

House Bill 571

By: Representative Epps of the 140<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To incorporate the Town of McIntyre, Georgia, and to grant a new charter to said town; to  
2 organize the municipal government thereof; to prescribe the corporate limits; to regulate the  
3 sale or lease of town utilities, the grant of franchises, and the furnishing of certain practices;  
4 to provide for a mayor and aldermen and their function, authority, powers, duties,  
5 qualifications, and election; to provide the power of veto and the manner of overriding the  
6 same; to provide for removal from office; to prescribe the corporate powers and authority;  
7 to regulate the appointment, qualifications, duties, and authority of the officers and  
8 employees of the town and their compensation; to provide for the authority of the mayor and  
9 aldermen over said officers and employees; to create certain boards, commissions, and  
10 departments and provide for the creation and regulation of others; to prescribe the  
11 qualifications of voters; to establish a municipal court and provide for appointment of a  
12 municipal court judge; to establish the jurisdiction, powers, and duties of the municipal court  
13 judge; to provide for public works improvements and the levy of assessments therefor; to  
14 provide for establishment of a fiscal year, a budget, and an annual audit of finances; to  
15 authorize borrowing; to regulate appropriations and expenditures; to provide for ad valorem  
16 taxation; to provide for the taxing of occupations and other privileges; to prescribe the  
17 manner of collection of unpaid taxes and assessments; to provide for the preservation of  
18 existing ordinances and laws not inconsistent with this Act and that the provisions of this Act  
19 are severable; to prescribe punishments for the violation of this Act and for the violation of  
20 ordinances and regulations enacted pursuant thereto; to repeal an Act incorporating the Town  
21 of McIntyre, Georgia, and granting a new charter approved March 30, 1971 (Ga. L. 1971,  
22 p. 2370), as amended; to repeal certain other Acts affecting said town; to repeal conflicting  
23 laws; and for other purposes.

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

25

ARTICLE I

26

GENERAL PROVISIONS

27

SECTION 1-1.

28

Incorporation: name, style, and designation.

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The Town of McIntyre, Wilkinson County, Georgia, shall be and is hereby incorporated as

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a town under the name, style, and designation of the Town of McIntyre, hereinafter referred

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to in this charter as "the town."

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SECTION 1-2.

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Town constituted body corporate and politic.

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From and after the passage of this Act, the municipal government of the Town of McIntyre

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shall constitute a body corporate and in its name shall have perpetual succession, with power

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and authority to contract and be contracted with, to sue and be sued, to plead and be

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impleaded, to have and use a common seal; in law or equity to purchase, have, hold and

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enjoy, receive, possess, and retain to the town, through the mayor and aldermen and their

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successors in office, for the use and benefit of the Town of McIntyre, in perpetuity or for any

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term of years any estate or estates, real or personal, of every kind and nature within or

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without the corporate limits, for corporate purposes; to have and to hold all property now

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belonging to the town, either in its name or the name of others, to the use of said town for the

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purpose and intent for which the same was granted, dedicated, or purchased; and to use,

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manage, and improve, sell, convey, rent, or lease the same. The town, through its mayor and

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aldermen, shall have like powers over property hereafter acquired and shall succeed to all the

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rights and liabilities of the present corporation. The town, through its mayor and aldermen,

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shall have power to borrow money and give evidences of indebtedness for the same; to use

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bonds from time to time; and to do and perform all and every act and acts necessary or

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incidental to raising of funds for the legitimate use of said town. It shall have the right,

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power, and authority, through its mayor and aldermen, to govern by such rules, laws, bylaws,

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regulations, ordinances, or other orders as said mayor and aldermen may deem proper, not

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in conflict with this charter and the Constitution and laws of this state or of the United States.

53

**SECTION 1-3.**

54

Organization of municipal government; legislative power.

55 (a) The municipal government of said town shall be vested in the mayor, who shall be  
56 elected at large, and five aldermen, who shall be elected by district, and such other officers,  
57 employees, boards, and commissions as the mayor and aldermen may see fit to elect and  
58 appoint as hereafter provided.

59 (b) Said mayor shall constitute the executive branch and said aldermen shall constitute the  
60 legislative branch of said town and, as such, shall have the full power and authority from  
61 time to time to make and establish rules, laws, ordinances, regulations, and orders as may to  
62 them seem right and proper to the peace, security, health, happiness, welfare, protection, or  
63 convenience of the inhabitants of said town and for preserving the peace, good order, and  
64 dignity of said government.

65 (c) Any enumeration of powers in this charter shall not be construed as restricted to said  
66 powers alone, but shall include all and every other thing and acts necessary or incident to  
67 municipal government and shall not conflict with any special power or authority given said  
68 government by this charter or by any Act or Acts heretofore passed, but shall be construed  
69 as in addition to and in aid of such powers that are not repealed by this charter.

70

**SECTION 1-4.**

71

Corporate limits defined.

72 The corporate limits of the town shall be those existing on the effective date of the adoption  
73 of this charter with such alterations as may be made from time to time by local law or in the  
74 manner provided by state law. The boundaries of the town shall be shown on a map, a  
75 written description, or any combination thereof to be retained permanently in the office of  
76 the city clerk and to be designated, as the case may be: "Official Map or Description of the  
77 Corporate Limits of the Town of McIntyre, Georgia."

78

**SECTION 1-5.**

79

Contracts to furnish light and water outside the town limits.

80 The mayor and aldermen of said town, or the water and light commission, or either, shall  
81 have the right to make contracts with persons, firms, or corporations residing beyond the  
82 limits to furnish them with street light and water, or either, whenever the same can be done  
83 without interfering with the efficient supply of light and water to the inhabitants of the town.

84 **SECTION 1-6.**

85 Subpoena power.

86 The mayor and aldermen, municipal court, and all boards, commissions, committees, or other  
 87 agencies of the town charged with the administration of the affairs of the town (excluding  
 88 individual officers, except those specially authorized by law or ordinance) shall have the  
 89 power and authority to compel the attendance of witnesses and the production of relevant and  
 90 admissible documents in proper cases, and failure or refusal of any person to attend as a  
 91 witness or to produce pertinent documentary evidence within his or her possession, custody,  
 92 or control when notified or called upon to do so in a proper case shall constitute a violation  
 93 of this section and be punishable as such.

