

House Bill 511

By: Representative Epps of the 128<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide a new charter for the City of Greenville, Georgia; to provide for incorporation,  
2 boundaries, and powers of the city; to provide for a governing authority of such city and the  
3 powers, duties, authority, election, terms, method of filling vacancies, compensation,  
4 qualifications, prohibitions, and removal from office relative to members of such governing  
5 authority; to provide for inquiries and investigations; to provide for organization and  
6 procedures; to provide for ordinances and codes; to provide for the office of mayor and  
7 certain duties and powers relative to the office of mayor; to provide for administrative  
8 responsibilities; to provide for boards, commissions, and authorities; to provide for a city  
9 attorney, a city clerk, a city treasurer, and other personnel; to provide for rules and  
10 regulations; to provide for a municipal court and the judge or judges and all officers thereof;  
11 to provide for practices and procedures; to provide for taxation and fees; to provide for  
12 franchises, service charges, and assessments; to provide for bonded and other indebtedness;  
13 to provide for accounting and budgeting; to provide for purchases; to a provide for the sale  
14 of property; to provide for bonds for officials; to provide for eminent domain; to provide for  
15 penalties; to provide for definitions and construction; to provide for other matters relative to  
16 the foregoing; to repeal a specific Act; to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 ARTICLE I  
19 INCORPORATION AND POWERS  
20 SECTION 1.10.  
21 Incorporation.

22 The City of Greenville in Meriwether County is reincorporated by the enactment of this  
23 charter and is constituted and declared a body politic and corporate under the name of the  
24 "City of Greenville." References in this charter to "the city" or "this city" refer to the City of  
25 Greenville. The city shall have perpetual existence.

26 **SECTION 1.11.**

27 Corporate boundaries.

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

36 **SECTION 1.12.**

37 Powers and construction.

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

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

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

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

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

57 (4) Building regulations. To regulate and to license the erection and construction of  
 58 buildings and all other structures not inconsistent with general law; to adopt building,

59 housing, plumbing, electrical, gas, and heating and air-conditioning codes; and to regulate  
60 all housing and building trades except as otherwise prohibited by general law;

61 (5) Business regulation and taxation. To levy and to provide for the collection of license  
62 fees and taxes on privileges, occupations, trades, and professions; to license and regulate  
63 the same; to provide for the manner and method of payment of such licenses and taxes;  
64 and to revoke such licenses after due process for the failure to pay any city taxes or fees;

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

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

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

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

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

85 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,  
86 practice, conduct, or use of property which is detrimental to the health, sanitation,  
87 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the  
88 enforcement of such standards;

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

92 (13) Health and sanitation. To prescribe standards of health and sanitation within the  
93 city and to provide for the enforcement of such standards;

94 (14) Jail sentences. To provide that persons given jail sentences in the municipal court  
95 may work out such sentences in any public works or on the streets, roads, drains, and

96 squares in the city; to provide for the commitment of such persons to any jail; or to  
97 provide for the commitment of such persons to any county work camp or county jail by  
98 agreement with the appropriate county officials;

99 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control  
100 over all traffic, including parking, upon or across the streets, roads, alleys, and walkways  
101 of the city;

102 (16) Municipal agencies and delegation of power. To create, alter, or abolish  
103 departments, boards, offices, commissions, and agencies of the city and to confer upon  
104 such agencies the necessary and appropriate authority for carrying out all the powers  
105 conferred upon or delegated to the same;

106 (17) Municipal debts. To appropriate and borrow money for the payment of debts of the  
107 city and to issue bonds for the purpose of raising revenue to carry out any project,  
108 program, or venture authorized by this charter or the laws of the State of Georgia;

109 (18) Municipal property ownership. To acquire, dispose of, and hold in trust or  
110 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or  
111 outside the property limits of the city;

112 (19) Municipal property protection. To provide for the preservation and protection of  
113 property and equipment of the city and the administration and use of same by the public;  
114 and to prescribe penalties and punishment for violations thereof;

115 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose  
116 of public utilities, including, but not limited to, a system of waterworks, sewers, and  
117 drains, sewage disposal, gas works, electric plants, transportation facilities, public  
118 airports, and any other public utility; to fix the taxes, charges, rates, fares, fees,  
119 assessments, regulations, and penalties therefor; to provide for the withdrawal of service  
120 for refusal or failure to pay the same; to authorize the extension of water, sewerage, and  
121 electrical distribution systems, and all necessary appurtenances by which utilities are  
122 distributed, inside and outside the corporate limits of the city; and to provide utility  
123 services to persons, firms, and corporations inside and outside the corporate limits of the  
124 city as provided by ordinance;

125 (21) Nuisances. To define a nuisance and provide for its abatement whether on public  
126 or private property;

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

129 (23) Planning and zoning. To provide comprehensive city planning for development by  
130 zoning and to provide subdivision regulation and the like as the city council deems  
131 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;

132 (24) Police and fire protection. To exercise the power of arrest through duly appointed  
133 police officers and to establish, operate, or contract for a police and a fire-fighting  
134 agency;

135 (25) Public hazards; removal. To provide for the destruction and removal of any  
136 building or other structure which is or may become dangerous or detrimental to the  
137 public;

