

Senate Bill 237

By: Senator Mullis of the 53rd

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

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

22 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

23 ARTICLE I

24 INCORPORATION AND POWERS

25 SECTION 1.10.

26 Name.

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

30 SECTION 1.11.

31 Corporate Boundaries.

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

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

43 SECTION 1.12.

44 Powers and Construction.

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

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

SECTION 1.13.

Powers.

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

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

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

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

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

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

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

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

183 (hh) Solid Waste Disposal. To provide for the collection and disposal of garbage, rubbish,
184 and refuse, and to regulate the collection and disposal of garbage, rubbish, and refuse by
185 others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper,
186 and other recyclable materials, and to provide for the sale of such items;

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

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

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

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

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

205 (nn) Urban Redevelopment. To organize and operate an urban redevelopment program; and

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

216 **SECTION 1.14.**

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 five

228 councilmembers. The city council established shall in all respects be a successor to and
 229 continuation of the governing authority under prior law. The mayor and councilmembers
 230 shall be elected in the manner provided by general law and this charter.

231 (b) The council shall be composed of five members elected by the voters of the city at large
 232 in accordance with provisions of Article V of this charter. The mayor shall be elected as
 233 provided in Section 2.32 of this charter.

234 **SECTION 2.11.**

235 City Council Terms and Qualifications for Office.

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

244 **SECTION 2.12.**

245 Vacancy; Filling of Vacancies.

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

250 (b) Filling of Vacancies - A vacancy in the office of mayor or councilmember shall be filled
 251 for the remainder of the unexpired term, if any, by appointment by the city council or those
 252 members remaining if less than 12 months remains in the unexpired term, otherwise by an
 253 election as provided for in Section 5.14 of this charter and Titles 21 and 45 of the Official
 254 Code of Georgia Annotated or other such laws as are or may hereafter be enacted.

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

260

SECTION 2.13.

261

Compensation and Expenses.

262 The mayor and councilmembers shall receive compensation and expenses for their services

263 as provided by ordinance.

264

SECTION 2.14.

265

Holding Other Office; Voting When Financially Interested.

266 (a) Elected and appointed officers of the city are trustees and servants of the residents of the

267 city and shall act in a fiduciary capacity for the benefit of such residents.

268 (b) Except as authorized by law, the mayor or any councilmember shall not hold any other

269 city office or city employment during the term for which that person was elected. No

270 employee of the City of Summerville shall be eligible for office unless such employee shall

271 have been removed from such employment with the City of Summerville in excess of one

272 year.

273 (c) Neither the mayor nor any member of the city council shall vote upon, sign, or veto any

274 ordinance, resolution, contract, or other matter in which that person is financially interested.

275

SECTION 2.15.

276

Inquiries and Investigations.

277 Following the adoption of an authorizing resolution, the mayor and city council may make

278 inquiries and investigations into the affairs of the city and the conduct of any department,

279 office, or agency thereof and for this purpose may subpoena witnesses, administer oaths, take

280 testimony, and require the production of evidence. Any person who fails or refuses to obey

281 a lawful order issued in the exercise of these powers by the city council shall be punished as

282 provided by ordinance.

283

SECTION 2.16.

284

General Power and Authority of the City Council.

285 (a) Except as otherwise provided by law or this charter, the city council shall be vested with

286 all the powers of government of this city.

287 (b) In addition to all other powers conferred upon it by law, the city council shall have the

288 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and

289 regulations, not inconsistent with this charter and the Constitution and the laws of the State

290 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,
 291 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,
 292 or well-being of the inhabitants of the City of Summerville and may enforce such ordinances
 293 by imposing penalties for violation thereof.

294 **SECTION 2.17.**

295 Eminent Domain.

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

304 **SECTION 2.18.**

305 Organizational Meetings.

306 The city council shall hold an organizational meeting on the second Monday in January at
 307 5:00 P.M. The meeting shall be called to order by the mayor or senior councilmember, and
 308 the oath of office shall be administered to the newly elected members by a judicial officer
 309 authorized to administer oaths and shall, to the extent that it comports with federal and state
 310 law, be as follows:

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

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SECTION 2.19.

