

House Bill 1156

By: Representatives Bearden of the 68th , Butler of the 18th , and Maxwell of the 17th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Temple; 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, method of filling vacancies, compensation, qualifications,
4 prohibitions, and removal from office relative to members of such governing authority; to
5 provide for inquiries and investigations; to provide for organization and procedures; to
6 provide for ordinances and codes; to provide for the office of mayor and certain duties and
7 powers relative to the office of mayor; to provide for administrative responsibilities; to
8 provide for a mayor pro tempore; to provide for departments, boards, commissions, and
9 authorities; to provide for a city administrator, a city attorney, a city clerk, and other
10 personnel; to provide for a municipal court and the judge or judges thereof; to provide for
11 jurisdiction, practices, and procedures; to provide for elections; to provide for taxation and
12 fees; to provide for franchises, service charges, and assessments; to provide for bonded and
13 other indebtedness; to provide for accounting and budgeting; to provide for purchases; to
14 provide for the sale and lease of property; to provide for bonds for officials; to provide for
15 prior ordinances; to provide for existing personnel and officers; to provide for pending
16 matters; to provide for penalties; to provide for construction; to provide for other matters
17 relative to the foregoing; to provide for severability; to repeal a specific Act; to provide for
18 an effective date; to repeal conflicting laws; and for other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 ARTICLE I

21 INCORPORATION AND POWERS

22 SECTION 1.10.

23 Name.

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

27 SECTION 1.11.

28 Corporate boundaries.

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

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

41 SECTION 1.12.

42 Powers.

43 The powers of this city shall include, but are not limited to, the power:

- 44 (1) Animal regulations. To regulate and license or to prohibit the keeping or running at
 45 large of animals and fowl and to provide for the impoundment of same if in violation of
 46 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane
 47 destruction of animals and fowl when not redeemed as provided by ordinance; and to
 48 provide punishment for violation of ordinances;
- 49 (2) Appropriations and expenditures. To make appropriations for the support of the
 50 government of the city; to authorize the expenditure of money for any purposes

51 authorized by this charter and for any purpose for which a municipality is authorized by
52 the laws of the State of Georgia; and to provide for the payment of expenses of the city;

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

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

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

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

68 (7) Emergencies. To establish procedures for determining and proclaiming that an
69 emergency situation exists inside or outside the city and to make and carry out all
70 reasonable provisions deemed necessary to deal with or meet such an emergency for the
71 protection, safety, health, or well-being of the citizens of the city;

72 (8) Environmental protection. To protect and preserve the natural resources,
73 environment, and vital areas of the state through the preservation and improvement of air
74 quality, the restoration and maintenance of water resources, the control of erosion and
75 sedimentation, the management of solid and hazardous waste, and other necessary actions
76 for the protection of the environment;

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

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

- 87 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,
88 practice, conduct, or use of property which is detrimental to health, sanitation,
89 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the
90 enforcement of such standards;
- 91 (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
92 any purpose related to powers and duties of the city and the general welfare of its
93 citizens, on such terms and conditions as the donor or grantor may impose;
- 94 (13) Health and sanitation. To prescribe standards of health and sanitation and to
95 provide for the enforcement of such standards;
- 96 (14) Jail sentences. To provide that persons given jail sentences in the municipal court
97 may work out such sentences in any public works or on the streets, roads, drains, and
98 other public property in the city; to provide for commitment of such persons to any jail;
99 or to provide for commitment of such persons to any county work camp or county jail by
100 agreement with the appropriate county officials;
- 101 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control
102 over all traffic, including parking upon or across the streets, roads, alleys, and walkways
103 of the city;
- 104 (16) Municipal agencies and delegation of power. To create, alter, or abolish
105 departments, boards, offices, commissions, and agencies of the city and to confer upon
106 such agencies the necessary and appropriate authority for carrying out all the powers
107 conferred upon or delegated to the same;
- 108 (17) Municipal debts. To appropriate and borrow money for the payment of debts of the
109 city and to issue bonds for the purpose of raising revenue to carry out any project,
110 program, or venture authorized by this charter or the laws of the State of Georgia;
- 111 (18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
112 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
113 outside the property limits of the city;
- 114 (19) Municipal property protection. To provide for the preservation and protection of
115 property and equipment of the city and the administration and use of same by the public;
116 and to prescribe penalties and punishment for violations thereof;
- 117 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
118 of public utilities, including, but not limited to, a system of waterworks, sewers and
119 drains, sewage disposal, gas works, electric light plants, cable television and other
120 telecommunications, transportation facilities, public airports, and any other public utility;
121 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and
122 to provide for the withdrawal of service for refusal or failure to pay the same;