138 (26) Public improvements. To provide for the acquisition, construction, building,  
139 operation, and maintenance of public ways, parks, playgrounds, recreational facilities,  
140 cemeteries, markets and market houses, public buildings, libraries, public housing,  
141 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,  
142 recreational, conservation, sport, curative, corrective, detentional, penal, and medical  
143 institutions, agencies, and facilities; to provide any other public improvements inside or  
144 outside the corporate limits of the city; to regulate the use of public improvements; and,  
145 for such purposes, property may be acquired by condemnation under Title 22 of the  
146 O.C.G.A. or such other applicable laws as are or may hereafter be enacted;

147 (27) Public peace. To provide for the prevention and punishment of drunkenness, riots,  
148 and public disturbances;

149 (28) Public transportation. To organize and operate or contract for such public  
150 transportation systems as are deemed beneficial;

151 (29) Public utilities and services. To grant franchises or make contracts for public  
152 utilities and public services and to prescribe the rates, fares, regulations, and standards  
153 and conditions of service applicable to the service to be provided by the franchise grantee  
154 or contractor, insofar as not in conflict with valid regulations of the Public Service  
155 Commission;

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

161 (31) 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 negotiate and execute leases over,  
165 through, under, or across any city property or the right of way of any street, road, alley,  
166 and walkway or portion thereof within the corporate limits of the city for bridges,  
167 passageways, or any other purpose or use between buildings on opposite sides of the  
168 street and for other bridges, overpasses, and underpasses for private use at such location

169 and to charge a rental therefor in such manner as may be provided by ordinance; and to  
170 authorize and control the construction of bridges, overpasses, and underpasses within the  
171 corporate limits of the city; to grant franchises and rights of way throughout the streets  
172 and roads and over the bridges and viaducts for the use of public utilities and for private  
173 use; and to require real estate owners to repair and maintain in a safe condition the  
174 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

175 (32) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,  
176 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant  
177 and sewerage system; to levy on those to whom sewers and sewerage systems are made  
178 available a sewer service fee, charge, or tax for the availability or use of the sewers; to  
179 provide for the manner and method of collecting such service charge; and to impose and  
180 collect a sewer connection fee or fees to those connected with the system;

181 (33) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,  
182 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by  
183 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,  
184 paper, and other recyclable materials and provide for the sale of such items;

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

193 (35) Special assessments. To levy and provide for the collection of special assessments  
194 to cover the costs of any public improvement;

195 (36) Ad valorem taxes. To levy and provide for the assessment, valuation, revaluation,  
196 and collection of taxes on all property subject to taxation;

197 (37) Other taxes. To levy and collect such other taxes as may be allowed now or in the  
198 future by law;

199 (38) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the  
200 number of such vehicles; to require the operators thereof to be licensed; to require public  
201 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to  
202 regulate the parking of such vehicles;

203 (39) Urban redevelopment. To organize and operate an urban redevelopment program;  
204 and

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

216 **SECTION 1.13.**

217 Exercise of powers.

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

222 **ARTICLE II**

223 **GOVERNMENT STRUCTURE**

224 **SECTION 2.10.**

225 City council creation; number; election.

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

229 (b) The mayor and councilmembers shall serve for terms of four years and until their  
 230 respective successors are elected and qualified. No person shall be eligible to serve as mayor  
 231 or councilmember unless that person shall have been a resident of this city for 12 months  
 232 immediately preceding the election of mayor or councilmembers; each such person shall  
 233 continue to reside within the city during said period of service and shall be registered and  
 234 qualified to vote in municipal elections of this city. No person's name shall be listed as a  
 235 candidate on the ballot for election for either mayor or councilmember unless such person  
 236 shall file a written notice with the city clerk that such person desires his or her name to be  
 237 placed on said ballot as a candidate either for mayor or councilmember. No person shall be

238 eligible for the office of mayor or councilmember unless such person shall file the written  
 239 notice within the time provided for in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia  
 240 Election Code."

241 **SECTION 2.11.**

242 City councilmembers;  
 243 terms and qualifications for office.

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

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

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

254 (d) For the purpose of electing members of the council, the City of Greenville shall consist  
 255 of one election district with four numbered posts. Each person seeking election shall  
 256 designate the post for which he or she seeks election.

257 (e) On the first Tuesday in November, 2011, and on that day quadrennially thereafter, there  
 258 shall be elected a mayor and two councilmembers. Then, on the first Tuesday in November,  
 259 2013, and on that day quadrennially thereafter, there shall be elected two councilmembers.  
 260 It is the purpose of this section to provide a rotation system for the office of mayor and  
 261 councilmembers. The terms of the offices shall begin on the first day of January immediately  
 262 following the election of such member.

263 **SECTION 2.12.**

264 Vacancies in office.

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

268 (2) Upon the suspension from office of mayor or councilmember in any manner  
 269 authorized by the general laws of the State of Georgia, the city council or those remaining  
 270 shall appoint a successor for the duration of the suspension. If the suspension becomes

271 permanent, then the office shall become vacant and shall be filled as provided in  
272 subsection (b) of this section.

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

280 **SECTION 2.13.**

281 Nonpartisan elections.

282 Political parties shall not conduct primaries for city offices and all names of candidates for  
283 city offices shall be listed without party labels.

