

House Bill 582

By: Representative Hanner of the 148th

A BILL TO BE ENTITLED
AN ACT

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

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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ARTICLE I
INCORPORATION AND POWERS
SECTION 1.10.

Name.

27 This town 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 Town of Parrott, Georgia, and by that name shall have perpetual existence.

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SECTION 1.11.
Corporate boundaries.

32 (a) The boundaries of this town 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 town at all times shall be shown on a map to be
35 retained permanently in the Town of Parrott Town Hall and to be identified by the town clerk
36 as Official Map of the Corporate Limits of the Town of Parrott, Georgia. A photographic,
37 typed, or other copy of such map or description certified by the Town of Parrott shall be
38 admitted as evidence in all courts and shall have the same force and effect as with the
39 original map or description.

40 (b) The town 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.

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SECTION 1.12.
Powers and construction.

45 (a) This town shall have all powers possible for a town 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 town 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 town shall be construed liberally in favor of the town. The specific
50 mention or failure to mention particular powers shall not be construed as limiting in any way
51 the powers of this town.

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

125 (19) Municipal property protection. To provide for the preservation and protection of
126 property and equipment of the town and the administration and use of same by the public
127 and to prescribe penalties and punishment for violations thereof.

128 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
129 of public utilities, including, but not limited to, a system of waterworks, sewers and drains,
130 sewage disposal, gas works, electric light plants, cable television, and other
131 telecommunications, transportation facilities, public airports, and any other public utility;
132 to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties; and to
133 provide for the withdrawal of service for refusal or failure to pay the same.

134 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or
135 private property.

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

138 (23) Planning and zoning. To provide comprehensive town planning for development by
139 zoning and to provide subdivision regulation and the like as the town council deems
140 necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community.

141 (24) Police and fire protection. To exercise the power of arrest through duly appointed
142 police and to establish, operate, or contract for a police and a fire fighting agency.

143 (25) Public hazards: removal. To provide for the destruction and removal of any building
144 or other structure which is or may become dangerous or detrimental to the public.

145 (26) Public improvements. To provide for the acquisition, construction, building,
146 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
147 cemeteries, markets and market houses, public buildings, libraries, public housing, airports,
148 hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
149 recreational, conservation, sport, curative, corrective, detention, penal, and medical
150 institutions, agencies, and facilities; to provide any other public improvements, inside or
151 outside the corporate limits of the town; and to regulate the use of public improvements;
152 and for such purposes, property may be acquired by condemnation under procedures
153 provided by the Official Code of Georgia Annotated as the same shall exist from time to
154 time.

155 (27) Public peace. To provide for the prevention and punishment of drunkenness, riots,
156 and public disturbances.

157 (28) Public transportation. To organize and operate such public transportation systems as
158 are deemed beneficial.

159 (29) Public utilities and services. To grant franchises or make contracts for or impose
160 taxes on public utilities and public service companies and to prescribe the rates, fares,
161 regulations, standards, and conditions of service applicable to the service to be provided

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

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

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

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

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

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

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

198 (36) Special assessments. To levy and provide for the collection of special assessments
199 to cover the costs for any public improvements.

200 (37) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
201 and collection of taxes on all property subject to taxation.

202 (38) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
203 future by law.

204 (39) Taxicabs. To regulate and license vehicles operated for hire in the town; to limit the
205 number of such vehicles; to require the operators thereof to be licensed; to require public
206 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
207 regulate the parking of such vehicles.

208 (40) Urban redevelopment. To organize and operate an urban redevelopment program.

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

220 **SECTION 1.14.**

221 Exercise of powers.

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

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ARTICLE II

227

GOVERNMENT STRUCTURE

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SECTION 2.10.

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Town council creation; number; election.

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

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SECTION 2.11.

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Town council; terms and qualifications for office.

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

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SECTION 2.12.

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Vacancy; filling of vacancies.

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(a) Vacancies - The office of mayor or council member shall become vacant upon the occurrence of any event specified by the Constitution, Title 45 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted; provided, however, that the office of mayor or council member shall become vacant upon the unexcused absence of the holder of the office from four consecutive regularly scheduled meetings of the town council. Excused absences shall be granted by a majority vote of the remaining town council members and the mayor as provided in Section 2.21 of this charter and shall be entered upon the minutes of the council meeting.

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(b) Filling of Vacancies - A vacancy in the office of council member shall be filled for the remainder of the unexpired term, if any, by appointment by the remaining council members. A vacancy in the office of mayor shall be filled by the mayor pro tem. The council shall appoint a council member to serve the remainder of the unexpired term of the position vacated by the mayor pro tem.