Regular and Special Meetings.

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

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

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

340
341

SECTION 2.20.

Rules of Procedure.

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

345 (b) All committees and committee chairs shall be appointed by the mayor and shall serve at
346 the pleasure of the mayor. The mayor shall have the power to appoint new members to any
347 committee at any time.

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SECTION 2.21.

Quorum: Voting.

350 (a) A quorum is the number of members of the governing body that must be in attendance
351 for official business to be conducted.

352 (b) Three councilmembers shall constitute a quorum and shall be authorized to transact
353 business of the city council. Voting on the adoption of ordinances shall be by voice vote and

354 the vote shall be recorded in the journal, but any member of the city council shall have the
355 right to request a roll-call vote and such vote shall be recorded in the journal. Except as
356 otherwise provided in this charter, the affirmative vote of three councilmembers shall be
357 required for the adoption of any ordinance, resolution, or motion.

358 (c) No member of the city council shall abstain from voting on any matter properly brought
359 before the council for official action except when such councilmember has a conflict of
360 interest which is disclosed in writing prior to or at the meeting and made a part of the
361 minutes. Any member of the city council present and eligible to vote on a matter and refusing
362 to do so for any reason other than a properly disclosed and recorded conflict of interest shall
363 be deemed to have acquiesced or concurred with the members of the majority who did vote
364 on the question involved.

365 **SECTION 2.22.**

366 Ordinance Form; Procedures.

367 (a) Every proposed ordinance shall be introduced in writing and in the form required for
368 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
369 enacting clause shall be "It is hereby ordained by the governing authority of the City of
370 Summerville" and every ordinance shall so begin.

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

379 **SECTION 2.23.**

380 Action Requiring An Ordinance.

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

382 **SECTION 2.24.**

383 Emergencies.

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

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

404 **SECTION 2.25.**

405 Codes of Technical Regulations.

406 (a) The city council may adopt any standard code of technical regulations by reference
 407 thereto in an adopting ordinance. The procedure and requirements governing such adopting
 408 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements
 409 of Section 2.22(b) of this charter for distribution and filing of copies of the ordinance shall
 410 be construed to include copies of any code of technical regulations, as well as the adopting
 411 ordinance; and (2) a copy of each adopted code of technical regulations, as well as the
 412 adopting ordinance, shall be authenticated and recorded by the city clerk pursuant to Section
 413 2.26 of this charter.

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

416 **SECTION 2.26.**

417 Signing; Authenticating; Recording; Codification; Printing.

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

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

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

437 **SECTION 2.27.**

438 City Manager; Appointment; Qualifications; Compensation.

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

442

SECTION 2.28.

443

Removal of City Manager.

444 (a) The city council may remove the city manager from office in accordance with the
445 following procedures:

446 (1) The city council shall adopt by affirmative vote of a majority of all its members a
447 preliminary resolution which must state the reasons for removal and may suspend the city
448 manager from duty for a period not to exceed 45 days. A copy of the resolution shall be
449 delivered promptly to the city manager;

450 (2) Within five days after a copy of the resolution is delivered to the city manager, the city
451 manager may file with the city clerk a written request for a public hearing. This hearing
452 shall be held within 30 days after the request is filed. The city manager may file with the
453 city clerk a written reply not later than five days before the hearing; and

454 (3) If the city manager has not requested a public hearing within the time specified in
455 paragraph (2) of this section, the city council may adopt a final resolution for removal,
456 which may be made effective immediately, by an affirmative vote of a majority of all its
457 members. If the city manager has requested a public hearing, the city council may adopt
458 a final resolution for removal, which may be made effective immediately, by an affirmative
459 vote of a majority of all its members at any time after the public hearing.