284 **SECTION 2.14.**

285 Election by plurality.

286 The candidate receiving a plurality of the votes cast for any city office shall be elected.

287 **SECTION 2.15.**

288 Compensation and expenses.

289 The mayor and councilmembers shall receive compensation and expenses for their services  
290 as provided by ordinance and in accordance with Chapter 35 of Title 36 of the O.C.G.A.

291 **SECTION 2.16.**

292 Prohibitions.

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

295 (1) Engage in any business or transaction or have a financial or other personal interest,  
296 direct or indirect, which is incompatible with the proper discharge of official duties or  
297 which would tend to impair the independence of his or her judgment or action in the  
298 performance of official duties;

299 (2) Engage in or accept private employment or render services for private interests when  
300 such employment or service is incompatible with the proper discharge of official duties  
301 or would tend to impair the independence of his or her judgment or action in the  
302 performance of official duties;

303 (3) Disclose confidential information concerning the property, government, or affairs of  
304 the governmental body by which engaged without proper legal authorization or use such  
305 information to advance the financial or other private interest of himself or herself or  
306 others;

307 (4) Accept any valuable gift, whether in the form of service, loan, object, or promise,  
308 from any person, firm, or corporation which to his or her knowledge is interested, directly  
309 or indirectly, in any manner whatsoever in business dealings with the governmental body  
310 by which he or she is engaged; provided, however, that an elected official who is a  
311 candidate for public office may accept campaign contributions and services in connection  
312 with any such campaign;

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

315 (6) Vote or otherwise participate in the negotiation or in the making of any contract with  
316 any business or entity in which he or she has a financial interest.

317 (b) Any elected official, appointed officer, or employee who has any private financial  
318 interest, directly or indirectly, in any contract or matter pending before or within any  
319 department of the city shall disclose such private interest to the city council. The mayor or  
320 any councilmember who has a private interest in any matter pending before the city council  
321 shall disclose such private interest and such disclosure shall be entered on the records of the  
322 city council, and he or she shall disqualify himself or herself from participating in any  
323 decision or vote relating thereto. Any elected official, appointed officer, or employee of any  
324 agency or political entity to which this charter applies who shall have any private financial  
325 interest, directly or indirectly, in any contract or matter pending before or within such entity  
326 shall disclose such private interest to the governing body of such agency or entity.

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

331 (d) Any violation of this section which occurs with the knowledge, express or implied, of  
332 a party to a contract or sale shall render said contract or sale voidable at the option of the city  
333 council.

334 (e) Except as authorized by law, no member of the council shall hold any other elective city  
335 office or other city employment during the term for which elected. The provisions of this

336 subsection shall not apply to any person holding employment on the effective date of this  
337 chapter.

338 (f) No person holding elective office may be employed by the city in any position, either as  
339 an employee or as an independent contractor, until the expiration of 90 days after the end of  
340 his or her term.

341 **SECTION 2.17.**

342 Removal of officers.

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

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

346 (2) Conviction of a crime involving moral turpitude;

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

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

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

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

353 (b) Removal of any officer pursuant to subsection (a) of this section shall be accomplished  
354 by one of the following methods:

355 (1) By the vote of three councilmembers after an investigative hearing. In the event an  
356 elected officer is sought to be removed by the action of the city council, such officer shall  
357 be entitled to a written notice specifying the ground or grounds for removal and to a  
358 public hearing which shall be held not less than ten days after the service of such written  
359 notice. Any elected officer sought to be removed from office as provided in this section  
360 shall have the right of appeal from the decision of the city council to the Superior Court  
361 of Meriwether County. Such appeal shall be governed by the same rules as govern  
362 appeals to the superior court from the probate court; or

363 (2) By an order of the Superior Court of Meriwether County following a hearing on a  
364 complaint seeking such removal brought by any resident of the City of Greenville.

365 ARTICLE III  
 366 ORGANIZATION OF GOVERNMENT, GENERAL AUTHORITY,  
 367 AND ORDINANCES

368 SECTION 3.10.  
 369 General power and authority.

370 Except as otherwise provided by this charter, the city council shall be vested with all the  
 371 powers of government of this city as provided by Article I of this charter.

372 SECTION 3.11.  
 373 Organization.

374 (a) The city council shall hold an organizational meeting at the first regular meeting in  
 375 January following an election. The meeting shall be called to order by the city clerk and the  
 376 oath of the office shall be administered to the newly elected members as follows:

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

380 Such oath may be modified as required by Georgia law.

381 (b) By a majority vote, the city council shall elect a councilmember to serve as mayor pro  
 382 tempore. The mayor pro tempore shall preside at all meetings of the city council and shall  
 383 assume the duties and powers of the mayor during any disability or absence of the mayor.  
 384 Any such disability or absence shall be declared by a majority vote of the city council. The  
 385 city council shall by majority vote elect a presiding officer from its number for any period  
 386 in which the mayor pro tempore is disabled, absent, or acting as mayor. Such absence or  
 387 disability shall be declared by majority vote of the city council.