94 **SECTION 1-7.**

95 Personal profit and nepotism prohibited in town offices.

96 No officer or employee of the town or member of a board or commission herein provided for  
 97 shall be interested directly or indirectly in any contract made with the town or receive any  
 98 profit or emolument for any purchase or sale of material or other article sold to the town or  
 99 paid for out of the public revenues of the town; and nepotism in any board or office is  
 100 forbidden.

101 **ARTICLE II**102 **MAYOR AND ALDERMEN**103 **SECTION 2-1.**

104 Mayor constituted chief executive officer of the town; function, authority, duties.

105 The mayor shall be the chief executive officer of the town and shall have general supervision  
 106 over its affairs. He or she shall sign all deeds and contracts. He or she shall be clothed with  
 107 veto power as hereinafter set out. It shall be the mayor's duty to see that the laws and  
 108 ordinances of the town are faithfully carried out and executed within the town. He or she  
 109 shall keep the board of aldermen advised from time to time of the general condition of the  
 110 town and shall recommend such measures as he or she may deem necessary or expedient for  
 111 the welfare of the town. The mayor shall preside over the meetings of the board of aldermen  
 112 and may call them together at any time when deemed necessary by the mayor. He or she  
 113 shall preside over the meetings of the board of aldermen and may vote in all elections for  
 114 officers who are elected by the board and impeachment proceedings whether there be a tie  
 115 or not. The mayor shall not vote upon any matter before the board of aldermen, except as

116 heretofore set out in this section unless there is a tie vote. The mayor may call the board of  
 117 aldermen together at any time when deemed necessary by the mayor. The mayor and three  
 118 aldermen shall constitute a quorum for the transaction of business.

119 **SECTION 2-2.**

120 Qualifications for office.

121 No person shall be eligible to serve as mayor or alderman unless he or she is at least 25 years  
 122 old and a qualified municipal voter and shall have been a resident of the city for one year  
 123 immediately prior to the date of his or her election. No person shall be eligible to serve as  
 124 an alderman unless he or she shall been a resident of the alderman district he or she  
 125 represents for six months immediately prior to the date of his or her election. The mayor  
 126 shall continue to reside in the town, and each alderman shall continue to reside in his or her  
 127 alderman district during his or her term of office. If the mayor or any alderman fails to  
 128 continue to meet this residency requirement during his or her term of office, he or she shall  
 129 immediately resign from office or, upon failure to resign, be removed from office by  
 130 operation of law.

131 **SECTION 2-3.**

132 Vacancy in office of mayor or aldermen.

133 In the event that the office of the mayor or any alderman shall become vacant by death,  
 134 removal, disqualification, resignation, or other cause, the board of aldermen or those  
 135 remaining shall order a special election to fill the balance of the unexpired term of such  
 136 official; provided, however, if such vacancy occurs within 90 days of the expiration of the  
 137 term of office, a successor shall be elected at the next regularly scheduled election. In all  
 138 respects, the special election shall be held and conducted in accordance with Code Section  
 139 21-2-540 of the O.C.G.A., as now or hereafter amended.

140 **SECTION 2-4.**

141 Oath of office of mayor and aldermen.

142 Before entering upon the discharge of their respective offices, the mayor and aldermen shall  
 143 each make and subscribe the following oath:

144 "I do solemnly swear that I will faithfully discharge all duties devolving on me as mayor  
 145 (or alderman, as the case may be) of the Town of McIntyre during my continuance in the  
 146 office, according to the best of my ability and understanding, so help me God."

147 The oath of the mayor shall be administered by the outgoing mayor or, in his or her absence  
148 or refusal to administer such oath, by the town clerk. The oath of the aldermen shall be  
149 administered by the mayor. All of said oaths shall be entered upon the minutes of the town.

150 **SECTION 2-5.**

151 Veto of ordinances and resolutions; overriding veto.

152 Every ordinance and resolution passed by the board of aldermen shall be subject to veto by  
153 the mayor in the following manner: the mayor shall within three days write out his or her  
154 objections to such ordinance or resolution; and the board of aldermen, at the next regular  
155 meeting at which a quorum shall be present, shall order said objections entered on the  
156 minutes and vote on the question as to whether said ordinance, resolution, or other action  
157 shall become adopted over said veto. Should as many as three aldermen vote in the  
158 affirmative, said resolution and ordinance shall stand affirmed and become effective without  
159 the approval of the mayor; otherwise not. The ayes and nays shall in all cases be entered  
160 upon the minutes.

161 **SECTION 2-6.**

162 Provisions of charter constitute defense  
163 for acts of mayor and aldermen in pursuance thereof.

164 The provisions of this charter may be pleaded and shall be a defense to any action brought  
165 against the mayor and aldermen, or either, when the acts of the mayor and aldermen are in  
166 accordance with ordinances properly passed in pursuance thereof.

167 **SECTION 2-7.**

168 Penalty for violation or neglect of duties of office.

169 Should the mayor or any alderman be guilty of malpractice in office, willful neglect of office,  
170 or abuse of the powers conferred upon him or her or shall be guilty of any other act or acts  
171 of general conduct unbecoming an officer of the Town of McIntyre, he or she shall be  
172 impeached by the board of aldermen and upon conviction shall be removed from office.

173 **SECTION 2-8.**

174 Compliance with state and federal law required.

175 The mayor and aldermen shall pass all ordinances and regulations for the government of said  
176 town, the protection of life and property, the maintenance of public places, and the protection  
177 of public health, provided the same are not repugnant to the Constitution and laws of the state  
178 or of the United States, and prescribe and enforce penalties for the violation of same.

179 **SECTION 2-9.**

180 Authority to codify ordinances; true copy to be competent evidence.

181 In addition to the powers conferred by other provisions of this charter or by general law of  
182 the State of Georgia, the mayor and aldermen shall have the power and authority to provide  
183 for codification of all ordinances, rules, or regulations of the town and the adoption of such  
184 codification by ordinance. A copy of such codification, when certified by the town clerk as  
185 being a true copy, shall be received in evidence in all courts of the State of Georgia.

