year not later than the first day of the fiscal year. If the city council fails to adopt the

792 budget by this date, the amounts appropriated for operation for the current fiscal year shall  
 793 be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items  
 794 prorated accordingly until such time as the city council adopts a budget for the ensuing fiscal  
 795 year. Adoption of the budget shall take the form of an appropriations ordinance setting out  
 796 the estimated revenues in detail by sources and making appropriations according to fund and  
 797 by organizational unit, purpose, or activity as set out in the budget preparation ordinance  
 798 adopted pursuant to Section 6.24 of this charter.

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

803 **SECTION 6.27.**

804 Tax levies.

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

811 **SECTION 6.28.**

812 Changes in appropriations.

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

817 **SECTION 6.29.**

818 Independent audit.

819 There shall be an annual independent audit of all city accounts, funds, and financial  
 820 transactions by a certified public accountant selected by the city council. The audit shall be  
 821 conducted according to generally accepted auditing principles. Any audit of any funds by

822 the state or federal governments may be accepted as satisfying the requirements of this  
823 charter. Copies of annual audit reports shall be available at printing costs to the public.

824 **SECTION 6.30.**

825 Contracting procedures.

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

827 (1) It is in writing;

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

830 (3) It is made or authorized by the city council, and such approval is entered in the city  
831 council journal of proceedings pursuant to Section 2.21 of this charter.

832 **SECTION 6.31**

833 Centralized purchasing.

834 The city council, by ordinance, shall prescribe procedures for a system of centralized  
835 purchasing for the city.

836 **SECTION 6.32.**

837 Sale and lease of city property.

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

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

844 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place  
845 of the city a small parcel or tract of land is cut off or separated by such work from a larger  
846 tract or boundary of land owned by the city, the city council may authorize the mayor to sell  
847 and convey said cut off or separated parcel or tract of land to an abutting or adjoining  
848 property owner or owners where such sale and conveyance facilitates the enjoyment of the  
849 highest and best use of the abutting owner's property. Included in the sales contract shall be  
850 a provision for the rights of way of said street, avenue, alley, or public place. Each abutting  
851 property owner shall be notified of the availability of the property and given the opportunity

852 to purchase said property under such terms and conditions as set out by ordinance. All deeds  
853 and conveyances heretofore and hereafter so executed and delivered shall convey all title and  
854 interest the city has in such property, notwithstanding the fact that no public sale after  
855 advertisement was or is hereafter made.

856 **ARTICLE VII**

857 **GENERAL PROVISIONS**

858 **SECTION 7.10.**

859 Bonds for officials.

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

863 **SECTION 7.11.**

864 Prior ordinances.

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

868 **SECTION 7.12.**

869 Existing personnel and officers.

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

876 **SECTION 7.13.**

877 Pending matters.

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

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

882 **SECTION 7.14.**

883 Construction.

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

886 (b) The word 'shall' is mandatory and the word 'may' is permissive.

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

889 **SECTION 7.15.**

890 Severability.

891 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be  
892 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect  
893 nor impair other parts of this charter unless it clearly appears that such other parts are wholly  
894 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the  
895 legislative intent in enacting this charter that each article, section, subsection, paragraph,  
896 sentence, or part thereof be enacted separately and independent of each other.

897 **SECTION 7.16.**

898 Specific repealer.

899 An Act incorporating the City of Norman Park in the County of Colquitt, State of Georgia,  
900 approved February 20, 1976, (Ga. L. 1976, p.2661), as amended, is hereby repealed in its  
901 entirety; and all amendatory acts thereto are likewise repealed in their entirety. All other  
902 laws and parts of laws in conflict with this charter are hereby repealed.

903 **SECTION 7.17.**

904 Effective date.

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

907

**SECTION 7.18.**

908

General repealer.

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