388 SECTION 3.12.  
 389 Inquiries and investigations.

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

395 **SECTION 3.13.**

396 Meetings.

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

399 (b) Special meetings of the city council may be held on call by the mayor or two members  
400 of the city council. Notice of such special meeting shall be served on all other members  
401 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such  
402 notice to councilmembers shall not be required if the mayor and all councilmembers are  
403 present when the special meeting is called. Such notice of any special meeting may be  
404 waived by a councilmember in writing before or after such a meeting and attendance at the  
405 meeting shall also constitute a waiver of notice on any business transacted in such  
406 councilmember's presence. Only the business stated in the call may be transacted at the  
407 special meeting.

408 (c) All meetings of the city council shall be public to the extent required by law, and notice  
409 to the public of special meetings shall be given as required by law.

410 **SECTION 3.14.**

411 Rules of procedure; journal.

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

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

418 **SECTION 3.15.**

419 Quorum; voting.

420 (a) Except as otherwise provided in subsection (b) of this section, three councilmembers  
421 shall constitute a quorum and shall be authorized to transact the business of the city council.  
422 Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded  
423 in the journal, but any member of the city council shall have the right to request a roll-call  
424 vote and such vote shall be recorded in the journal. Except as otherwise provided in this  
425 charter, the affirmative vote of three councilmembers shall be required for the adoption of  
426 any ordinance, resolution, or motion.

427 (b) In the event vacancies in office result in less than a quorum of councilmembers holding  
 428 office, then the remaining councilmembers in office shall constitute a quorum and shall be  
 429 authorized to transact business of the city council. A vote of a majority of the remaining  
 430 councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

431 **SECTION 3.16.**

432 Ordinance form; procedure.

433 (a) Every proposed ordinance shall be introduced orally or in writing. No ordinance shall  
 434 contain a subject which is not expressed in its title, and no ordinance, or section thereof, shall  
 435 be amended or repealed, unless the new ordinance contains the title of the ordinance or  
 436 section amended or repealed, and when practicable all ordinances shall be introduced as  
 437 amendments to the code of ordinances for the City of Greenville. The enacting clause shall  
 438 be "IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF  
 439 GREENVILLE, GEORGIA AND BY THE AUTHORITY THERE OF" and every ordinance  
 440 shall so begin. Any ordinances introduced orally shall be reduced to writing after adoption.

441 (b) An ordinance may be introduced by any councilmember and be read at a regular or  
 442 special meeting of the city council. Ordinances shall be considered and adopted or rejected  
 443 by the city council in accordance with the rules which it shall establish; all ordinances may  
 444 be adopted on the date that they are introduced. Upon adoption of any ordinance, the city  
 445 clerk shall, as soon as possible, distribute a copy to the mayor and to each councilmember  
 446 and shall file a reasonable number of copies in the office of the city clerk and at such other  
 447 public places as the city council may designate.

448 **SECTION 3.17.**

449 Effect of ordinances.

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

451 **SECTION 3.18.**

452 Emergencies.

453 To meet a public emergency affecting life, health, property, or public peace, the city council  
 454 may convene on call of the mayor or two councilmembers and may promptly adopt an  
 455 emergency ordinance, but such ordinance shall not levy taxes; grant, renew, or extend a  
 456 franchise; regulate the rate charged by any public utility for its services; or authorize the  
 457 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance

458 shall be introduced in the form prescribed for ordinances generally, except that it shall be  
 459 plainly designated as an emergency ordinance and shall contain, after the enacting clause,  
 460 a declaration stating that an emergency exists and describing the emergency. An emergency  
 461 ordinance may be adopted, with or without amendment, or rejected at the meeting at which  
 462 it is introduced, but the affirmative vote of at least three councilmembers shall be required  
 463 for adoption. It shall become effective upon adoption or at such later time as it may specify.  
 464 Every emergency ordinance shall automatically stand repealed 30 days following the date  
 465 upon which it was adopted, but this shall not prevent reenactment of the ordinance in the  
 466 manner specified in this section if the emergency continues to exist. An emergency  
 467 ordinance shall also be repealed by adoption of a repealing ordinance in the same manner  
 468 specified in this section for adoption of emergency ordinances.

469 **SECTION 3.19.**

470 Codes of technical regulations.

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

474 (1) The requirements of subsection (b) of Section 3.16 of this charter for distribution and  
 475 filing of copies of the ordinance shall be construed to include copies of any code of  
 476 technical regulations, as well as the adopting ordinance; and

477 (2) A copy of each adopted code of technical regulations, as well as the adopting  
 478 ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 3.20  
 479 of this charter.

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

482 **SECTION 3.20.**

483 Codification of ordinances.

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

486 (b) The city shall provide for the preparation of a general codification of all the ordinances  
 487 of the city having the force and effect of law. The general codification shall be adopted by  
 488 the city council by ordinance and shall be published promptly together with all amendments  
 489 thereto and shall contain such codes of technical regulations and other rules and regulations  
 490 as the city council may specify. This compilation shall be known and cited officially as "The

491 Code of the City of Greenville, Georgia." Copies of the code shall be furnished to all  
 492 officers, departments, and agencies of the city and shall be made available for purchase by  
 493 the public at a reasonable price as fixed by the city council.

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

503 (d) Any ordinance adopted by the City Council shall be codified in accordance with Georgia  
 504 laws.