- 123 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or
124 private property;
- 125 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
126 the authority of this charter and the laws of the State of Georgia;
- 127 (23) Planning and zoning. To provide comprehensive city planning for development by
128 zoning; and to provide subdivision regulation and the like as the city council deems
129 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;
- 130 (24) Police and fire protection. To exercise the power of arrest through duly appointed
131 police officers and to establish, operate, or contract for a police and a fire-fighting
132 agency;
- 133 (25) Public hazards; removal. To provide for the destruction and removal of any
134 building or other structure which is or may become dangerous or detrimental to the
135 public;
- 136 (26) Public improvements. To provide for the acquisition, construction, building,
137 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
138 cemeteries, markets and market houses, public buildings, libraries, public housing,
139 airports, hospitals, terminals, docks, parking facilities, and charitable, cultural,
140 educational, recreational, conservation, sport, curative, corrective, detention, penal, and
141 medical institutions, agencies, and facilities; and to provide any other public
142 improvements, inside or outside the corporate limits of the city; to regulate the use of
143 public improvements; and, for such purposes, property may be acquired by condemnation
144 under Title 22 of the O.C.G.A. or such other applicable laws as are or may hereafter be
145 enacted;
- 146 (27) Public peace. To provide for the prevention and punishment of drunkenness, riots,
147 and public disturbances;
- 148 (28) Public transportation. To organize and operate such public transportation systems
149 as are deemed beneficial;
- 150 (29) Public utilities and services. To grant franchises or make contracts for or impose
151 taxes on public utilities and public service companies and to prescribe the rates, fares,
152 regulations, and standards and conditions of service applicable to the service to be
153 provided by the franchise grantee or contractor, insofar as not in conflict with valid
154 regulations of the Georgia Public Service Commission;
- 155 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,
156 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
157 and all other structures or obstructions upon or adjacent to the rights of way of streets and
158 roads or within view thereof, within or abutting the corporate limits of the city; and to
159 prescribe penalties and punishment for violation of such ordinances;

- 160 (31) Retirement. To provide and maintain a retirement plan for employees of the city;
- 161 (32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
- 162 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
- 163 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
- 164 walkways within the corporate limits of the city; to grant franchises and rights of way
- 165 throughout the streets and roads and over the bridges and viaducts for the use of public
- 166 utilities; and to require real estate owners to repair and maintain in a safe condition the
- 167 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;
- 168 (33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
- 169 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
- 170 and sewerage system; to levy on those to whom sewers and sewerage systems are made
- 171 available a sewer service fee, charge, or sewer tax for the availability or use of the
- 172 sewers; to provide for the manner and method of collecting such service charges and for
- 173 enforcing payment of the same; and to charge, impose, and collect a sewer connection fee
- 174 or fees to those connected with the system;
- 175 (34) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
- 176 and refuse; to regulate the collection and disposal of garbage, rubbish, and refuse by
- 177 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
- 178 paper, and other recyclable materials and to provide for the sale of such items;
- 179 (35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
- 180 the manufacture, sale, or transportation of any intoxicating liquors, and the use and sale
- 181 of firearms; to regulate the transportation, storage, and use of combustible, explosive, and
- 182 inflammable materials, the use of lighting and heating equipment, and any other business
- 183 or situation which may be dangerous to persons or property; to regulate and control the
- 184 conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows
- 185 of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit
- 186 professional fortune telling, palmistry, adult bookstores, and massage parlors;
- 187 (36) Special assessments. To levy and provide for the collection of special assessments
- 188 to cover the costs for any public improvements;
- 189 (37) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
- 190 and collection of taxes on all property subject to taxation;
- 191 (38) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
- 192 future by law;
- 193 (39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
- 194 number of such vehicles; to require the operators thereof to be licensed; to require public
- 195 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
- 196 regulate the parking of such vehicles;

197 (40) Urban redevelopment. To organize and operate an urban redevelopment program;
 198 and
 199 (41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
 200 and immunities necessary or desirable to promote or protect the safety, health, peace,
 201 security, good order, comfort, convenience, or general welfare of the city and its
 202 inhabitants; and to exercise all implied powers necessary or desirable to carry into
 203 execution all powers granted in this charter as fully and completely as if such powers
 204 were fully stated in this charter; and to exercise all powers now or in the future authorized
 205 to be exercised by other municipal governments under other laws of the State of Georgia;
 206 and no listing of particular powers in this charter shall be held to be exclusive of others,
 207 nor restrictive of general words and phrases granting powers, but shall be held to be in
 208 addition to such powers unless expressly prohibited to municipalities under the
 209 Constitution or applicable laws of the State of Georgia.

210 **SECTION 1.13.**

211 Exercise of powers.

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

216 **ARTICLE II**

217 **GOVERNMENT STRUCTURE**

218 **SECTION 2.10.**

219 City council creation; number; election.

220 The legislative authority of the government of this city, except as otherwise specifically
 221 provided in this charter, shall be vested in a city council to be composed of a mayor and five
 222 councilmembers. The city council established shall in all respects be a successor to and
 223 continuation of the city governing authority under prior law. The mayor and
 224 councilmembers shall be elected in the manner provided by general law and this charter. The
 225 mayor and councilmembers shall be elected at large by the qualified voters of the city.

226

SECTION 2.11.

227

City council terms and qualifications for office.