186 **SECTION 2-10.**

187 General powers.

188 In addition to the powers conferred by other provisions of this charter, the mayor and  
189 aldermen shall have power and authority to remove or cause to be removed all buildings,  
190 porches, steps, fences, or other obstructions or nuisances in public streets, lanes, alleys,  
191 sidewalks, squares, parks, or other public ways in said town. They shall have power to  
192 designate certain streets or places for the conduct of certain business; and to regulate chicken  
193 houses, hog pens, slaughterhouses, blacksmith shops, tanneries, livery stables, forges, stoves  
194 and chimneys, mill ponds, oil mills, fertilizer plants, ginneries, fish ponds, warehouses,  
195 hacks, drays, automobiles, bicycles, motorcycles, and other vehicles. They shall have power  
196 to fill up all open cellars or excavations in said town or cause to be removed all dilapidated  
197 or unsafe structures which they may consider a nuisance or dangerous to the health or lives  
198 of the people of the town and to abate, or cause to be removed, anything that constitutes a  
199 nuisance or is injurious or deleterious to the health or lives of the people of the town. They  
200 shall also have the right to condemn property for public purposes, as provided by the laws  
201 of this state.

202 **SECTION 2-11.**

203 Zoning powers.

204 (a) The mayor and aldermen, in the interest of the public health, safety, order, convenience,  
205 comfort, prosperity, and general welfare, shall have the power to adopt by ordinance a plan  
206 or plans for the districting or zoning of the town to regulate the location, height, bulk, and  
207 number of stores and size of buildings and other structures; the percentage of lot which may  
208 be occupied; the size of yards, courts, and other open spaces; the density and distribution of  
209 population and the uses of building, structures, and land for trade, industry, residence,  
210 recreation, agriculture, forestry, conservation, water supply, sanitation, protection against  
211 floods, public activities, and other purposes. Such plan and the regulations adopted  
212 thereunder shall be made with reasonable consideration of the character of the district and  
213 its peculiar suitability for particular uses and with a view to promoting desirable living and  
214 working conditions and the sustained stability of neighborhoods, protecting property against  
215 blight and depreciation, securing economy in governmental expenditures, conserving the  
216 value of buildings and property, and encouraging the most appropriate use of land and of  
217 buildings and structures throughout the town.

218 (b) The town may be divided into such number of zones or districts and such districts may  
219 be of such shape and areas as the mayor and aldermen shall deem best suited to accomplish  
220 the purpose of the regulations. In the determination and establishment of districts and  
221 regulations, classification may be based upon the nature or character of the trade, industry,  
222 or other activity conducted or to be conducted on the premises; the number of persons,  
223 families, or other group units to reside in or use buildings; the public, quasi-public, or private  
224 nature of the use of premises; or any other basis or bases relevant to the purposes of the  
225 regulations.

226 (c) The mayor and aldermen may provide by ordinance for a zoning commission composed  
227 of not more than five members, to be selected by the mayor and aldermen, and prescribe its  
228 powers and duties. Said mayor and aldermen may also create a board of zoning appeals  
229 composed of not more than five members to be selected by the mayor and aldermen,  
230 prescribe its powers and duties, and provide for the right of certiorari from said board of  
231 zoning appeals to the Superior Court of Wilkinson County.

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**SECTION 2-12.**

233

Sanitary regulations; enactment, scope,

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enforcement; right of entry to inspect, condemn property.

235

(a) The mayor and board of aldermen shall have power and authority over, and absolute control of, all pipes, sewers, and private drains in said town and power and authority to prescribe their location, structure, use, and preservation and to make such regulations concerning them in all particulars as may seem best.

239

(b) They shall have power and authority to prescribe the kind of water closets, urinals, or other receptacles or drains for water or other fluids or substances to be used within the town and to condemn and destroy any water closet, urinal, or other receptacle or drain now in use or hereinafter to be constructed and put in use which does not conform to and is not of the kind prescribed for use by the ordinances and rules of the town and which may be detrimental to the health of the town.

245

(c) They shall also have power and authority to compel all property owners to connect water closets and urinals, or other receptacles or drains, on the premises of the said property owners with the sanitary sewers of said town under such rules and regulations as may be prescribed. If such property owner shall fail to connect any water closet, urinal, or other receptacles or drains as aforesaid, within the time and in the manner prescribed, then the town may cause said work to be done and connections to be made and provide all necessary material therefor and assess the costs of the same against the property owner and the property so improved. The town shall arrest and prosecute the owners of said property before the municipal court of the town for maintaining a nuisance, in connection with which the town shall have the right, power, and authority to enter upon the premises of anyone, after notice, to inspect the connections and fixtures necessary to connect the same with the sanitary sewers of the town, without being deemed a trespasser or becoming responsible as such to the owner or tenant.

257

**SECTION 2-13.**

258

Regulation of drainage; enforcement by execution.

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The mayor and aldermen shall have the power to cause the owner or owners of lots within the town to drain the same or to fill the same to the level of the streets or alleys on which said lots abut; to cause the owner or owners of cellars holding water to cause the same to be drained thereof or filled up if necessary; to compel property owners to make proper drain pipes to storm sewers and gutters or other street waterways; and to pass such ordinances regulating the same as they may deem necessary. Whenever the owner of any such property shall refuse or fail, after a reasonable notice to the owner or his or her agent, or to the tenant

266 in possession of said premises, to comply with the requirements of said mayor and aldermen  
267 within the period prescribed for such notice, it shall be lawful for the town to cause the same  
268 to be done at the owner's expense, and for the amount so expended.

269 **SECTION 2-14.**

270 Laying out, vacating, paving, maintaining, and improving public streets and ways.

271 (a) The mayor and aldermen of the Town of McIntyre shall have the power and authority  
272 to open, lay out, widen, straighten, or otherwise change the streets, avenues, alleys,  
273 sidewalks, crossings, or other passageways of said town and shall have the power to vacate,  
274 close up, open, alter, grade and fill, curb, pave, drain, and repair the same. They shall have  
275 power and authority to prescribe such rules and regulations for laying out, constructing, and  
276 maintaining the same and the power of curbing and paving of all squares, triangles, and  
277 intersections of said town. They shall prescribe the kind of material to be used in  
278 construction and shall fix the time when notice shall be given and when the work shall be  
279 completed and shall supervise the construction of the same and reject any work not  
280 performed in compliance with such prescribed regulations. They shall have power and  
281 authority to require any street, avenue, alley, sidewalk, street crossing and railroad crossings,  
282 or other passageways to be paved in such manner and with such material as they may be  
283 determined by resolution or ordinance.