505 **SECTION 3.21.**

506 Chief executive officer; delegation of powers.

507 The mayor shall be the chief executive of this city. The mayor shall possess all of the  
 508 executive and administrative powers granted to the city under the Constitution and laws of  
 509 the State of Georgia and all the executive and administrative powers contained in this charter,  
 510 except as otherwise specifically provided in this charter. The mayor shall have the authority  
 511 to delegate any one or more executive or administrative powers to a person or persons  
 512 employed by the city and qualified in management and administration.

513 **SECTION 3.22.**

514 Powers and duties of mayor.

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

- 516 (1) See that all laws and ordinances of the city are faithfully executed;
- 517 (2) Appoint and remove, with confirmation of appointment or removal by the city  
 518 council, all officers, department heads, and employees of the city except as otherwise  
 519 provided in this charter. All officers, department heads, and employees shall serve at will  
 520 at the pleasure of the mayor and city council;
- 521 (3) Exercise supervision over all executive and administrative work of the city and  
 522 provide for the coordination of administrative activities;

- 523 (4) Prepare and submit to the city council a recommended annual operating budget and  
 524 recommended capital budget;
- 525 (5) Submit to the city council at least once a year a statement covering the financial  
 526 conditions of the city and from time to time such other information as the city council  
 527 may request;
- 528 (6) Call special meetings of the city council as provided for in Section 3.13 of this  
 529 charter;
- 530 (7) Participate in the discussion of all matters brought before the city council and vote  
 531 on such matters only in the case of a tie vote;
- 532 (8) Recommend to the city council such measures relative to the affairs of the city,  
 533 improvement of the government, and promotion of the welfare of its inhabitants as the  
 534 mayor may deem expedient;
- 535 (9) Approve or disapprove ordinances as provided in Section 3.23 of this charter;
- 536 (10) Require any department or agency of the city to submit written reports whenever  
 537 the mayor deems it expedient;
- 538 (11) Sign as a matter of course all written contracts, ordinances, and other instruments  
 539 executed by the city which by law are required to be in writing; and
- 540 (12) Perform such other duties as may be required by general state law, this charter, or  
 541 ordinance.

542 **SECTION 3.23.**

543 Submission of ordinances to the mayor; veto power.

- 544 (a) Every ordinance adopted by the city council shall be presented by the city clerk to the  
 545 mayor within three days after its adoption.
- 546 (b) The mayor shall within ten days of receipt of an ordinance return it to the city clerk with  
 547 or without the mayor's approval, or with the mayor's disapproval. If the ordinance has been  
 548 approved by the mayor, it shall become law upon its return to the city clerk; if the ordinance  
 549 is neither approved nor disapproved, it shall become law on the fifteenth day after its  
 550 adoption; if the ordinance is disapproved, the mayor shall submit to the city council through  
 551 the city clerk a written statement of the reasons for the veto. The city clerk shall record upon  
 552 the ordinance the date of its delivery to and receipt from the mayor.
- 553 (c) Ordinances vetoed by the mayor shall be presented by the city clerk to the city council  
 554 at its next meeting, and should the city council then or at its next general meeting adopt the  
 555 ordinance by an affirmative vote of the entire city council, it shall become law.
- 556 (d) The mayor may disapprove or reduce any item or items of appropriation in any  
 557 ordinance. The approved part or parts of any ordinance making appropriations shall become

558 law, and the part or parts disapproved shall not become law unless subsequently passed by  
 559 the city council over the mayor's veto as provided in this section. The reduced part or parts  
 560 shall be presented to the city council as though disapproved and shall not become law unless  
 561 overridden by the council as provided in subsection (c) of this section.

562 **SECTION 3.24.**

563 Mayor pro tempore.

564 By a majority vote, the city council shall elect a councilmember to serve as mayor pro  
 565 tempore. The mayor pro tempore shall assume the duties and powers of the mayor during  
 566 the mayor's physical or mental disability or absence. Any such disability or absence shall  
 567 be declared by a majority vote of the city council. The mayor pro tempore shall sign all  
 568 contracts and ordinances in which the mayor has a disqualifying financial interest.

569 **ARTICLE IV**

570 **ADMINISTRATIVE AFFAIRS**

571 **SECTION 4.10.**

572 Department heads.

573 (a) Except as otherwise provided in this charter, the city council by ordinance shall prescribe  
 574 the functions or duties and establish, abolish, or alter all nonelective offices, positions of  
 575 employment, departments, and agencies of the city as necessary for the proper administration  
 576 of the affairs and government of this city. All appointed officers and employees hired or  
 577 appointed shall serve at will, at the pleasure of the mayor and city council.

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

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

583 (d) There shall be a director of each department or agency who shall be its principal officer.  
 584 Each director shall, subject to the direction and supervision of the mayor, be responsible for  
 585 the administration and direction of the affairs and operations of the director's department or  
 586 agency.

587 (e) All directors under the supervision of the mayor shall be nominated by the mayor with  
 588 confirmation of appointment by the city council. The mayor may suspend or remove  
 589 directors under the mayor's supervision, but such suspension or removal shall not be effective  
 590 for ten calendar days following the mayor's giving written notice of such action therefor to

591 the director involved and to the city council. The director involved may appeal to the city  
 592 council which, after a hearing, may override the mayor's action by a vote of three  
 593 councilmembers.