228 The members of the city council shall serve for terms of four years and until their respective
 229 successors are elected and qualified. No person shall be eligible to serve as mayor or
 230 councilmember unless that person shall have been a resident of the city for 12 months prior
 231 to the date of the election of mayor or members of the council. For purposes of electing
 232 members of the city council, other than the mayor, the City of Temple is divided into five
 233 city council districts which shall be until changed in the future the same as those existing
 234 prior to the enactment of this charter and specifically shall until changed be as provided in
 235 the amendment to the former charter which was approved May 14, 2003 (Ga. L. 2003,
 236 p. 3540). Each candidate for councilmember must be a resident of the city council district
 237 he or she seeks to represent, but councilmembers shall be elected at large. The mayor shall
 238 continue to reside in the city during the period of service and to be registered and qualified
 239 to vote in municipal elections of this city; and each councilmember shall continue to reside
 240 in the district from which elected during the period of service and to be registered and
 241 qualified to vote in municipal elections of the city. All candidates must be at least 21 years
 242 of age.

243

SECTION 2.12.

244

Vacancy; filling of vacancies; suspensions.

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

248 (b) Filling of vacancies - A vacancy in the office of mayor or councilmember shall be filled
 249 for the remainder of the unexpired term, if any, by appointment if less than 12 months remain
 250 in the unexpired term, otherwise by an election, as provided for in Section 5.14 of this charter
 251 and in accordance with Titles 21 and 45 of the O.C.G.A. or such other laws as are or may
 252 hereafter be enacted. This provision shall also apply to a temporary vacancy created by the
 253 suspension from office of the mayor or any councilmember.

254

SECTION 2.13.

255

Compensation and expenses.

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

258 **SECTION 2.14.**

259 Holding other office;

260 voting when personally interested.

261 (a) Officers as trustees - Elected and appointed officers of the city are trustees and servants
262 of the residents of the city and shall act in a fiduciary capacity for the benefit of such
263 residents.

264 (b) Conflict of interest - No elected official, appointed officer, or employee of the city or any
265 agency or political entity to which this charter applies shall knowingly:

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

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

274 (3) Disclose confidential information, including information obtained at meetings which
275 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,
276 government, or affairs of the governmental body by which that person is engaged without
277 proper legal authorization or use such information to advance the financial or other
278 private interest of that person or others;

279 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,
280 from any person, firm, or corporation which to that person's knowledge is interested,
281 directly or indirectly, in any manner whatsoever, in business dealings with the
282 governmental body by which that person is engaged; provided, however, that an elected
283 official who is a candidate for public office may accept campaign contributions and
284 services in connection with any such campaign;

285 (5) Represent other private interests in any action or proceeding against this city or any
286 portion of its government; or

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

289 (c) Disclosure - Any elected official, appointed officer, or employee who shall have any
290 financial interest, directly or indirectly, in any contract or matter pending before or within
291 any department of the city shall disclose such interest to the city council. The mayor or any
292 councilmember who has a financial interest in any matter pending before the city council
293 shall disclose such interest and such disclosure shall be entered on the records of the city

294 council, and that official shall disqualify himself or herself from participating in any decision
295 or vote relating thereto. Any elected official, appointed officer, or employee of any agency
296 or political entity to which this charter applies who shall have any financial interest, directly
297 or indirectly, in any contract or matter pending before or within such entity shall disclose
298 such interest to the governing body of such agency or entity.

299 (d) Use of public property - No elected official, appointed officer, or employee of the city
300 or any agency or entity to which this charter applies shall use property owned by such
301 governmental entity for personal benefit, convenience, or profit except in accordance with
302 policies promulgated by the city council or the governing body of such agency or entity.

303 (e) Contracts voidable and rescindable - Any violation of this section which occurs with the
304 knowledge, express or implied, of a party to a contract or sale shall render such contract or
305 sale voidable at the option of the city council.

306 (f) Ineligibility of elected official - Except where authorized by law, neither the mayor nor
307 any councilmember shall hold any other elective or compensated appointive office in the city
308 or otherwise be employed by said government or any agency thereof during the term for
309 which that official was elected. No former mayor and no former councilmember shall hold
310 any compensated appointive office in the city until one year after the expiration of the term
311 for which that official was elected.

312 (g) Political activities of certain officers and employees - No appointed officer of the city
313 shall continue in such employment upon qualifying as a candidate for nomination or election
314 to any public office. No employee of the city shall continue in such employment upon
315 election to any public office in this city or any other public office which is inconsistent,
316 incompatible, or in conflict with the duties of the city employee. Such determination shall
317 be made by the mayor and city council either immediately upon election or at any time such
318 conflict may arise.

319 (h) Penalties for violation -

320 (1) Any city officer or employee who knowingly conceals such financial interest or
321 knowingly violates any of the requirements of this section shall be guilty of malfeasance
322 in office or position and shall be deemed to have forfeited that person's office or position.

323 (2) Any officer or employee of the city who shall forfeit that person's office or position
324 as described in paragraph (1) of this subsection shall be ineligible for appointment or
325 election to or employment in a position in the city government for a period of three years
326 thereafter.

327 **SECTION 2.15.**

328 Inquiries and investigations.

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

335 **SECTION 2.16.**

336 General power and authority of the city council.

337 Except as otherwise provided by law or this charter, the city council shall be vested with all
338 the powers of government of this city.