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SECTION 2.13.

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Compensation and expenses.

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The mayor and council members shall receive compensation and expenses for their services

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as provided by ordinance.

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SECTION 2.14.

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Conflicts of interest.

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

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

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(b) Neither the mayor nor any member of the town council shall vote upon, sign, or veto any

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

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SECTION 2.15.

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Inquiries and investigations.

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Following the adoption of an authorizing resolution, the town council may make inquiries

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and investigations into the affairs of the town and the conduct of any department, office, or

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

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

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a lawful order issued in the exercise of these powers by the town council shall be punished

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as provided by ordinance.

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SECTION 2.16.

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General power and authority of the town council.

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Except as otherwise provided by law or this charter, the town council shall be vested with

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all the powers of government of this town as provided by Article I of this charter.

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SECTION 2.17.

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Eminent domain.

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The town council is hereby empowered to acquire, construct, operate, and maintain public

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ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,

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sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports,

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hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional,

286 penal and medical institutions, agencies, and facilities and any other public improvements
 287 inside or outside the town and to regulate the use thereof and for such purposes, property
 288 may be condemned under procedures established under general law applicable now or as
 289 provided in the future.

290 **SECTION 2.18.**

291 Organizational meetings.

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

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

307 **SECTION 2.19.**

308 Regular and special meetings.

309 (a) The town council shall hold regular meetings at such times and places as shall be
 310 prescribed by ordinance.

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

318 member's presence. Only the business stated in the call may be transacted at the special
319 meeting.

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

324 **SECTION 2.20.**

325 Rules of procedure.

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

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

332 **SECTION 2.21.**

333 Quorum; voting.

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

343 **SECTION 2.22.**

344 Ordinance form; procedures.

345 (a) Every proposed ordinance should be introduced in writing and in the form required for
346 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
347 enacting clause shall be "It is hereby ordained by the governing authority of the Town of
348 Parrott," and every ordinance shall so begin.

349 (b) An ordinance may be introduced by any council member and be read at a regular or
350 special meeting of the town council. Ordinances shall be considered and adopted or rejected
351 by the town council in accordance with the rules which it shall establish. Except for
352 emergency ordinances, all ordinances shall have two separate readings; provided, however,
353 the town council may dispense with the second reading with the unanimous consent of the
354 members present. Upon introduction of any ordinance, the clerk shall as soon as possible
355 distribute a copy to the mayor and to each council member and shall file a reasonable number
356 of copies in the office of the town clerk and at such other public places as the town Council
357 may designate.

358 **SECTION 2.23.**

359 Action requiring an ordinance.

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

362 **SECTION 2.24.**

363 Emergencies.

364 (a) To meet a public emergency affecting life, health, property, or public peace, the town
365 council may convene on call of the mayor or three council members and promptly adopt an
366 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
367 franchise; regulate the rate charged by any public utility for its services; or authorize the
368 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
369 shall be introduced in the form prescribed for ordinances generally, except that it shall be
370 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
371 a declaration stating that an emergency exists and describing the emergency in clear and
372 specific terms. An emergency ordinance may be adopted, with or without amendment, or
373 rejected at the meeting at which it is introduced, but the affirmative vote of at least three
374 council members shall be required for adoption. It shall become effective upon adoption or
375 at such later time as it may specify. Every emergency ordinance shall automatically stand
376 repealed 30 days following the date upon which it was adopted, but this shall not prevent
377 re-enactment of the ordinance in the manner specified in this section if the emergency still
378 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
379 in the same manner specified in this section for adoption of emergency ordinances.

380 (b) Such meetings shall be open to the public to the extent required by law, and notice to the
381 public of emergency meetings shall be made as fully as is reasonably possible in accordance

382 with Code Section 50-14-1 of the O.C.G.A., or such other applicable laws as are or may
383 hereafter be enacted.

384 **SECTION 2.25.**

385 Codes of technical regulations.

386 (a) The town council may adopt any standard code of technical regulations by reference
387 thereto in an adopting ordinance. The procedure and requirements governing such adopting
388 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements
389 of Section 2.22(b) of this charter for distribution and filing of copies of the ordinance shall
390 be construed to include copies of any code of technical regulations, as well as the adopting
391 ordinance; and (2) a copy of each adopted code of technical regulations as well as the
392 adopting ordinance, shall be authenticated and recorded by the town clerk pursuant to Section
393 2.20 of this charter.