594 **SECTION 4.11.**

595 Boards, commissions, and authorities.

596 (a) The city council shall create by ordinance such boards, commissions, and authorities to  
 597 fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems  
 598 necessary and shall by ordinance establish the composition, period of existence, duties, and  
 599 powers thereof. All members shall serve at will at the pleasure of the mayor and city council.

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

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

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

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

611 (f) No member of a board, commission, or authority shall assume office until he or she has  
 612 executed and filed with the clerk of the city an oath obligating himself or herself to perform  
 613 faithfully and impartially the duties of the office, such oath to be prescribed by ordinance and  
 614 administered by the mayor.

615 (g) Any member of a board, commission, or authority may be removed from office by a vote  
 616 of three members of the city council.

617 (h) Except as otherwise provided by this charter or by law, each board, commission, or  
 618 authority of the city shall elect one of its members as chairperson and one member as vice  
 619 chairperson and may elect as its secretary one of its members or may appoint as secretary an  
 620 employee of the city. Each board, commission, or authority of the city government may  
 621 establish such bylaws, rules, and regulations, not inconsistent with this charter, an ordinance  
 622 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or  
 623 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with  
 624 the clerk of the city.

625 **SECTION 4.12.**

626 City attorney.

627 (a) The city council shall appoint a city attorney who shall be a member of the State Bar of  
628 Georgia and shall have actively practiced law for at least one year. The city attorney shall  
629 serve at the pleasure of the city council. The city attorney shall be responsible for  
630 representing and defending the city in all litigation in which the city is a party, may be the  
631 prosecuting officer in the municipal court, shall attend the meetings of the city council as  
632 directed, shall advise the city council, mayor, and other officers and employees of the city  
633 concerning legal aspects of the city's affairs, and shall perform such other duties as may be  
634 required by virtue of the position of city attorney. The city council shall provide for the  
635 compensation of the city attorney.

636 (b) The city attorney is not a public official of the city and shall not take an oath of office.  
637 The city attorney shall at all times be an independent contractor and will not be provided  
638 employee benefits and will receive a Form 1099 for tax purposes. A law firm, rather than  
639 an individual, may be designated as the city attorney.

640 **SECTION 4.13.**

641 City clerk.

642 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk  
643 shall be custodian of the official city seal, maintain city council records required by this  
644 charter, and perform such other duties as may be required by the city council. The city clerk  
645 and city treasurer may be one and the same. The city council shall provide for the  
646 compensation of the city clerk or city clerk-treasurer.

647 **SECTION 4.14.**

648 City treasurer.

649 The city council shall appoint a city treasurer to collect all taxes, licenses, fees, and other  
650 moneys belonging to the city subject to the provisions of this charter and the ordinances of  
651 the city and to enforce all laws of Georgia relating to the collection of delinquent taxes and  
652 sale or foreclosure for nonpayment of taxes to the city. The city treasurer shall also be  
653 responsible for the general duties of a treasurer and fiscal officer. The city council shall  
654 provide for the compensation of the treasurer. The city treasurer and city clerk may be one  
655 and the same.

656 **SECTION 4.15.**

657 Rules and regulations.

658 The city council shall adopt rules and regulations consistent with this charter concerning:

659 (1) The method of employee selection and probationary periods of employment;

660 (2) The administration of a position classification and pay plan, methods of promotion  
661 and applications of service ratings thereto, and transfer of employees within the  
662 classification plan;

663 (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and  
664 the order and manner in which layoffs shall be effected;

665 (4) Such dismissal hearings as due process may require; and

666 (5) Such other personnel notices as may be necessary to provide for adequate and  
667 systematic handling of personnel affairs.

668 **ARTICLE V**

669 **JUDICIAL BRANCH**

670 **SECTION 5.10.**

671 Municipal court.

672 There shall be a court to be known as the Municipal Court of the City of Greenville. All  
673 officers appointed to the municipal court shall serve at will at the pleasure of the mayor and  
674 city council.

675 **SECTION 5.11.**

676 Chief judge; associate judge.

677 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,  
678 or stand-by judges as shall be provided by ordinance. The method of selection and terms of  
679 such judges shall be provided by ordinance.

680 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless  
681 that person shall have attained the age of 21 years and shall be a member of the State Bar of  
682 Georgia. All judges shall be appointed by and shall serve at the pleasure of the city council.

683 (c) Compensation of the judge or judges shall be fixed by ordinance.

684 (d) Judges may be removed for cause by a vote of three members of the city council.

685 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge  
686 will honestly and faithfully discharge the duties of the office to the best of his or her ability

687 and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city  
688 council journal required in Section 3.14 of this charter.

689 **SECTION 5.12.**

690 Convening of court.

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

692 **SECTION 5.13.**

693 Jurisdiction; powers.

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

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

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

702 (d) The municipal court shall have the authority to establish a schedule of fees to defray the  
703 cost of operation and shall be entitled to reimbursement of the actual cost of meals,  
704 transportation, and caretaking of prisoners bound over to superior courts for violation of state  
705 law.

706 (e) The municipal court shall have authority to establish bail and recognizances to ensure  
707 the presence of those charged with violations before said court and shall have discretionary  
708 authority to accept cash or personal or real property as surety bond for the appearance of  
709 persons charged with violations. Whenever any person shall give bail for appearance and  
710 shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge  
711 presiding at such time and an execution shall be issued thereon by serving the defendant and  
712 his or her sureties with a rule nisi at least two days before a hearing on the rule nisi.