339 **SECTION 2.17.**

340 Eminent domain.

341 The city council is empowered to acquire, construct, operate, and maintain public ways,
342 parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,
343 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports,
344 hospitals, and charitable, educational, recreational, sport, curative, corrective, detention,
345 penal, and medical institutions, agencies, and facilities, and any other public improvements,
346 inside or outside the city and to regulate the use thereof and, for such purposes, property may
347 be condemned under procedures established under general law applicable now or as provided
348 in the future.

349 **SECTION 2.18.**

350 Organizational meetings.

351 The city council shall hold an organizational meeting on the first Monday of each year or on
352 the second Monday, in the event that the first Monday falls on a holiday. The meeting shall
353 be called to order by the city clerk and the oath of office shall be administered to the newly
354 elected members as follows:

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

358 **SECTION 2.19.**

359 Regular and special meetings.

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

362 (b) Special meetings of the city council may be held on call of the mayor or three members
363 of the city council. Notice of such special meetings shall be served on all other members
364 personally, or by telephone personally, at least 24 hours in advance of the meeting. Such
365 notice to councilmembers shall not be required if the mayor and all councilmembers are
366 present when the special meeting is called. Such notice of any special meeting may be
367 waived by a councilmember in writing before or after such a meeting, and attendance at the
368 meeting shall also constitute a waiver of notice on any business transacted in such
369 councilmember's presence. Only the business stated in the call may be transacted at the
370 special meeting.

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

375 **SECTION 2.20.**

376 Rules of procedure.

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

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

383 **SECTION 2.21.**

384 Quorum; voting.

385 Three councilmembers shall constitute a quorum and shall be authorized to transact business
386 of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote
387 shall be recorded in the journal, but any member of the city council shall have the right to
388 request a roll-call vote and such vote shall be recorded in the journal. Except as otherwise
389 provided in this charter, the affirmative vote of three councilmembers shall be required for
390 the adoption of any ordinance, resolution, or motion.

391 **SECTION 2.22.**

392 Ordinance form; procedures.

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

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

405 (c) The requirement that an ordinance be read at two consecutive meetings may be waived
406 by a majority vote of the city council in the event of an emergency as defined in Section 2.24
407 of this charter.

408 **SECTION 2.23.**

409 Action requiring an ordinance.

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

411 **SECTION 2.24.**

412 Emergencies.

413 (a) To meet a public emergency affecting life, health, property, or public peace, the city
 414 council may convene on call of the mayor or three councilmembers and promptly adopt an
 415 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
 416 franchise; regulate the rate charged by any public utility for its services; or authorize the
 417 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
 418 shall be introduced in the form prescribed for ordinances generally, except that it shall be
 419 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
 420 a declaration stating that an emergency exists and describing the emergency in clear and
 421 specific terms. An emergency ordinance may be adopted, with or without amendment, or
 422 rejected at the meeting at which it is introduced, but the affirmative vote of at least three
 423 councilmembers shall be required for adoption. It shall become effective upon adoption or
 424 at such later time as it may specify. Every emergency ordinance shall automatically stand
 425 repealed 30 days following the date upon which it was adopted, but this shall not prevent
 426 reenactment of the ordinance in the manner specified in this section if the emergency still
 427 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
 428 in the same manner specified in this section for adoption of emergency ordinances.

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

433 **SECTION 2.25.**

434 Codes of technical regulations.

435 (a) The city council may adopt any standard code of technical regulations by reference
 436 thereto in an adopting ordinance. The procedure and requirements governing such adopting
 437 ordinance shall be as prescribed for ordinances generally except that:

438 (1) The requirements of subsection (b) of Section 2.22 of this charter for distribution and
 439 filing of copies of the ordinance shall be construed to include copies of any code of
 440 technical regulations, as well as the adopting ordinance; and

441 (2) A copy of each adopted code of technical regulations, as well as the adopting
 442 ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 2.26
 443 of this charter.

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

446 **SECTION 2.26.**

447 Signing; authenticating;
448 recording; codification; printing.

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

451 (b) The city council shall provide for the preparation of a general codification of all the
452 ordinances of the city having the force and effect of law. The general codification shall be
453 adopted by the city council by ordinance and shall be published promptly, together with all
454 amendments thereto and such codes of technical regulations and other rules and regulations
455 as the city council may specify. This compilation shall be known and cited officially as "The
456 Code of the City of Temple, Georgia." Copies of the code shall be furnished to all officers,
457 departments, and agencies of the city and made available for purchase by the public at a
458 reasonable price as fixed by the city council.

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

468 (d) The city council may by ordinance provide for the electronic distribution of ordinances
469 and the code of the City of Temple.

470 **SECTION 2.27.**

471 City administrator; appointment;
472 qualifications; compensation.

473 The mayor and city council may appoint a city administrator for an indefinite term and shall
474 fix the administrator's compensation. The administrator shall be appointed solely on the
475 basis of executive and administrative qualifications.

476

SECTION 2.28.

477

Removal of city administrator.

478

The city administrator is employed at will and may be summarily removed from office at any

479

time by the city council.

480

SECTION 2.29.

481

Reserved.

482

SECTION 2.30.

483

Powers and duties of the city administrator.