460 (b) The city manager shall continue to receive a salary until the effective date of a final
461 resolution of removal.

462

SECTION 2.29.

463

Acting City Manager.

464 By letter filed with the city clerk, the city manager shall designate, subject to approval of the
465 city council, a qualified city administrative officer to exercise the powers and perform the
466 duties of city manager during the city manager's temporary absence or physical or mental
467 disability. During such absence or disability, the city council may revoke such designation
468 at any time and appoint another officer of the city to serve until the city manager shall return
469 or the city manager's disability shall cease.

470

SECTION 2.30.

471

Powers and Duties of the City Manager.

472 The city manager shall be the chief executive and administrative officer of the city. The city
473 manager shall be responsible to the city council for the administration of all city affairs

474 placed in the city manager's charge by or under this charter. As the chief executive and
 475 administrative officer, the city manager shall:

476 (1) Appoint and, when the manager deems it necessary for the good of the city, suspend
 477 or remove all city employees and administrative officers the city manager appoints, except
 478 as otherwise provided by law or personnel ordinances adopted pursuant to this charter. The
 479 city manager may authorize any administrative officer who is subject to the city manager's
 480 direction and supervision to exercise these powers with respect to subordinates in that
 481 officer's department, office, or agency;

482 (2) Direct and supervise the administration of all departments, offices, and agencies of the
 483 city, except as otherwise provided by this charter or by law;

484 (3) Attend all city council meetings except for closed meetings held for the purposes of
 485 deliberating on the appointment, discipline, or removal of the city manager and have the
 486 right to take part in discussion but not vote;

487 (4) See that all laws, provisions of this charter, and official acts of the city council, subject
 488 to enforcement by the city manager or by officers subject to the city manager's direction
 489 and supervision, are faithfully executed;

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

491 (6) Submit to the city council and make available to the public a complete report on the
 492 finances and administrative activities of the city as of the end of each fiscal year;

493 (7) Make such other reports as the city council may require concerning the operations of
 494 city departments, offices, and agencies subject to the city manager's direction and
 495 supervision;

496 (8) Keep the city council fully advised as to the financial condition and future needs of the
 497 city and make such recommendations to the city council concerning the affairs of the city
 498 as the city manager deems desirable; and

499 (9) Perform other such duties as are specified in this charter or as may be required by the
 500 city council, so long as not in conflict with this charter.

501 **SECTION 2.31.**

502 **Council Interference with Administration.**

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

508 **SECTION 2.32.**

509 Selection of Mayor and Mayor Pro Tempore.

510 At each regular election the voters of the city shall elect a mayor at large for a term of four
 511 years. The city council shall elect from among its members a mayor pro tempore who shall
 512 act as mayor during the absence or disability of the mayor, but shall only vote once on
 513 matters before the council, and, if a vacancy occurs, shall become mayor for the remainder
 514 of the expired term.

515 **SECTION 2.33.**

516 Powers and Duties of Mayor.

517 The mayor shall:

- 518 (1) Preside at all meetings of the city council;
 519 (2) Be the head of the city for the purpose of service of process and for ceremonial
 520 purposes and be the official spokesperson for the city and the chief advocate of policy;
 521 (3) Have power to administer oaths and to take affidavits; and
 522 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
 523 ordinances, and other instruments executed by the city which by law are required to be in
 524 writing.

525 **SECTION 2.34.**

526 Position of Mayor Pro Tempore; Duties.

527 During the absence or physical or mental disability of the mayor for any cause, the mayor
 528 pro tempore, or in the mayor pro tempore's absence or disability for any reason, any one of
 529 the councilmembers chosen in accordance with Section 2.36 of this charter, shall be clothed
 530 with all the rights and privileges of the mayor and shall perform the duties of the office of
 531 the mayor so long as such absence or disability shall continue. Any such absence or disability
 532 shall be declared by majority vote of all councilmembers. The mayor pro tempore shall sign
 533 all contracts and ordinances in which the mayor has a disqualifying financial interest as
 534 provided in Section 2.14 of this charter. When acting as mayor, the mayor pro tempore shall
 535 continue to have only one vote as a member of the council.