284 (b) Whenever the mayor and aldermen shall deem it proper to pave or improve any of the  
285 streets, lanes, or alleys of said town, they shall have a survey made and plans and  
286 specifications and estimates of the cost of the improvements contemplated and shall establish  
287 the grades of the streets to be improved and locate the sewers and water mains therein.

288 **SECTION 2-15.**

289 Street paving and taxation.

290 (a) The mayor and aldermen of said town shall pass all ordinances necessary to effect the  
291 purposes and intent of Section 2-14 of this charter as are deemed to be in the best interest of  
292 the town and which shall not be in conflict with the Constitution and laws of the State of  
293 Georgia.

294 (b) The mayor and aldermen of the town may levy and collect any additional ad valorem tax  
295 or a special street tax, upon all property, real or personal, within the town limits for the  
296 purpose of paying the paving expenses referred to in Section 2-14 of this charter, which said  
297 tax shall be collected in the same manner as is provided elsewhere in this charter for the  
298 enforcement and collection of taxes.

299

**SECTION 2-16.**

300

## Granting of franchises.

301 The mayor and aldermen of said town shall have the power to grant franchises, easements,  
302 and rights-of-way over, in, under, and on the public streets on such terms and conditions as  
303 they may fix. They may contract with any other public or private corporation regarding the  
304 furnishing of water, electric current, gas, garbage collection, or other public services to said  
305 town by said other corporation or regarding the furnishing of water, electric current, gas, or  
306 other public service by the town to such public or private corporation; provided, however,  
307 the said mayor and aldermen shall not grant any franchise, easement, or authority to any  
308 person or public or private corporation to own, operate, or maintain any public utility in  
309 competition to any public utility owned by said town within said town.

310

**SECTION 2-17.**

311

## Exercising eminent domain.

312 (a) The mayor and aldermen are authorized and empowered to condemn land within the  
313 corporate limits of said town for any municipal uses or purposes, which includes the erection  
314 of public buildings for said town; for public parks, playgrounds, water supply, sewers, forms  
315 for handling and disposing of sewerage, garbage, or trash; and for any other public purposes  
316 and improvements.

317 (b) The town is authorized and empowered to take and condemn personal property in the  
318 same manner as above when needed for public purposes of the town.

319 (c) When it is necessary for the town to exercise the power of eminent domain, the same  
320 shall be exercised under the provisions of the general laws of this state relative to eminent  
321 domain.

322

**SECTION 2-18.**

323

## Alcoholic beverages.

324 The mayor and aldermen shall have the power and authority by ordinance to prohibit,  
325 regulate, or license the sale, possession, distribution, manufacture, or consumption of  
326 spirituous, vinous, malt, or intoxicating liquors within the town and may abate violations of  
327 such ordinances as nuisances. The police of the town shall have the authority to enter and,  
328 if necessary, to break open and enter any premises in the town which the mayor and  
329 aldermen may have reasonable cause to believe, or may suspect to be, a place where  
330 spirituous, vinous, malt, or intoxicating liquors are sold, possessed, distributed,

331 manufactured, or consumed in violation of law or of any ordinance of the town and to seize  
332 the stock thereof and any machinery, equipment, or apparatus used in connection therewith.  
333 Upon conviction of any person for maintaining a nuisance, as above stated, and as a  
334 punishment for same, the mayor and aldermen shall be empowered to cause the police  
335 department of the town to destroy the stock of liquors so seized and the machinery,  
336 equipment, or apparatus used in connection therewith, in addition to any other penalty which  
337 may be imposed upon the offender for violation of the laws of the town.

338 **SECTION 2-19.**

339 Suppression of crime; municipal court.

340 The mayor and aldermen of the Town of McIntyre shall have the power and authority to pass  
341 all laws and ordinances, rates, and regulations necessary and proper to secure the efficient  
342 and successful administration of the business of the municipal court and all other ordinances  
343 that they may deem necessary to preserve order and to suppress crime, not in conflict with  
344 the Constitution and the laws of the State of Georgia.

345 **SECTION 2-20.**

346 Municipal jail; establishment authorized; purpose.

347 The mayor and aldermen shall have authority to establish a municipal jail and provide  
348 regulations for the same in which to confine for punishment, when necessary, persons  
349 sentenced by the municipal court judge for violating any town law or ordinance, or any penal  
350 section of this charter, and for the detention of all persons committing or attempting to  
351 commit crimes; and any police of the town shall have the right to confine such persons in the  
352 municipal jail to await their trial.

353 **SECTION 2-21.**

354 Regulations of animals at large.

355 The mayor and aldermen shall have the power and authority to prevent animals from running  
356 at large and to take up and impound any animal found at large within the town, to provide  
357 for the redemption of or sale of the same, and to enact such laws and ordinances as are  
358 necessary to carry out the provisions of this section.

359 **SECTION 2-22.**

360 Keeping of combustibles and explosives, erection of buildings.

361 The mayor and aldermen shall have power to regulate the keeping of gunpowder, gasoline,  
362 and other combustibles and explosives; to make regulations for guarding against fires; to fix  
363 and establish fire limits and from time to time to change, enlarge, or restrict the same; to  
364 regulate the kinds of buildings to be erected and the material and construction thereof; and  
365 to grant or refuse permits of all kinds of buildings and other structures to be erected in said  
366 town.

367 **SECTION 2-23.**

368 Places of worship and burial; regulations of interments.

369 The mayor and aldermen shall have power and authority to protect places of worship, and  
370 to provide places for burial and regulate interments.

371 **ARTICLE III**  
372 **TOWN OFFICERS, EMPLOYEES, AND BOARDS**

373 **SECTION 3-1.**

374 Mayor pro tem; selection.

375 The mayor and aldermen shall elect at their annual organizational meeting a mayor pro tem  
376 from the aldermen, whose duty it shall be to act in all cases as the mayor in the absence,  
377 disqualification, or sickness of the mayor, during which time he or she shall be clothed with  
378 all necessary powers of the mayor.

379 **SECTION 3-2.**

380 Town clerk; treasurer; terms of office; compensation;  
381 consolidation of offices of town clerk and treasurer.

382 The town clerk and the treasurer shall be appointed by the mayor and aldermen and serve at  
383 the pleasure of the mayor and aldermen. The mayor and aldermen shall have power to fix  
384 the salary of the town clerk and treasurer and may also have the power to combine the offices  
385 of the clerk and treasurer or may, at their discretion, elect one person to fill both offices.