484

The city administrator shall be responsible to the city council for the administration of all city

485

affairs placed in the administrator's charge by or under this charter. The city administrator

486

shall:

487

(1) Recommend appointments to the mayor and city council and, when the city

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administrator deems it necessary for the good of the city, recommend to the mayor and

489

city council the suspension or removal of any city employee or administrative officer,

490

except as otherwise provided by law or personnel ordinances adopted pursuant to this

491

charter. The city administrator may authorize any administrative officer who is subject

492

to the administrator's direction and supervision to exercise these powers with respect to

493

subordinates in that officer's department, office, or agency;

494

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

495

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

496

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

497

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

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the right to take part in discussion, but not vote;

499

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

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enforcement by the city administrator or by officers subject to the administrator's

501

direction and supervision, are faithfully executed;

502

(5) Prepare and submit the annual operating budget and capital budget to the city

503

council;

504

(6) Submit to the city council and make available to the public a complete report on the

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finances and administrative activities of the city as of the end of each fiscal year;

506

(7) Make such other reports as the city council may require concerning the operations

507

of city departments, offices, and agencies subject to the city administrator's direction and

508

supervision;

- 509 (8) Keep the city council fully advised as to the financial condition and future needs of
 510 the city and make such recommendations to the city council concerning the affairs of the
 511 city as the city administrator deems desirable; and
 512 (9) Perform other such duties as are specified in this charter or as may be required by the
 513 city council.

514 **SECTION 2.31.**

515 Council's interference with administration.

516 Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the
 517 city council or its members shall not interfere with city officers and employees who are
 518 subject to the direction and supervision of the city administrator and shall deal with such
 519 officers and employees first through the city administrator; and, if the mayor or city council
 520 is unable to reach an agreement with the city administrator, the mayor or city council may
 521 use their own discretion accordingly.

522 **SECTION 2.32.**

523 Selection of mayor pro tempore.

524 At the organizational meeting each year, the city council shall elect, by a majority vote of all
 525 its members, a councilmember to serve as mayor pro tempore, who shall serve at the pleasure
 526 of the city council. The councilmember so elected shall continue to vote and otherwise
 527 participate as a councilmember.

528 **SECTION 2.33.**

529 Mayor pro tempore.

530 During the absence or physical or mental disability of the mayor for any cause, the mayor
 531 pro tempore, or in the mayor pro tempore's absence or disability for any reason, any one of
 532 the councilmembers chosen by a majority vote of the city council, shall be clothed with all
 533 the rights and privileges of the mayor and shall perform the duties of the office of the mayor
 534 so long as such absence or disability shall continue. Any such absence or disability shall be
 535 declared by majority vote of all councilmembers. The mayor pro tempore or selected
 536 councilmember shall sign all contracts and ordinances in which the mayor has a disqualifying
 537 financial interest as provided in Section 2.14 of this charter. During the mayor's disability
 538 or absence, the mayor pro tempore shall continue to vote as a councilmember and but shall
 539 exercise the mayor's prerogative to vote in case of a tie.

540 **SECTION 2.34.**

541 Election of mayor; forfeiture; compensation.

542 The mayor shall be elected and serve for a term of four years and until a successor is elected
 543 and qualified. The mayor shall be a qualified elector of this city and shall have been a
 544 resident of the city for 12 months prior to the election. The mayor shall continue to reside
 545 in this city during the period of service. The mayor shall forfeit the office on the same
 546 grounds and under the same procedure as for councilmembers. The compensation of the
 547 mayor shall be established in the same manner as for councilmembers.

548 **SECTION 2.35.**

549 Powers and duties of the mayor.

550 The mayor shall:

- 551 (1) Preside at all meetings of the city council;
- 552 (2) Be the head of the city for the purpose of service of process and for ceremonial
 553 purposes and be the official spokesperson for the city and the chief advocate of policy;
- 554 (3) Have power to administer oaths and to take affidavits;
- 555 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
 556 ordinances, and other instruments executed by the city which by law are required to be
 557 in writing;
- 558 (5) Recommend to the city council such measures relative to the affairs of the city,
 559 improvement of the government, and promotion of the welfare of its inhabitants as the
 560 mayor may deem expedient;
- 561 (6) Call special meetings of the council as provided for in subsection (b) of Section 2.19
 562 of this charter;
- 563 (7) Approve or disapprove ordinances as provided in Section 2.36 of this charter;
- 564 (8) Perform such other duties as may be required by law, this charter, or by ordinance;
- 565 (9) Appoint and remove all officers, department heads, and employees, with approval of
 566 the city council, except as otherwise provided in this charter;
- 567 (10) Vote on any issue before the council in the event of a tie vote, except ordinances
 568 which shall be submitted to the mayor as provided in subsection (b) of Section 2.36 of
 569 this charter; and
- 570 (11) Direct and supervise the administration of all departments, offices, and agencies of
 571 the city in the event the position of city administrator is vacant.

572

SECTION 2.36.

573

Submission of ordinances to the mayor; veto power.

574 (a) Every ordinance adopted by the city council shall be presented promptly by the city clerk
575 to the mayor.

576 (b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the city
577 clerk with or without the mayor's approval or with the mayor's disapproval. If the ordinance
578 has been approved by the mayor, it shall become law upon its return to the city clerk. If the
579 ordinance is neither approved nor disapproved, it shall become law at 12:00 Noon on the
580 tenth calendar day after its adoption. If the ordinance is disapproved, the mayor shall submit
581 to the city council through the city clerk a written statement of the reasons for the veto. The
582 city clerk shall record upon the ordinance the date of its delivery to and receipt from the
583 mayor.