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

396 **SECTION 2.26.**

397 Signing; authenticating; recording; codification; printing.

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

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

408 (c) The town council shall cause each ordinance and each amendment to this charter to be
409 printed promptly following its adoption, and the printed ordinances and charter amendments
410 shall be made available for purchase by the public at reasonable prices to be fixed by the
411 town council. Following publication of the first code under this charter and at all times
412 thereafter, the ordinances and charter amendments shall be printed in substantially the same
413 style as the code currently in effect and shall be suitable in form for incorporate therein. The
414 town council shall make such further arrangements as deemed desirable with reproduction

415 and distribution of any current changes in or additions to codes of technical regulations and
 416 other rules and regulations included in the code.

417 **SECTION 2.27.**

418 Chief executive officer.

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

422 **SECTION 2.28.**

423 Powers and duties of mayor.

424 As the chief executive of this town, the mayor shall:

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

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SECTION 2.29.

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Mayor pro tempore; selection; duties.

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

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ARTICLE III

452

ADMINISTRATIVE AFFAIRS

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SECTION 3.10.

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Administrative and service departments.

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

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

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

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

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(e) All appointive officers, directors, and department heads under the supervision of the mayor shall be nominated by the mayor with confirmation of appointment by the town council. All appointive officers, directors, and department heads shall be employees-at-will and subject to removal or suspension at any time by the mayor unless otherwise provided by law or ordinance.

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SECTION 3.11.

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Boards, commissions, and authorities.

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

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

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

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

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

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

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

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

504 **SECTION 3.12.**

505 Town attorney.

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

514 **SECTION 3.13.**

515 Town clerk.

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

520 **SECTION 3.14.**

521 Personnel policies.

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

524 **ARTICLE IV**
525 **JUDICIAL BRANCH**

526 **SECTION 4.10.**

527 Municipal court creation.

528 There shall be a court to be known as the municipal court of the Town of Parrott.

529

SECTION 4.11.

530

Chief judge; associate judge.

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

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

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

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

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

544

SECTION 4.12.

545

Convening.

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

547

SECTION 4.13.

548

Jurisdiction; powers.

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

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

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

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

- 560 (e) The municipal court shall have authority to establish bail and recognizance to ensure the
 561 presence of those charged with violations before said court, and shall have discretionary
 562 authority to accept cash or personal or real property as surety for the appearance of persons
 563 charged with violations. Whenever any person shall give bail for that person's appearance
 564 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
 565 presiding at such time, and an execution issued thereon by serving the defendant and the
 566 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the
 567 event that cash or property is accepted in lieu of bond for security for the appearance of a
 568 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
 569 the cash so deposited shall be on order of the judge declared forfeited to the town, or the
 570 property so deposited shall have a lien against it for the value forfeited which lien shall be
 571 enforceable in the same manner and to the same extent as a lien for town property taxes.
- 572 (f) The municipal court shall have the same authority as superior courts to compel the
 573 production of evidence in the possession of any party; to enforce obedience to its orders,
 574 judgments, and sentences; and to administer such oaths as are necessary.
- 575 (g) The municipal court may compel the presence of all parties necessary to a proper
 576 disposal of each case by the issuance of summonses, subpoenas, and warrants which may be
 577 served as executed by any officer as authorized by this charter or by law.
- 578 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of
 579 persons charged with offenses against any ordinance of the town, and each judge of the
 580 municipal court shall have the same authority as a magistrate of the state to issue warrants
 581 for offenses against state laws committed within the town.

582 **SECTION 4.14.**

583 Certiorari.

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

588 **SECTION 4.15.**

589 Rules for court.

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

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

597 **SECTION 4.16.**

598 Indigent defense and prosecutor.

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

606 **ARTICLE V**

607 **ELECTIONS AND REMOVAL**

608 **SECTION 5.10.**

609 Applicability of general law.

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

612 **SECTION 5.11.**

613 Regular elections; time for holding.

614 Elections for mayor and town council shall be held on the Tuesday following the first
615 Monday in November of each election year. Beginning in 2011 and every four years
616 thereafter there shall be an election for mayor and council members.

617 **SECTION 5.12.**

618 Non-partisan elections.

619 Political parties shall not conduct primaries for town offices, and names of all candidates for
620 town offices shall be listed without party designations.

621 **SECTION 5.13.**

622 Election by plurality.

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

624 The persons receiving the highest number of votes cast for town council positions shall be
625 elected.

626 **SECTION 5.14.**

627 Other provisions.

628 Except as otherwise provided by this charter, the town council shall, by ordinance, prescribe
629 such rules and regulations it deems appropriate to fulfill any options and duties required by
630 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter
631 amended.