386 **SECTION 3-3.**

387 Same; removal.

388 Any of the offices in Section 3-2 of this charter may be removed at any time by a majority  
 389 vote of the mayor and aldermen for neglect of duty, incapacity, or malfeasance in office.  
 390 Said officers shall be governed by such rules and regulations as may be prescribed by the  
 391 mayor and aldermen and which are not inconsistent with this charter. The mayor shall have  
 392 the authority to suspend any officer temporarily, in his or her discretion, until the next regular  
 393 meeting of the mayor and aldermen, when such officer shall be given a trial.

394 **SECTION 3-4.**

395 Same; oath; duties of town clerk and treasurer.

396 (a) The town clerk and treasurer of the Town of McIntyre shall take and subscribe an oath  
 397 before the mayor that they will, to the best of their ability, faithfully perform the duties of  
 398 their office, without favor or partiality.

399 (b) The town clerk shall be the clerk of the board of aldermen; shall attend all meetings of  
 400 the mayor and aldermen and the municipal court and keep the minutes, books, and files of  
 401 each; shall collect all fines, taxes, and other money due the town; shall attend to the issuance  
 402 of all licenses and permits; and shall perform such other duties as may be required of him or  
 403 her by the mayor and aldermen.

404 (c) It shall be the duty of the treasurer to receive and disburse all monies of the town, upon  
 405 proper orders, and he or she shall make itemized reports of all receipts and disbursements and  
 406 submit the same to the mayor and aldermen whenever called upon by them to do so.

407 **SECTION 3-5.**

408 Police force constituted; terms;  
 409 removal from office; compensation; powers and duties.

410 (a) There shall be a police department of the town which shall consist of a chief of police  
 411 and such other officers and personnel as the mayor and aldermen may prescribe. The chief  
 412 of police and such other officers shall be appointed by the mayor and aldermen and serve at  
 413 the pleasure of the mayor and aldermen. The chief and the officers of the police department  
 414 may be discharged or suspended at any time by the mayor and aldermen, after trial, for  
 415 neglect of duty, incapacity, conduct unbecoming an officer, or other like offense, when in  
 416 their judgment it is best for the good of the department or the interest of the town. The

417 mayor and aldermen shall have power to fix the salaries of the members of the police  
418 department.

419 (b) The chief and the officers of the police department shall preserve the peace of the town  
420 and shall have power and authority to arrest all persons within said town guilty or charged  
421 with violating any of the laws of the state or laws and ordinances of the town and all persons  
422 committing or attempting to commit any crime against the laws of the state or ordinances of  
423 the town. They shall have the power and authority to confine all persons arrested in the town  
424 jail or in the common jail of Wilkinson County and bring them before the municipal court  
425 for trial or commitment; provided, however, that all persons desiring to give bail for their  
426 appearance before the municipal court inailable cases shall be allowed to do so.

427 **SECTION 3-6.**

428 Chief of police; vacancy in office.

429 In case of death, resignation, or removal from office of the chief of police, the mayor, or in  
430 the mayor's absence the mayor pro tem, and in the absence of the mayor pro tem the board  
431 of aldermen, shall appoint some person to perform the duties of the chief of police until the  
432 next regular meeting of the aldermen, when the mayor and aldermen shall elect a successor.

433 **SECTION 3-7.**

434 Fire department constituted; selection, duties,  
435 terms of personnel; rules, regulations.

436 There shall be a fire department, which consists of a chief and other officers and personnel  
437 thereof, who shall be selected by the mayor and aldermen and whose duties shall be  
438 prescribed by said mayor and aldermen. The mayor and aldermen shall have power to  
439 suspend or remove any of the members of the fire department whenever they shall deem it  
440 necessary or proper for the well-being and efficiency of the department. The mayor and  
441 aldermen shall have power to fix all rules and regulations for the general government and  
442 management of the department and fix the salaries of the members thereof. The members  
443 of the fire department shall be elected to serve for an indefinite term; provided, however,  
444 they may be discharged or suspended at any time by the mayor and aldermen, after trial, as  
445 provided for police officers.

446 **SECTION 3-8.**

447 Town attorney; terms, duties, compensation.

448 The office of the town attorney is hereby created and established. Said attorney shall be  
 449 elected by the mayor and aldermen and serve at the pleasure of the mayor and aldermen.  
 450 Said attorney's duties shall be prescribed from time to time by the mayor and aldermen. He  
 451 or she shall represent the interest of the town in all courts and shall attend the sessions of the  
 452 mayor and aldermen when they request. His or her salary or compensation for any service  
 453 shall be fixed by the mayor and board of aldermen.

454 **SECTION 3-9.**

455 Selection of officers and employees.

456 In addition to the officers, employees, and boards provided for in this charter, the mayor and  
 457 aldermen shall have power and authority to elect or appoint, for such time as in their  
 458 judgment may seem best, such officers, agents, superintendents, maintenance personnel,  
 459 street overseers, draftsmen, or other personnel for the carrying out of the provisions of this  
 460 charter and the functioning of the government of the Town of McIntyre and to prescribe their  
 461 duties and fix their compensation.

462 **SECTION 3-10.**

463 Salaries of officers, employees.

464 The mayor, aldermen, and other officers and employees of the town shall be paid such  
 465 salaries for their services as may be fixed each year by the mayor and aldermen to apply to  
 466 the ensuing fiscal year; provided, however, that the salaries payable to the mayor and  
 467 aldermen shall not be increased or diminished during the year.

468 **SECTION 3-11.**

469 Retirement pensions; eligibility; amount.

470 The mayor and aldermen shall have the power and authority to establish a retirement system  
 471 for its employees.

472

**SECTION 3-12.**

473

Board of health; constituted; membership, compensation; powers.

474 (a) The mayor and aldermen shall have the authority to constitute a board of health for said  
475 town, to consist of the mayor, one licensed physician, and one citizen to be appointed by the  
476 mayor, whose appointment shall be confirmed by the board of aldermen. Said members shall  
477 hold office for one year and until their successors are appointed and qualified. The citizens  
478 appointed on said board of health shall hold no other municipal office during their terms as  
479 a member of the board of health. The mayor and board of aldermen shall appoint such other  
480 citizens to serve on the said board of health as they may deem necessary.