584 (c) Any ordinance vetoed by the mayor shall be presented by the city clerk to the city
585 council at their next meeting. If the city council then or at their next meeting adopts the
586 ordinance by an affirmative vote of four members, it shall become law.

587 (d) The mayor may disapprove or reduce any item or items of appropriation in any
588 ordinance. The approved part or parts of any ordinance making appropriations shall become
589 law, and the part or parts disapproved shall not become law unless subsequently passed by
590 the city council over the mayor's veto as provided in this section. The reduced part or parts
591 shall be presented to the city council as though disapproved and shall not become law unless
592 overridden by the council as provided in subsection (c) of this section.

593

ARTICLE III

594

ADMINISTRATIVE AFFAIRS

595

SECTION 3.10.

596

Administrative and service departments.

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

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

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

606 (d) There shall be a director of each department or agency who shall be its principal officer.
607 Each director shall, subject to the direction and supervision of the city administrator, be
608 responsible for the administration and direction of the affairs and operations of that director's
609 department or agency.

610 (e) All appointed officers and directors under the supervision of the city administrator shall
611 be nominated by the city administrator with confirmation of appointment by the city council.
612 All appointed officers and directors shall be employees at will and subject to removal or
613 suspension at any time upon the recommendation of the city administrator and approval of
614 the mayor and council unless otherwise provided by law or ordinance.

615 **SECTION 3.11.**

616 **Boards, commissions, and authorities.**

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

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

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

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

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

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

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

638 (h) Except as otherwise provided by this charter or by law, each board, commission, or
639 authority of the city shall elect one of its members as chairperson and one member as vice
640 chairperson and may elect as its secretary one of its own members or may appoint as

641 secretary an employee of the city. Each board, commission, or authority of the city
642 government may establish such bylaws, rules, and regulations, not inconsistent with this
643 charter, ordinances of the city, or law, as it deems appropriate and necessary for the
644 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and
645 regulations shall be filed with the clerk of the city.

646 **SECTION 3.12.**

647 City attorney.

648 The mayor with the approval of the city council shall appoint a city attorney, together with
649 such assistant city attorneys as may be authorized, and shall provide for the payment of such
650 attorney or attorneys for services rendered to the city. The city attorney may be removed
651 from office by the majority vote of the city council. The city attorney shall be responsible
652 for providing for the representation and defense of the city in all litigation in which the city
653 is a party; may be the prosecuting officer in the municipal court; shall attend the meetings
654 of the city council as directed; shall advise the city council, mayor, and other officers and
655 employees of the city concerning legal aspects of the city's affairs; and shall perform such
656 other duties as may be required by virtue of the person's position as city attorney. The city
657 attorney shall review all contracts as to form.

658 **SECTION 3.13.**

659 City clerk.

660 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk
661 shall be custodian of the official city seal and city records; maintain city council records
662 required by this charter; and perform such other duties as may be required by the city
663 council.

664 **SECTION 3.14.**

665 Position classification and pay plans.

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

672 **SECTION 3.15.**

673 Personnel policies.

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

676 **ARTICLE IV**
677 **JUDICIAL BRANCH**

678 **SECTION 4.10.**

679 Creation; name.

680 There shall be a court to be known as the Municipal Court of the City of Temple.

681 **SECTION 4.11.**

682 Chief judge; associate judge.

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

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

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

690 (d) Judges serve at will and may be removed from office at any time by the mayor with the
691 approval of the city council unless otherwise provided by ordinance.

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

696 **SECTION 4.12.**

697 Convening.

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

699

SECTION 4.13.

700

Jurisdiction; powers.

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

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

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

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

712 (e) The municipal court shall have authority to establish bail and recognizances to ensure
713 the presence of those charged with violations before such court and shall have discretionary
714 authority to accept cash or personal or real property as surety for the appearance of persons
715 charged with violations. Whenever any person shall give bail for that person's appearance
716 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
717 presiding at such time and an execution issued thereon by serving the defendant and the
718 defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the
719 event that cash or property is accepted in lieu of bond for security for the appearance of a
720 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
721 the cash so deposited shall be on order of the judge declared forfeited to the city or the
722 property so deposited shall have a lien against it for the value forfeited which lien shall be
723 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

734 **SECTION 4.14.**

735 Certiorari.

736 The right of certiorari from the decision and judgment of the municipal court shall exist in
 737 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
 738 the sanction of a judge of the Superior Court of Carroll County under the laws of the State
 739 of Georgia regulating the granting and issuance of writs of certiorari.

740 **SECTION 4.15.**

741 Rules for court.

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

749 **ARTICLE V**750 **ELECTIONS AND REMOVAL**751 **SECTION 5.10.**

752 Applicability of general law.

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

755 **SECTION 5.11.**

756 Election of the city council and mayor.

757 (a) There shall be a municipal general election biennially in odd-numbered years on the
 758 Tuesday next following the first Monday in November.