536

SECTION 2.35.

537

Submission of Ordinances to the Mayor; Veto Power.

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

540 (b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the city
541 clerk with or without the mayor's approval or with the mayor's disapproval. If the ordinance
542 has been approved by the mayor, it shall become law upon its return to the city clerk; if the
543 ordinance is neither approved nor disapproved, it shall become law at 12:00 Noon on the
544 tenth calendar day after its adoption; if the ordinance is disapproved, the mayor shall submit
545 to the city council through the city clerk a written statement of reasons for the veto. The city
546 clerk shall record upon the ordinance the date of its delivery to and receipt from the mayor.

547 (c) Ordinances vetoed by the mayor shall be presented by the city clerk to the city council
548 at its next meeting. If the city council then or at its next meeting adopts the ordinance by an
549 affirmative vote of four members, it shall become law.

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

556

SECTION 2.36.

557

Mayor Pro Tempore; Selection; Duties.

558 By a majority vote, the city council shall elect a councilmember to serve as mayor pro
559 tempore. The mayor pro tempore shall preside at all meetings of the city council and shall
560 assume the duties and powers of the mayor upon the mayor's physical or mental disability,
561 suspension from office, or absence. The city council by a majority vote shall elect a new
562 presiding officer from among its members for any period in which the mayor pro tempore
563 is disabled, absent, or acting as mayor. Any such absence or disability shall be declared by
564 majority vote of all councilmembers.

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ARTICLE III
ADMINISTRATIVE AFFAIRS
SECTION 3.10.
Administrative and Service Departments.

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

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

576 (c) All appointed officers and directors of departments shall receive such compensation as
577 prescribed by ordinance or resolution.

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

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SECTION 3.11.
Boards, Commissions, and Authorities.

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

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

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

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

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

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

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

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

612 **SECTION 3.12.**

613 **City Attorney.**

614 The city council and mayor shall appoint a city attorney, together with such assistant city
615 attorneys as may be authorized, and shall provide for the payment of such attorney or
616 attorneys for services rendered to the city. The city attorney shall be responsible for
617 providing for the representation and defense of the city in all litigation in which the city is
618 a party; may be the prosecuting officer in the municipal court; may attend the meetings of
619 the city council as directed; shall advise the city council, mayor, and other officers and
620 employees of the city concerning legal aspects of the city's affairs; and shall perform such
621 other duties as may be required by virtue of the person's position as city attorney. The city
622 attorney is not a public official of the city and does not take an oath of office. The city
623 attorney shall at all times be an independent contractor. A law firm, rather than an individual,
624 may be designated as the city attorney.

625 **SECTION 3.13.**

626 City Clerk.

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

631 **SECTION 3.14.**

632 Position Classification and Pay Plans.

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

638 **SECTION 3.15.**

639 Personnel Policies.

640 All employees serve at-will and may be removed from office at any time.

641 **ARTICLE IV**

642 **JUDICIAL BRANCH**

643 **SECTION 4.10.**

644 Creation; Name.

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

646 **SECTION 4.11.**

647 Chief Judge; Associate Judge.

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

650 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
651 that person shall have attained the age of 21 years, shall be a member of the State Bar of

652 Georgia, and shall possess all qualifications required by law. All judges shall be appointed
653 by the city council and shall serve until a successor is appointed and qualified.