632 **SECTION 5.15.**

633 Removal of officers.

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

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

639 (1) Following a hearing at which an impartial panel shall render a decision. In the event
640 an elected officer is sought to be removed by the action of the town council, such officer
641 shall be entitled to a written notice specifying the ground or grounds for removal and to a
642 public hearing which shall be held not less than 10 days after the service of such written
643 notice. The town council shall provide by ordinance for the manner in which such hearings
644 shall be held. Any elected officer sought to be removed from office as provided shall in
645 this paragraph have the right of appeal from the decision of the town council to the
646 Superior Court of Terrell County. Such appeal shall be governed by the same rules as
647 govern appeals to the superior court from the probate court; or

648 (2) By an order of the Superior Court of Terrell County following a hearing on a complaint
649 seeking such removal brought by any resident of the Town of Parrott.

679

SECTION 6.14.

680

Franchises.

681 (a) The town council shall have the power to grant franchises for the use of this town's
 682 streets and alleys for the purposes of railroads, street railways, telephone companies, electric
 683 companies, electric membership corporations, cable television and other telecommunications
 684 companies, gas companies, transportation companies, and other similar organizations. The
 685 town council shall determine the duration, terms, whether the same shall be exclusive or
 686 nonexclusive, and the consideration for such franchises; provided, however, no franchise
 687 shall be granted for a period in excess of 35 years, and no franchise shall be granted unless
 688 the town receives just and adequate compensation therefor. The town council shall provide
 689 for the registration of all franchises with the town clerk in a registration book kept by the
 690 town clerk. The town council may provide by ordinance for the registration within a
 691 reasonable time of all franchises previously granted.

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

697

SECTION 6.15.

698

Service charges.

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

704

SECTION 6.16.

705

Special assessments.

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

711 **SECTION 6.17.**

712 Construction; other taxes and fees.

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

716 **SECTION 6.18.**

717 Collection of delinquent taxes and fees.

718 The town council, by ordinance, may provide generally for the collection of delinquent taxes,
719 fees, or other revenue due the town under Sections 6.10 through 6.17 of this charter by
720 whatever reasonable means as are not precluded by law. This shall include providing for the
721 dates when the taxes or fees are due; late penalties or interest; issuance and execution of
722 fi.fa.'s, creation and priority of liens; making delinquent taxes and fees the personal debts of
723 the persons required to pay the taxes or fees imposed; revoking town permits for failure to
724 pay any town taxes or fees; and the assignment or transfer of tax executions.

725 **SECTION 6.19.**

726 General obligation bonds.

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

731 **SECTION 6.20.**

732 Revenue bonds.

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

736 **SECTION 6.21.**

737 Short-terms loans.

738 The town may obtain short-term loans and must repay such loans not later than December
739 31 of each year, unless otherwise provided by law.

740 **SECTION 6.22.**

741 Lease-purchase contracts.

742 The town may enter into multi-year lease, purchase or lease purchase contracts for the
743 acquisition of goods, materials, real and personal property, services, and supplies provided
744 the contract terminates without further obligation on the part of the municipality at the close
745 of the calendar year in which it was executed and at the close of each succeeding calendar
746 year for which it may be renewed. Contracts must be executed in accordance with the
747 requirements of Code Section 36-60-13 of the O.C.G.A. or other such applicable laws as are
748 or may hereafter be enacted.

749 **SECTION 6.23.**

750 Fiscal year.

751 The town council shall set the fiscal year by ordinance. This fiscal year shall constitute the
752 budget year and the year for financial accounting the reporting of each and every office,
753 department, agency, and activity of the town government.

754 **SECTION 6.24.**

755 Preparation of budgets.

756 The town council shall provide an ordinance on the procedures and requirements for the
757 preparation and execution of an annual operating budget, a capital improvement plan, and
758 a capital budget, including requirements as to the scope, content, and form of such budgets
759 and plans.

760 **SECTION 6.25.**

761 Submission of operating budget to town council.

762 On or before a date fixed by the town council, but not later than 60 days prior to the
763 beginning of each fiscal year, the mayor shall submit to the town council a proposed

764 operating budget for the ensuing fiscal year. The budget shall be accompanied by a message
 765 from the mayor containing a statement of the general fiscal policies of the town, the
 766 important features of the budget, explanations of major changes recommended for the next
 767 fiscal year, a general summary of the budget, and such other pertinent comments and
 768 information. The operating budget and the capital budget required by this Article, the budget
 769 message, and all supporting documents shall be filed in the office of the town clerk and shall
 770 be open to public inspection.