759 (b) There shall be elected the mayor and two councilmembers at the election held in 2009
 760 and quadrennially thereafter, the councilmembers being from Districts 1 and 2. The
 761 remaining city council seats, being Districts 3, 4, and 5, shall be filled at the election held in
 762 2011 and quadrennially thereafter so that a continuing body is created.

763 (c) Successors to the officers in office on the effective date of this charter shall be elected
764 at the municipal general election next preceding the expiration of their terms.

765 **SECTION 5.12.**

766 Nonpartisan elections.

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

769 **SECTION 5.13.**

770 Election by majority.

771 The person receiving a majority of the votes cast for any city office shall be elected.

772 **SECTION 5.14.**

773 Special elections; vacancies.

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

781 **SECTION 5.15.**

782 Other provisions.

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

786

SECTION 5.16.

787

Removal of officers.

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

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

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

802 (2) By an order of the Superior Court of Carroll County following a hearing on a
 803 complaint seeking such removal brought by any resident of the City of Temple.

804

ARTICLE VI

805

FINANCE

806

SECTION 6.10.

807

Property tax.

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

814

SECTION 6.11.

815

Millage rate; due dates; payment methods.

816 The city council, by ordinance, shall establish a millage rate for the city property tax, a due
 817 date, and the time period within which these taxes must be paid. The city council, by

818 ordinance, may provide for the payment of these taxes by installments or in one lump sum,
819 as well as authorize the voluntary payment of taxes prior to the time when due.

820 **SECTION 6.12.**

821 Occupation and business taxes.

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

826 **SECTION 6.13.**

827 Regulatory fees; permits.

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

833 **SECTION 6.14.**

834 Franchises.

835 (a) The city council shall have the power to grant franchises for the use of this city's streets
836 and alleys for the purposes of railroads, street railways, telephone companies, electric
837 companies, electric membership corporations, cable television and other telecommunications
838 companies, gas companies, transportation companies, and other similar organizations. The
839 city council shall determine the duration, terms, whether the same shall be exclusive or
840 nonexclusive, and the consideration for such franchises; provided, however, no franchise
841 shall be granted unless the city receives just and adequate compensation therefor. The city
842 council shall provide for the registration of all franchises with the city clerk in a registration
843 book kept by the clerk. The city council may provide by ordinance for the registration within
844 a reasonable time of all franchises previously granted.

845 (b) If no franchise agreement is in effect, the city council has the authority to impose a tax
846 on gross receipts for the use of this city's streets and alleys for the purposes of railroads,
847 street railways, telephone companies, electric companies, electric membership corporations,

848 cable television and other telecommunications companies, gas companies, transportation
849 companies, and other similar organizations.

850 **SECTION 6.15.**

851 Service charges.

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

857 **SECTION 6.16.**

858 Special assessments.

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

864 **SECTION 6.17.**

865 Construction; other taxes and fees.

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

869 **SECTION 6.18.**

870 Collection of delinquent taxes and fees.

871 The city council, by ordinance, may provide generally for the collection of delinquent taxes,
872 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
873 whatever reasonable means as are not precluded by law. This shall include providing for the
874 dates when the taxes or fees are due; late penalties or interest; issuance and execution of
875 fi.fas.; creation and priority of liens; making delinquent taxes and fees personal debts of the

876 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any
877 city taxes or fees; and providing for the assignment or transfer of tax executions.

878 **SECTION 6.19.**

879 General obligation bonds.

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

884 **SECTION 6.20.**

885 Revenue bonds.

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

889 **SECTION 6.21.**

890 Short-term loans.

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

893 **SECTION 6.22.**

894 Lease-purchase contracts.

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

902 **SECTION 6.23.**

903 Fiscal year.

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

907 **SECTION 6.24.**

908 Preparation of budgets.

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

913 **SECTION 6.25.**

914 Submission of operating budget to city council.

915 On or before a date fixed by the city council but not later than 45 days prior to the beginning
916 of each fiscal year, the city administrator shall submit to the city council a proposed
917 operating budget for the ensuing fiscal year. The budget shall be accompanied by a message
918 from the city administrator containing a statement of the general fiscal policies of the city,
919 the important features of the budget, explanations of major changes recommended for the
920 next fiscal year, a general summary of the budget, and other pertinent comments and
921 information. The operating budget and the capital budget provided for in Section 6.29 of this
922 charter, the budget message, and all supporting documents shall be filed in the office of the
923 city clerk and shall be open to public inspection.

924 **SECTION 6.26.**

925 Action by city council on budget.

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

931 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
 932 year not later than the December council meeting of each year. If the city council fails to
 933 adopt the budget by this date, the amounts appropriated for operation for the current fiscal
 934 year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all
 935 items prorated accordingly, until such time as the city council adopts a budget for the ensuing
 936 fiscal year, but not for a period to exceed six months. Adoption of the budget shall take the
 937 form of an appropriations ordinance setting out the estimated revenues in detail by sources
 938 and making appropriations according to fund and by organizational unit, purpose, or activity
 939 as set out in the budget preparation ordinance adopted pursuant to Section 6.24 of this
 940 charter.