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

716 (g) The municipal court shall have the authority to bind prisoners over to the appropriate  
717 court when it appears by probable cause that state law has been violated.

718 (h) Each judge of the municipal court may compel the presence of all parties necessary to  
 719 a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which  
 720 may be served as executed by any officer as authorized by this charter or by law.

721 (i) Each judge of the municipal court shall be authorized to issue warrants for the arrest of  
 722 persons charged with offenses against any ordinance of the city, and each judge of the  
 723 municipal court shall have the same authority as a magistrate of the state to issue warrants  
 724 for offenses against state laws committed within the city.

725 (j) The municipal court is specifically vested with all the jurisdiction and powers throughout  
 726 the geographic area of this city granted by law to municipal courts and particularly by such  
 727 laws as authorize the abatement of nuisances and prosecution of traffic violations.

728 **SECTION 5.14.**

729 Certiorari.

730 The right of certiorari from the decision and judgment of the municipal court shall exist in  
 731 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under  
 732 the sanction of a judge of the Superior Court of Meriwether County under the laws of the  
 733 State of Georgia regulating the granting and issuance of writs of certiorari.

734 **SECTION 5.15.**

735 Rules for court.

736 (a) With the approval of the city council, the judge shall have full power and authority to  
 737 make reasonable rules and regulations necessary and proper to secure the efficient and  
 738 successful administration of the municipal court; provided, however, that the city council  
 739 may adopt in part or in toto the rules and regulations applicable to superior courts. The rules  
 740 and regulations made or adopted shall be filed with the city clerk, shall be available for  
 741 public inspection, and, upon request, shall be furnished to all defendants in municipal court  
 742 proceedings at least 48 hours prior to said proceedings.

743 (b) The city council may by ordinance provide for the appointment of a clerk of the  
 744 municipal court. The duties and compensation for the clerk of court shall be fixed by  
 745 ordinance.



776 reasonable fee for such license or permit where such activities are not now regulated by  
 777 general law in such a way as to preclude city regulations. Such fees may reflect the total cost  
 778 to the city of regulating the activity and, if unpaid, shall be collected as provided in Section  
 779 6.18 of this charter. The city council by ordinance may establish reasonable requirements  
 780 for obtaining or keeping such licenses as the public health, safety, and welfare necessitate.

781 **SECTION 6.14.**

782 Franchises.

783 The city council shall have the power to grant franchises for the use of this city's streets and  
 784 alleys for the purposes of railroads, street railways, telephone companies, electric companies,  
 785 cable television companies, gas companies, transportation companies, and other similar  
 786 organizations. The city council shall determine the duration, terms, whether the same shall  
 787 be exclusive or nonexclusive, and the consideration for such franchises; provided, however,  
 788 that no franchise shall be granted for a period in excess of 35 years and no franchise shall be  
 789 granted unless the city receives just and adequate compensation therefor. The city council  
 790 shall provide for the registration of all franchises with the city clerk in a registration book  
 791 kept by the clerk. The city council may provide by ordinance for the registration within a  
 792 reasonable time of all franchises previously granted.

793 **SECTION 6.15.**

794 Service charges.

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

800 **SECTION 6.16.**

801 Special assessments.

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

807

**SECTION 6.17.**

808

Construction; other taxes.

809

This city shall be empowered to levy any other tax allowed now or hereafter by law, and the

810

specific mention of any right, power, or authority in this article shall not be construed as

811

limiting in any way the general powers of this city to govern its local affairs.

812

**SECTION 6.18.**

813

Collection of delinquent taxes.

814

The city council by ordinance may provide generally for the collection of delinquent taxes,

815

fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by

816

whatever reasonable means as are not precluded by law. This shall include providing for the

817

dates when the taxes or fees are due, late penalties or interest, issuance and execution of

818

fi. fas., creation and priority of liens, making delinquent taxes and fees personal debts of the

819

persons required to pay the taxes or fees imposed, revoking city licenses for failure to pay

820

any city taxes or fees, and providing for the assignment or transfer of tax executions.

821

**SECTION 6.19.**

822

General obligation bonds.

823

The city council shall have the power to issue bonds for the purpose of raising revenue to

824

carry out any project, program, or venture authorized under this charter or the laws of the

825

state. Such bonding authority shall be exercised in accordance with the laws governing bond

826

issuance by municipalities in effect at the time said issue is undertaken.

827

**SECTION 6.20.**

828

Revenue bonds.

829

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

830

Such bonds are to be paid out of any revenue produced by the project, program, or venture

831

for which they were issued.

832 **SECTION 6.21.**

833 Short-term loans.

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

836 **SECTION 6.22.**

837 Fiscal year.

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

841 **SECTION 6.23.**

842 Budget ordinance.

843 The city council shall provide an ordinance on the procedures and requirements for the  
844 preparation and execution of an annual operating budget, a capital improvement program,  
845 and a capital budget, including requirements as to the scope, content, and form of such  
846 budgets and programs. The city council shall comply with the provisions of Chapter 81 of  
847 Title 36 of the O.C.G.A.