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

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

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

661 **SECTION 4.12.**

662 Convening.

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

664 **SECTION 4.13.**

665 Jurisdiction; Powers.

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

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

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

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

677 (e) The municipal court shall have authority to establish bail and recognizances to ensure
678 the presence of those charged with violations before said court and shall have discretionary
679 authority to accept cash or personal or real property as surety for the appearance of persons
680 charged with violations. Whenever any person shall give bail for that person's appearance
681 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
682 presiding at such time and an execution issued thereon by serving the defendant and the
683 defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the
684 event that cash or property is accepted in lieu of bond for security for the appearance of a

685 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
686 the cash so deposited shall be on order of the judge declared forfeited to the city or the
687 property so deposited shall have a lien against it for the value forfeited, which shall be
688 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

699 **SECTION 4.14.**

700 Certiorari.

701 The right of certiorari from the decision and judgment of the municipal court shall exist in
702 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
703 the sanction of a judge of the Superior Court of Chattooga County under the laws of the State
704 of Georgia regulating the granting and issuance of writs of certiorari.

705 **SECTION 4.15.**

706 Rules for Court.

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

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ARTICLE V
ELECTIONS AND REMOVAL
SECTION 5.10.
Applicability of General Law.

718 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title
719 21 of the Official Code of Georgia Annotated, "The Georgia Election Code,"as now or
720 hereafter amended.

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722

SECTION 5.11.
Election of the City Council and Mayor.

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

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

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SECTION 5.12.
Nonpartisan Elections.

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

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SECTION 5.13.
Election by Majority.

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

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SECTION 5.14.
Special Elections; Vacancies.

738 In the event that the office of mayor or councilmember shall become vacant as provided in
739 Section 2.12 of this charter, the city council or those remaining shall order a special election
740 to fill the balance of the unexpired term of such official; provided, however, if such vacancy
741 occurs within 12 months of the expiration of the term of that office, the city council or those

742 remaining shall appoint a successor for the remainder of the term. In all other respects, the
 743 special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the
 744 Official Code of Georgia Annotated, "Georgia Election Code," as now or hereafter amended.

745 **SECTION 5.15.**

746 Other Provisions.

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

750 **SECTION 5.16.**

751 Removal of Officers.

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

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

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

766 (2) By an order of the Superior Court of Chattooga County following a hearing on a
 767 complaint seeking such removal brought by any resident of the City of Summerville.

768 **ARTICLE VI**
 769 **FINANCE**
 770 **SECTION 6.10.**
 771 Property Tax.

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

778 **SECTION 6.11.**
 779 Millage Rate; Due Dates; Payment Methods.

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

784 **SECTION 6.12.**
 785 Occupation and Business Taxes.

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

790 **SECTION 6.13.**
 791 Regulatory Fees; Permits.

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

797

SECTION 6.14.

798

Franchises.

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

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

815

SECTION 6.15.

816

Service Charges.

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

821

SECTION 6.16.

822

Special Assessments.

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

827

SECTION 6.17.

828

Construction; Other Taxes and Fees.

829

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

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

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

832

SECTION 6.18.

833

Collection of Delinquent Taxes and Fees.

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

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

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

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dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi.

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

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persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any

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

841

SECTION 6.19.

842

General Obligation Bonds.

843

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

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

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

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

847

SECTION 6.20.

848

Revenue Bonds.

849

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

850

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

851

for which they were issued.

852 **SECTION 6.21.**

853 Short-term Loans.

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

856 **SECTION 6.22.**

857 Lease-Purchase Contracts.

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

865 **SECTION 6.23.**

866 Fiscal Year.

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

871 **SECTION 6.24.**

872 Preparation of Budgets.

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

877

SECTION 6.25.

878

Submission of Operating Budget to City Council.

879 On or before a date fixed by the city council but not later than 30 days prior to the beginning
 880 of each fiscal year, the city manager shall submit to the city council a proposed operating
 881 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
 882 city manager containing a statement of the general fiscal policies of the city, the important
 883 features of the budget, explanations of major changes recommended for the next fiscal year,
 884 a general summary of the budget, and such other pertinent comments and information. The
 885 operating budget and the capital budget provided for in this section, the budget message, and
 886 all supporting documents shall be filed in the office of the city clerk and shall be open to
 887 public inspection.