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

945 **SECTION 6.27.**

946 Tax levies.

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

953 **SECTION 6.28.**

954 Changes in appropriations.

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

959 **SECTION 6.29.**

960 Capital budget.

961 (a) On or before the date fixed by the city council, but not later than 60 days prior to the
 962 beginning of each fiscal year, the city administrator shall submit to the city council a
 963 proposed capital improvements plan with a recommended capital budget containing the
 964 means of financing the improvements proposed for the ensuing fiscal year. The city council
 965 shall have power to accept, with or without amendments, or reject the proposed plan and
 966 proposed budget. The city council shall not authorize an expenditure for the construction of
 967 any building, structure, work, or improvement unless the appropriations for such project are
 968 included in the capital budget, except to meet a public emergency as provided in Section 2.24
 969 of this charter.

970 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
 971 year not later than the December council meeting of each year. No appropriation provided
 972 for in a prior capital budget shall lapse until the purpose for which the appropriation was
 973 made shall have been accomplished or abandoned; provided, however, the city administrator
 974 may submit amendments to the capital budget at any time during the fiscal year,
 975 accompanied by recommendations. Any such amendments to the capital budget shall
 976 become effective only upon adoption by ordinance.

977 **SECTION 6.30.**

978 Independent audit.

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

984 **SECTION 6.31.**

985 Contracting procedures.

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

- 987 (1) It is in writing;
- 988 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of
 989 course, is signed by the city attorney to indicate such drafting or review; and

990 (3) It is made or authorized by the city council and such approval is entered in the city
991 council journal of proceedings pursuant to Section 2.20 of this charter.

992 **SECTION 6.32.**

993 Centralized purchasing.

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

996 **SECTION 6.33.**

997 Sale and lease of city property.

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

1000 (b) The city council may quitclaim any rights it may have in property not needed for public
1001 purposes upon report by the city administrator and adoption of a resolution, both finding that
1002 the property is not needed for public or other purposes and that the interest of the city has no
1003 readily ascertainable monetary value.

1004 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
1005 of the city a small parcel or tract of land is cut off or separated by such work from a larger
1006 tract or boundary of land owned by the city, the city council may authorize the administrator
1007 to sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
1008 property owner or owners where such sale and conveyance facilitates the enjoyment of the
1009 highest and best use of the abutting owner's property. Included in the sales contract shall be
1010 a provision for the rights of way of said street, avenue, alley, or public place. Each abutting
1011 property owner shall be notified of the availability of the property and given the opportunity
1012 to purchase said property under such terms and conditions as set out by ordinance. All deeds
1013 and conveyances heretofore and hereafter so executed and delivered shall convey all title and
1014 interest the city has in such property, notwithstanding the fact that no public sale after
1015 advertisement was or is hereafter made.

1016 **ARTICLE VII**

1017 **GENERAL PROVISIONS**

1018 **SECTION 7.10.**

1019 Bonds for officials.

1020 The officers and employees of this city, both elected and appointed, shall execute such surety
1021 or fidelity bonds in such amounts and upon such terms and conditions as the city council
1022 shall from time to time require by ordinance or as may be provided by law.

1023 **SECTION 7.11.**

1024 Prior ordinances.

1025 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent
1026 with this charter are hereby declared valid and of full effect and force until amended or
1027 repealed by the city council.

1028 **SECTION 7.12.**

1029 Existing personnel and officers.

1030 Except as specifically provided otherwise by this charter, all personnel and officers of this
1031 city and their rights, privileges, and powers shall continue beyond the time this charter takes
1032 effect for a period of 60 days before or during which time the existing city council shall pass
1033 a transition ordinance detailing the changes in personnel and appointed officers required or
1034 desired and arranging such titles, rights, privileges, and powers as may be required or desired
1035 to allow a reasonable transition.

1036 **SECTION 7.13.**

1037 Pending matters.

1038 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
1039 contracts, and legal or administrative proceedings shall continue and any such ongoing work
1040 or cases shall be completed by such city agencies, personnel, or offices as may be provided
1041 by the city council.

SECTION 7.14.

Construction.

1044 (a) Section captions in this charter are informative only and are not to be considered as a part
1045 thereof.

1046 (b) The word "shall" is mandatory and the word "may" is permissive.

1047 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1048 versa.

SECTION 7.15.

Severability.

1051 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
1052 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
1053 or impair other parts of this charter unless it clearly appears that such other parts are wholly
1054 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
1055 legislative intent in enacting this charter that each article, section, subsection, paragraph,
1056 sentence, or part thereof be enacted separately and independent of each other.

SECTION 7.16.

Specific repealer.

1059 An Act incorporating the City of Temple in the County of Carroll, approved March 28, 1974
1060 (Ga. L. 1974, p. 3709), is repealed in its entirety and all amendatory acts thereto are likewise
1061 repealed in their entirety, except that the amendatory Act approved May 14, 2003
1062 (Ga. L. 2003, p. 3540), shall continue to govern the composition of city council districts until
1063 such time as those districts are changed as authorized by law.

SECTION 7.17.

Effective date.

1066 This Act shall become effective on upon the approval of this Act by the Governor and upon
1067 its otherwise becoming law without such approval.

1068

SECTION 7.18.

1069

General repealer.

1070 All laws and parts of laws in conflict with this Act are repealed.