771 **SECTION 6.26.**

772 Action by town council on budget.

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

778 (b) The town council, by ordinance, shall adopt the final operating budget for the ensuing
 779 fiscal year not later than the first day of the fiscal year. If the town council fails to adopt the
 780 budget by this date, the amounts appropriated for operation for the current fiscal year shall
 781 be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items
 782 prorated accordingly until such time as the town council adopts a budget for the ensuing
 783 fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting
 784 out the estimated revenues in detail by sources and making appropriations according to fund
 785 and by organizational unit, purpose, or activity as set out in the budget preparation ordinance
 786 adopted pursuant to Section 6.24 of this charter.

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

791 **SECTION 6.27.**

792 Tax levies.

793 The town council shall levy by ordinance such taxes as are necessary. The taxes and tax
 794 rates set by such ordinance shall be such that reasonable estimates of revenues from such
 795 levy shall at least be sufficient, together with other anticipated revenues, fund balances, and
 796 applicable reserves, to equal the total amount appropriated for each of the several funds set

797 forth in the annual operating budget for defraying the expenses of the general government
798 of this town.

799 **SECTION 6.28.**

800 Changes in appropriations.

801 The town council, by ordinance, may make changes in the appropriations contained in the
802 current operating budget, at any regular meeting or special or emergency meeting called for
803 such purpose, but any additional appropriations may be made only from an existing
804 unexpended surplus.

805 **SECTION 6.29.**

806 Independent audit.

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

812 **SECTION 6.30.**

813 Contracting procedures.

814 No contract with the town shall be binding on the town unless:

- 815 (1) It is in writing;
- 816 (2) It is drawn by or submitted and reviewed by the town attorney, and as a matter of
817 course, is signed by the town attorney to indicate such drafting or review; and
- 818 (3) It is made or authorized by the town council, and such approval is entered in the town
819 council journal of proceedings pursuant to Section 2.20 of this charter.

820 **SECTION 6.31.**

821 Centralized purchasing.

822 The town council, by ordinance, shall prescribe procedures for a system of centralized
823 purchasing for the town.

824

SECTION 6.32.

825

Sale and lease of town property.

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

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

832 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
833 of the town a small parcel or tract of land is cut off or separated by such work from a larger
834 tract or boundary of land owned by the town, the town council may authorize the mayor to
835 sell and convey said cut off or separated parcel or tract of land to an abutting or adjoining
836 property owner or owners where such sale and conveyance facilitates the enjoyment of the
837 highest and best use of the abutting owner's property. Included in the sales contract shall be
838 a provision for the rights of way of said street, avenue, alley, or public place. Each abutting
839 property owner shall be notified of the availability of the property and given the opportunity
840 to purchase said property under such terms and conditions as set out by ordinance. All deeds
841 and conveyances heretofore and hereafter so executed and delivered shall convey all title and
842 interest the town has in such property, notwithstanding the fact that no public sale after
843 advertisement was or is hereafter made.

844

ARTICLE VII

845

GENERAL PROVISIONS

846

SECTION 7.10.

847

Bonds for officials.

848 The officers and employees of this town, both elective and appointive, shall execute such
849 surety or fidelity bonds in such amounts and upon such terms and conditions as the town
850 council shall from time to time require by ordinance or as may be provided by law.

851

SECTION 7.11.

852

Prior ordinances.

853 All ordinances, resolutions, rules, and regulations now in force in the town and not
854 inconsistent with this charter are hereby declared valid and of full effect and force until
855 amended or repealed by the town council.

856 **SECTION 7.12.**

857 Existing personnel and officers.

858 Except as specifically provided otherwise by this charter, all personnel and officers of the
859 town and their rights, privileges, and powers shall continue beyond the time this charter takes
860 effect for a period of 180 days before or during which the existing town council shall pass
861 a transition ordinance detailing the changes in personnel and appointive officers required or
862 desired and arranging such titles, rights, privileges, and powers as may be required or desired
863 to allow a reasonable transition.

864 **SECTION 7.13.**

865 Pending matters.

866 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
867 contracts, and legal or administrative proceedings shall continue, and any such ongoing work
868 or cases shall be completed by such town agencies, personnel, or offices as may be provided
869 by the town council.

870 **SECTION 7.14.**

871 Construction.

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

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

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

877 **SECTION 7.15.**

878 Severability.

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

885 **SECTION 7.16.**

886 Repealer.

887 An Act incorporating the Town of Parrott in the County of Terrell, State of Georgia,
888 approved September 26, 1889 (Ga.L. 1888-89, p. 384), as amended, is repealed in its
889 entirety; and all amendatory acts thereto are likewise repealed in their entirety.

890 **SECTION 7.17.**

891 Effective date.

892 This Act shall become effective on the first day of the month following the month in which
893 it is approved by the Governor or becomes law without such approval.

894 **SECTION 7.18.**

895 General repealer.

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