888

SECTION 6.26.

889

Action by City Council on Budget.

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

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

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

908 **SECTION 6.27.**

909 Tax Levies.

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

916 **SECTION 6.28.**

917 Changes in Appropriations.

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

922 **SECTION 6.29.**

923 Capital Budget.

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

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

940 **SECTION 6.30.**

941 Independent Audit.

942 There shall be an annual independent audit of the city accounts, funds, and financial
943 transactions by a certified public accountant selected by the city council as provided by law.
944 The audit shall be conducted according to generally accepted auditing principles. Any audit
945 of any funds by the state or federal governments may be accepted as satisfying the
946 requirements of this charter. Copies of annual audit reports shall be available at printing costs
947 to the public.

948 **SECTION 6.31.**

949 Contracting Procedures.

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

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

956 **SECTION 6.32.**

957 Centralized Purchasing.

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

960 **SECTION 6.33.**

961 Sale and Lease of City Property.

- 962 (a) The city council may sell and convey or lease any real or personal property owned or
963 held by the city for governmental or other purposes as now or hereafter provided by law.
- 964 (b) The city council may quitclaim any rights it may have in property not needed for public
965 purposes upon report by the mayor and adoption of a resolution, both finding that the
966 property is not needed for public or other purposes and that the interest of the city has no
967 readily ascertainable monetary value.

968 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
 969 of the city a small parcel or tract of land is cut off or separated by such work from a larger
 970 tract or boundary of land owned by the city, the city council may authorize the mayor to sell
 971 and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
 972 property owner or owners where such sale and conveyance facilitates the enjoyment of the
 973 highest and best use of the abutting owner's property. Included in the sales contract shall be
 974 a provision for the rights of way of said street, avenue, alley, or public place. Each abutting
 975 property owner shall be notified of the availability of the property and given the opportunity
 976 to purchase said property under such terms and conditions as set out by ordinance. All deeds
 977 and conveyances heretofore and hereafter so executed and delivered shall convey all title and
 978 interest the city has in such property, notwithstanding the fact that no public sale after
 979 advertisement was or is hereafter made.

980 **ARTICLE VII**

981 **GENERAL PROVISIONS**

982 **SECTION 7.10.**

983 **Bonds for Officials.**

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

987 **SECTION 7.11.**

988 **Existing Ordinances, Resolutions, Rules, and Regulations.**

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

994 **SECTION 7.12.**

995 **Existing Personnel and Officers.**

996 Except as specifically provided otherwise by this charter, all personnel and officers of the
 997 city and their rights, privileges, and powers shall continue beyond the time this charter takes
 998 effect for a period of 60 days, before or during which the existing city council shall pass a

999 transition ordinance detailing the changes in personnel and appointed officers required or
1000 desired and arranging such titles, rights, privileges, and powers as may be required or desired
1001 to allow a reasonable transition.

1002 **SECTION 7.13.**

1003 Pending Matters.

1004 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
1005 contracts, and legal or administrative proceedings shall continue and any such ongoing work
1006 or cases shall be completed by such city agencies, personnel, or offices as may be provided
1007 by the city council.

1008 **SECTION 7.14.**

1009 Construction.

1010 (a) Section captions in this charter are informative only and are not to be considered as a part
1011 thereof.

1012 (b) The word "shall" is mandatory and the word "may" is permissive.

1013 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1014 versa.

1015 **SECTION 7.15.**

1016 Specific Repealer.

1017 An Act to consolidate all of the laws chartering the City of Summerville in the County of
1018 Chattooga and to grant a new charter to said city, approved March 28, 1961, (Ga. L. 1961,
1019 p. 2658), is hereby repealed in its entirety and all amendatory acts thereto are likewise
1020 repealed in their entirety.

1021 **SECTION 7.16.**

1022 Effective date.

1023 This Act shall become effective on July 1, 2011.

1024

SECTION 7.17.

1025

General repealer.

1026

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