481 (b) The mayor and aldermen shall prescribe rules and regulations for said board, shall  
482 prescribe the duties of the members and the times they shall meet, and shall fix the salaries  
483 of the members who shall be appointed to said board, but the mayor shall serve on said board  
484 for no additional salary.

485 (c) Said board shall have full power to institute and enforce all sanitary measures necessary  
486 to the preservation of the public health and likewise for the prevention of infectious and  
487 contagious diseases of all kinds. They shall likewise exercise absolute power over the  
488 subject of quarantine, and from time to time recommend to the mayor and aldermen the  
489 passage of such ordinances, rules, and regulations for the general health and sanitary  
490 betterment of the town as they may deem necessary for the good health of the town. They  
491 shall also have power to inspect foods, milk, fruit, and other things sold in said town and  
492 report to the mayor and aldermen all persons selling any impure articles; and the mayor and  
493 aldermen shall provide a penalty for all persons so offending. The said board of health shall  
494 look after the general sanitary condition of the town and shall report any nuisance likely to  
495 endanger the health of said town, or any neighborhood or place, and the mayor and aldermen  
496 upon the advice of the board of health shall enforce all sanitary rules and regulations, shall  
497 abate all nuisance and enforce all ordinances for the general health of the town, and shall  
498 prescribe penalties for violation of the same.

499

**SECTION 3-13.**

500

Establishment of park commission.

501 The mayor and aldermen shall have the power and authority to appoint a park commission  
502 and shall prescribe the manner of election, terms of office, duties, and compensation of same.

503

**SECTION 3-14.**

504

Public library; board of trustees, appropriations, reports.

505 The mayor and aldermen shall have the power and authority to appropriate from year to year  
 506 such sums of money for the support of the public library as they may deem best for the  
 507 interest of the town. Said library shall be managed and controlled by the board of trustees  
 508 to be selected by the mayor and aldermen and to consist of such number of citizens as the  
 509 mayor and aldermen shall determine. The trustees shall be elected for a term of one year and  
 510 shall be elected by the mayor and aldermen at the organizational meeting each fiscal year.  
 511 The sum of money appropriated, together with all other appropriations for the support of the  
 512 library, shall be turned over to, and shall be disbursed by, said board of trustees, who shall  
 513 render a full and accurate statement to the mayor and aldermen quarterly, showing the  
 514 purpose for which said funds have been expended. The town clerk shall be the disbursing  
 515 medium for the board of trustees, keeping a record of same.

516

**SECTION 3-15.**

517

Public works system; boards of commissioners;

518

membership, terms, compensation; powers; duties.

519 (a) The mayor and aldermen shall have the power to establish by ordinance a board or  
 520 boards of commissioners for the operation, maintenance, regulation, acquisition, extension,  
 521 or improvement of gas, water, or light plants, or any other system or systems of public works  
 522 of the same or similar nature which the town may now or at any time hereafter own or  
 523 operate. The town may establish one such board to operate more than one or all such public  
 524 works system or systems.

525 (b) Said board or boards when so established shall each consist of at least three members,  
 526 none of whom shall be the mayor or any alderman, who shall be elected for one year and  
 527 until their successors are elected and qualified. The manner of election shall be prescribed  
 528 by ordinance, provided the commissioners are bona fide residents of the Town of McIntyre.  
 529 All vacancies shall be filled by appointment by the mayor and aldermen for the balance of  
 530 the unexpired term.

531 (c) When created, said board or boards shall be vested with power and authority to maintain,  
 532 extend, improve, modify, and operate the system of waterworks now in operation or hereafter  
 533 acquired, extended, or improved, or any gas, light, or water system or other system of public  
 534 works of the same or similar nature now or hereafter owned or operated by the town, or  
 535 acquired, extended, or improved, or any light contract or other contract existing between the  
 536 town and any company for the furnishing to the town of light, natural gas, power, or other

537 public works; to establish, equip, maintain, modify, extend, improve, and operate a system  
 538 of drains and sewers for the town; to appoint superintendents and other employees, and  
 539 remove the same when necessary; to purchase, rent, lease, and sell real estate and any  
 540 apparatus, machinery, and all other things necessary to conduct said public works systems  
 541 and hold title to the same for the town; to collect, receive, and disburse all monies arising  
 542 from the sale of bonds issued for the acquisition, extension, enlargement, and improvement  
 543 of such plant or plants and all revenues derived therefrom; and to make such bylaws, rules,  
 544 and regulations for their own government and the government of their employees as they  
 545 deem necessary, not in conflict with this charter.

546 (c) Said board or boards shall make a quarterly report in writing to the mayor and aldermen,  
 547 showing the amount of money received and the source thereof, and the amount disbursed  
 548 thereof, together with vouchers for the same, and shall furnish an accurate estimate of the  
 549 amount of money required for the ensuing year.

550 (d) Said board or boards shall elect a clerk and fix his or her compensation, such  
 551 compensation to be approved by the mayor and aldermen. The members of said board or  
 552 boards shall receive for their services such compensation as the mayor and aldermen shall  
 553 prescribe, which compensation shall not be diminished or increased during the terms of  
 554 office of said members.

555 (e) The mayor and aldermen shall have the authority to enact all ordinances necessary to  
 556 effect the purpose and intent of this section. The mayor and aldermen shall maintain and  
 557 operate any and all systems of public works until the board or boards authorized in this  
 558 section are created.

559 **ARTICLE IV**

560 **ELECTIONS**

561 **SECTION 4-1.**

562 **Qualifications of voters.**

563 All persons who are residents of the town and who are qualified to vote for members of the  
 564 General Assembly shall be qualified voters of the town.

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ARTICLE V  
MUNICIPAL COURT  
**SECTION 5-1.**

Municipal court created, presiding officer.

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(a) There is hereby created a municipal court for the trial of the offenses and offenders against the laws and ordinances of the Town of McIntyre, such court to be called the municipal court, to be presided over by the municipal court judge. When so appointed and qualified as hereinafter provided, he or she shall have full authority as judge of said court for the administration of its affairs.  
(b) The municipal court judge's salary shall be fixed by the mayor and aldermen, and he or she shall take such oath as may be prescribed by the mayor and aldermen, and shall be subject to removal, with or without any stated cause, upon a majority vote by the mayor and aldermen.  
(c) Any vacancy in the office of municipal court judge by reason of death, resignation, removal, or other reason shall be filled by appointment of the mayor and aldermen. In case of his or her disqualification or absence, the mayor or mayor pro tem may hold such court and may exercise all the powers conferred by law or this charter upon the municipal court judge.