848 **SECTION 6.24.**

849 Operating budget.

850 On or before a date fixed by the city council but not later than 60 days prior to the beginning  
851 of each fiscal year, the mayor shall submit to the city council a proposed operating budget  
852 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor  
853 containing a statement of the general fiscal policies of the city, the important features of the  
854 budget, explanations of major changes recommended for the next fiscal year, a general  
855 summary of the budget, and such other comments and information as the mayor may deem  
856 pertinent. The operating budget, the capital improvements budget, the budget message, and  
857 all supporting documents shall be filed in the office of the city clerk and shall be open to  
858 public inspection.

859

**SECTION 6.25.**

860

Action by city council on budget.

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

866 (b) After the conducting of a budget hearing, the city council shall adopt the final operating  
867 budget for the ensuing fiscal year not later than July 1 of each year. If the city council fails  
868 to adopt the budget by said date, the amounts appropriated for operation for the then current  
869 fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis,  
870 with all items prorated accordingly, until such time as the city council adopts a budget for  
871 the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations  
872 ordinance setting out the estimated revenues in detail by sources and making appropriations  
873 according to fund and by organizational unit, purpose, or activity as set out in the budget  
874 preparation ordinance adopted pursuant to Section 6.23 of this charter.

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

879

**SECTION 6.26.**

880

Levy of taxes.

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

887 **SECTION 6.27.**

888 Changes in budget.

889 The city council by majority vote may make changes in the appropriations contained in the  
890 current operating budget at any regular meeting or special or emergency meeting called for  
891 such purposes.

892 **SECTION 6.28.**

893 Capital improvements.

894 (a) On or before the date fixed by the city council, but not later than 30 days prior to the  
895 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital  
896 improvements budget with any recommendations as to the means of financing the  
897 improvements proposed for the ensuing year. The city council shall have the power to  
898 accept, with or without amendments, or reject the proposed program and proposed means of  
899 financing. The city council shall not authorize an expenditure for the construction of any  
900 building, structure, work, or improvement unless the appropriations for such project are  
901 included in the capital improvements budget, except to meet a public emergency as provided  
902 in Section 3.18 of this charter.

903 (b) After conducting a public hearing, the city council shall adopt by ordinance the final  
904 capital improvements budget for the ensuing fiscal year not later than July 1 of each year.  
905 No appropriations provided for in a prior capital improvements budget shall lapse until the  
906 purpose for which the appropriations were made shall have been accomplished or abandoned;  
907 provided, however, the mayor may submit amendments to the capital improvements budget  
908 at any time during the fiscal year, accompanied by any recommendations. Any such  
909 amendments to the capital improvements budget shall become effective only upon adoption  
910 by majority vote of the city council.

911 **SECTION 6.29.**

912 Audits.

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

918 **SECTION 6.30.**

919 Procurement and property management.

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

921 (1) It is in writing;

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

924 (3) It is made or authorized by the city council and such approval is entered in the city  
925 council journal of proceedings pursuant to Section 3.14 of this charter.

926 **SECTION 6.31.**

927 Purchasing.

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

930 **SECTION 6.32.**

931 Sale of property.

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

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

938 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place  
939 of the city a small parcel or tract of land is cut off or separated by such work from a larger  
940 tract or boundary of land owned by the city, the city council may authorize the mayor to  
941 execute and deliver in the name of the city a deed conveying said cut-off or separated parcel  
942 or tract of land to an abutting or adjoining property owner or owners in exchange for rights  
943 of way of said street, avenue, alley, or public place when such exchange is deemed to be in  
944 the best interest of the city. All deeds and conveyances heretofore and hereafter so executed  
945 and delivered shall convey all title and interest the city has in such property, notwithstanding  
946 the fact that no public sale after advertisement was or is hereafter made.



975

**SECTION 7.14.**

976

Construction, definitions, and severability.

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

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

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

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

988

**SECTION 7.15.**

989

Effect of repealers.

990 (a) The repeals provided for in Sections 7.16 and 7.17 of this charter shall not affect any:

991 (1) Offense or act committed or done or any penalty or forfeiture incurred or any contract  
992 or right established or accruing before the effective date of this Act;

993 (2) Ordinance or resolution of the city promising or guaranteeing the payment of money  
994 by or to the city or authorizing the issuance of any bonds of the city;

995 (3) Evidence of the city's indebtedness or any contract or obligation assumed by the city;

996 (4) Rights or franchise granted by any ordinances or resolution of the city to any person,  
997 firm, or corporation;

998 (5) Ordinance or resolution dedicating, naming, establishing, locating, relocating,  
999 opening, paving, widening, or vacating any street or public way in the city;

1000 (6) Present annual appropriation of the city;

1001 (7) Ordinance or resolution levying or imposing charges, fees, or taxes now due or  
1002 accrued; or

1003 (8) Zoning ordinance of the city or amendments thereto.

1004 (b) This repeal shall not be construed to revive any ordinance or resolution or part thereof  
1005 that has been repealed by a subsequent ordinance or resolution which is repealed by this Act.

1006 **SECTION 7.16.**

1007 Specific repealer.

1008 An Act incorporating the City of Greenville approved February 22, 1967 (Ga. L. 1967,  
1009 p. 2011), and all amendatory acts thereto, are repealed.

1010 **SECTION 7.17.**

1011 General repealer.

1012 All laws and parts of laws in conflict with this Act are repealed.