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**SECTION 5-2.**  
Penalty for violation of laws, ordinances.

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The municipal court judge may punish for any violation of a town ordinance or law by fine not exceeding \$1,000.00 or by imprisonment not to exceed 180 days.

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**SECTION 5-3.**  
Sentence for contempt.

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When sitting as a court, the municipal court judge shall have the power to punish for contempt by fine not exceeding \$500.00, by imprisonment in the manner prescribed aforesaid not exceeding 180 days, or by one or both, or any part thereof, in the discretion of the presiding officer.

593

**SECTION 5-4.**

594

Warrants; form, scope, execution;

595

municipal court judge's authority to hear evidence, grant bond.

596

(a) The municipal court judge shall be authorized to issue warrants for any offense under any

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law or ordinance of the Town of McIntyre or this state and when the offense is against state

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laws and not covered by municipal law or ordinance may hear evidence and commit to jail

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or take bond for appearance before the grand jury or a state court having jurisdiction to try

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the same. If the offense charged in the warrant is one against any law or ordinance of the

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Town of McIntyre, the arresting officer shall carry the same before the municipal court,

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where same shall be disposed of as other cases of arrest not under warrant.

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(b) All warrants issued by the municipal court judge, or anyone authorized to preside in the

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municipal court, shall be directed to the "Chief of Police of the Town of McIntyre, any police

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officer or marshal thereof, and to all and singular the sheriffs, deputy sheriffs and constables

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of the State of Georgia," and any one of said officers shall have authority to execute warrants.

607

**SECTION 5-5.**

608

Rules of practice in municipal court.

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The rules of practice in the municipal court, so far as practicable, shall be the same as the

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rules of practice in the superior courts of this state.

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**SECTION 5-6.**

612

Witnesses.

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The municipal court judge, or any authorized presiding officer of the municipal court, shall

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have power and authority to subpoena witnesses to attend the municipal court under the same

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rules and regulations that regulate and govern the superior courts of this state, to compel

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attendance, and to punish any witness who has been duly subpoenaed and fails to attend

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under the provisions heretofore provided for contempt.

618

**SECTION 5-7.**

619

Appearance bonds; posting, forfeiture, execution.

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(a) Any police officer of the Town of McIntyre shall release any person arrested for a

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violation of any law, regulation, or rule of said municipal government upon such person

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posting bonds payable to the Town of McIntyre in the amount and surety approved as

623 directed by the municipal court judge, conditioned for the appearance of such persons before  
624 the municipal court at the time and place specified in said bond and from time to time until  
625 he or she shall have been tried for the offense for which charged.

626 (b) If any person so released under appearance bond shall fail to appear for trial at the time  
627 named therein, such bond shall be forfeited and a rule nisi shall be issued requiring such  
628 person or the surety upon such bond to show cause before court, at a time not less than ten  
629 days from the date of such rule, why such bond shall not be absolutely forfeited. Copies of  
630 such rule shall be served upon such person or to whom it shall be directed at least five days  
631 before the return day thereof, provided such person or persons are residents of the town, and  
632 such service may be made personally or by mailing a written notice to such person or persons  
633 at their last known address.

634 (c) At the time such rule is made returnable and no sufficient cause is shown, the forfeiture  
635 of said bond shall be final and absolute, and execution shall issue for the full amount thereof  
636 and all costs against the principal and sureties thereon or such of them as shall have been  
637 served. Such execution shall be signed by the clerk of the Town of McIntyre and the  
638 municipal court judge and shall be directed to all police officers of said town and to all and  
639 singular the sheriffs and constables of this state, and the same when so issued shall be a lien  
640 upon all property, real or personal, of such parties and of binding effect upon such property  
641 of the defendants therein as if the same were issued upon judgments in the superior courts  
642 and shall be levied by any officer to whom it shall be directed.

643 (c) Any police officer of said town, when the emergency of the occasion demands it, may  
644 require cash bonds for the appearance of such arrested person or persons, and upon their  
645 failure to appear at trial thereof, said cash bond may, in the discretion of the town municipal  
646 court judge, be regarded as a fine and so assessed by said judge.

647 **SECTION 5-8.**

648 Ministerial officers of municipal court – attendance, duties.

649 The ministerial officers of the municipal court shall be the police of the Town of McIntyre  
650 to whom all processes shall be directed. Said officers or a sufficient number shall attend the  
651 sessions of the court for the purpose of executing the orders of said court and shall do and  
652 perform such duties connected with said court as may be required of them.

653 **SECTION 5-9.**

654 Rights of appeal.

655 Any person convicted before the municipal court judge shall have the right to enter an appeal  
656 from the judgment of said court to the Superior Court of Wilkinson County.

657 **ARTICLE VI**  
658 **TAXATION, FINANCE, AND REVENUE**

659 **SECTION 6-1.**

660 Fiscal year.

661 The fiscal year of the town shall be fixed by ordinance or resolution of the mayor and  
662 aldermen, duly entered upon the minutes.

663 **SECTION 6-2.**

664 Budget.

665 No expenditures of money shall be expended by the mayor and aldermen until a fiscal year  
666 budget has been adopted. The budget shall include in its anticipation for the ensuing fiscal  
667 year a sum not to exceed the normal revenue collections of the town anticipated from all  
668 sources during the ensuing year. The mayor and aldermen shall appropriate a sum sufficient  
669 to pay the annual debt service, including sinking fund and interest on bonded indebtedness,  
670 which sum shall not be diverted to any other department or departments by the mayor and  
671 aldermen during the year. Should the revenue of the town be less than the amount  
672 anticipated, it shall be the duty of the mayor and aldermen to amend the budget in order to  
673 reflect such decreased revenue. In the event the revenue of the town is greater than the  
674 amount anticipated, and such increase is definite and reasonably certain, the mayor and  
675 aldermen may amend the budget in order to reflect such increase in revenue.

676 **SECTION 6-3.**

677 Deficits.

678 If at any time during the year expenses exceed revenues and a deficit is created, it shall be  
679 the duty of the mayor and aldermen, before appropriating any other sum for any other  
680 purpose, to appropriate a sufficient sum to immediately discharge any such deficit which has  
681 occurred.

682 **SECTION 6-4.**

683 Borrowing money authorized.

684 The mayor and aldermen shall have authority to borrow money to meet casual deficiencies  
685 in the revenues of the town; provided, however, that loans negotiated for such purpose shall  
686 not extend over a period longer than 12 months and shall be repaid from the revenues of the  
687 current year, for which provision shall be made by tax levy.

688 **SECTION 6-5.**

689 Annual audit of finances required; publication.

690 The mayor and aldermen, at the end of each fiscal year, shall have an annual audit conducted  
691 by a certified public accountant, covering all financial transactions entered into by said  
692 mayor and aldermen or by any board, commission, agency, department, or officer of the town  
693 in behalf of the town for that year. When such audit has been completed, it shall be adopted  
694 by the mayor and aldermen, and an official copy placed in the clerk's office.

695 **SECTION 6-6.**

696 Taxes; authority to levy, provide for collection.

697 The mayor and aldermen of said town shall have power and authority to levy and collect an  
698 ad valorem tax upon all property, real and personal, within the corporate limits of the town  
699 which is taxable under the laws of this state, and to provide the manner in which the same  
700 shall be collected.

701 **SECTION 6-7.**

702 Payment of taxes and licenses.

703 The mayor and aldermen of said town shall have power and authority to prescribe the time  
704 when all business and occupation taxes and licenses shall be paid to the town.

705 **SECTION 6-8.**

706 Collection of delinquent taxes and fees.

707 The board of aldermen by resolution may provide generally for the collection of delinquent  
708 taxes, fees, or other revenue due the town under this charter by whatever reasonable means  
709 as are not precluded by law. This shall include providing for the dates when the taxes or fees

710 are due; late penalties or interest; issuance and execution of tax fi. fa.; creation and priority  
 711 of liens; making delinquent taxes and fees personal debts of the persons required to pay the  
 712 taxes or fees imposed; revoking city licenses for failure to pay any city taxes or fees; and  
 713 providing for the assignment or transfer of tax executions.

714 **SECTION 6-9.**

715 Bond issues, elections for public improvements.

716 The mayor and aldermen of said town shall have the power and authority to order elections  
 717 at various times to determine the issue of bonds, and to issue and or hypothecate bonds in  
 718 accordance therewith, for all public improvements as they may deem necessary. They may  
 719 issue the same for the purpose of purchasing, building, or enlarging the waterworks and  
 720 sewer system of the town, to establish a light plant, to erect a town hall where the public  
 721 business of the town shall be transacted, to curb and pave the streets, to purchase sites, erect  
 722 and equip public school buildings, and for any such other public improvements as they may  
 723 deem proper; and they shall provide how the public debt of the town shall be paid and may  
 724 constitute such sinking fund for that purpose, if they may deem it necessary.

725 **SECTION 6-10.**

726 Tax levy to amortize bond authorized; interest coupons.

727 The mayor and aldermen of said town are hereby authorized and empowered to levy, assess,  
 728 and collect annually a sufficient tax upon and from the taxable property in said town, real and  
 729 personal, to pay the principal and interest on bonds as they shall become due. This tax shall  
 730 be separately assessed, levied, and collected for the specific purpose designated in this  
 731 section and shall not be used or applied to any other purpose whatever. Said mayor and  
 732 aldermen are hereby authorized and empowered to issue interest coupons payable annually  
 733 for the interest of said bonds. Any money received and collected under this charter and  
 734 remaining after the payment of maturing interest coupons and bonds shall be held by the  
 735 mayor and aldermen as a sinking fund for the payment of the bonds and interest maturing the  
 736 next year.

737 **SECTION 6-11.**

738 Execution, registration, sale of bonds.

739 Any bond issued pursuant to the authority in this charter shall be signed by the mayor and  
 740 clerk of said town and registered and sold in manner and in such sums and at such times as

741 the mayor and board of aldermen may determine for the best interest of said town and the  
742 speedy execution of the objects thereof.

743 **ARTICLE VII**  
744 **MISCELLANEOUS**  
745 **SECTION 7-1.**  
746 **Terms of officers.**

747 All present officers of said town shall hold their offices until the expiration of their present  
748 terms and until their successors are elected and qualified, except as herein provided. An  
749 election shall be held on the first Tuesday after the first Monday in November, 2011, for the  
750 purpose of electing a mayor and five aldermen. The mayor and five candidates for aldermen  
751 shall serve for a term of four years and until their successors are elected and qualified.  
752 Beginning on the first Tuesday after the first Monday in November, 2011, and every four  
753 years thereafter, an election shall be held to elect the successors to the mayor and aldermen  
754 whose terms expire the first day in January of the year next following such election. The  
755 successors to the mayor and aldermen elected in 2011 and all future successors shall take  
756 office on the first day of January in the year next following their election and shall serve a  
757 term of four years and until their successors are elected and qualified. The mayor and  
758 aldermen shall enter upon the discharge of their respective offices as soon as they take the  
759 oath of office after election.

760 **SECTION 7-2.**  
761 **Existing ordinances preserved.**

762 This Act shall not abolish any of the ordinances now in effect in said town except where they  
763 are in conflict with this charter, but the same shall be preserved and continued.

764 **SECTION 7-3.**  
765 **Existing acts preserved.**

766 All other Acts heretofore approved by the General Assembly relating to the Town of  
767 McIntyre, except such part or parts thereof as may be in conflict with this charter and except  
768 for the Acts specifically repealed herein, shall be and they are hereby continued in operation,  
769 confirmed, and consolidated with and made a part of this charter.

770 **SECTION 7-4.**

771 Severability.

772 If any provision of this Act shall be held to be unconstitutional, such provision only shall be  
773 invalid, and all other parts of this Act shall not be affected thereby but shall remain in full  
774 force and effect.

775 **SECTION 7-5.**

776 Specific repealer.

777 An Act incorporating the Town of McIntyre approved March 30, 1971 (Ga. L. 1971, p.  
778 2370), as amended, is repealed in its entirety.

779 **SECTION 7-6.**

780 General repealer.

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