

House Bill 496 (AS PASSED HOUSE AND SENATE)

By: Representative Burns of the 157th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the Town of Hiltonia; 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:

23 ARTICLE I

24 INCORPORATION AND POWERS

25 SECTION 1.10.

26 Name.

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

30 SECTION 1.11.

31 Corporate boundaries.

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

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

44 SECTION 1.12.

45 Powers and construction.

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

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

53 (c) The powers of the government of the Town of Hiltonia to be exercised by the mayor and
 54 council shall include, but not be limited to, the following:

- 55 (1) Animal regulations. To regulate and license or to prohibit the keeping or running at
56 large of animals and fowl and to provide for the impoundment of same if in violation of
57 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane
58 destruction of animals and fowl when not redeemed as provided by ordinance; and to
59 provide punishment for violation of ordinances enacted under this charter;
- 60 (2) Appropriations and expenditures. To make appropriations for the support of the
61 government of the municipality; to authorize the expenditure of money for any purposes
62 authorized by this charter and for any purpose for which a municipality is authorized by
63 the laws of the State of Georgia; and to provide for the payment of expenses of the
64 municipality;
- 65 (3) Building regulation. To regulate and to license the erection and construction of
66 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,
67 and heating and air conditioning codes; and to regulate all housing and building trades;
- 68 (4) Business regulation and taxation. To levy and to provide for collection of license
69 fees and taxes on privileges, occupations, trades, and professions; to license and regulate
70 the same; to provide for the manner and method of payment of such licenses and taxes;
71 and to revoke such licenses after due process for failure to pay any municipality taxes or
72 fees;
- 73 (5) Condemnation. To condemn property, inside or outside the corporate limits of the
74 municipality, for present or future use and for any corporate purpose deemed necessary
75 by the governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A.
76 or such other applicable laws as are or may hereafter be enacted;
- 77 (6) Contracts. To enter into contracts and agreements with other governmental entities
78 and with private persons, firms, and corporations;
- 79 (7) Emergencies. To establish procedures for determining and proclaiming that an
80 emergency situation exists inside or outside the municipality and to make and carry out
81 all reasonable provisions deemed necessary to deal with or meet such an emergency for
82 the protection, safety, health, or well-being of the citizens of the municipality;
- 83 (8) Environmental protection. To protect and preserve the natural resources,
84 environment, and vital areas of the municipality, the region, and the state through the
85 preservation and improvement of air quality, the restoration and maintenance of water
86 resources, the control of erosion and sedimentation, the management of storm water and
87 establishment of a storm-water utility, the management of solid and hazardous waste, and
88 other necessary actions for the protection of the environment;
- 89 (9) Fire regulations. To fix and establish fire limits and from time to time to extend,
90 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with

91 general law, relating to both fire prevention and detection and to fire fighting; and to
92 prescribe penalties and punishment for violations thereof;

93 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
94 and disposal and other sanitary service charge, tax, or fee for such services as may be
95 necessary in the operation of the municipality from all individuals, firms, and
96 corporations residing in or doing business therein benefiting from such services; to
97 enforce the payment of such charges, taxes, or fees; and to provide for the manner and
98 method of collecting such service charges;

99 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,
100 practice, conduct, or use of property which is detrimental to health, sanitation,
101 cleanliness, welfare, and safety of the inhabitants of the municipality and to provide for
102 the enforcement of such standards;

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

106 (13) Health and sanitation. To prescribe standards of health and sanitation and to
107 provide for the enforcement of such standards;

108 (14) Jail sentences. To provide that persons given jail sentences in the municipal court
109 may work out such sentences in any public works or on the streets, roads, drains, and
110 squares in the municipality, to provide for commitment of such persons to any jail, or to
111 provide for commitment of such persons to any county work camp or county jail by
112 agreement with the appropriate county officials;

113 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control
114 over all traffic, including parking upon or across the streets, roads, alleys, and walkways
115 of the municipality;

116 (16) Municipal agencies and delegation of power. To create, alter, or abolish
117 departments, boards, offices, commissions, and agencies of the municipality and to confer
118 upon such agencies the necessary and appropriate authority for carrying out all the
119 powers conferred upon or delegated to the same;

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

123 (18) Municipal property ownership. To acquire, dispose of, and hold in trust or
124 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
125 outside the property limits of the municipality;

- 126 (19) Municipal property protection. To provide for the preservation and protection of
127 property and equipment of the municipality and the administration and use of same by
128 the public and to prescribe penalties and punishment for violations thereof;
- 129 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
130 of public utilities, including but not limited to a system of waterworks, sewers and drains,
131 sewage disposal, gas works, electric light plants, transportation facilities, public airports,
132 and any other public utility; to fix the taxes, charges, rates, fares, fees, assessments,
133 regulations, and penalties and to provide for the withdrawal of service for refusal or
134 failure to pay the same; and to authorize the extension of water, sewerage, and electrical
135 distribution systems and all necessary appurtenances by which said utilities are
136 distributed inside and outside the corporate limits of the municipality as provided by
137 ordinance;
- 138 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or
139 private property;
- 140 (22) Ordinances, rules, and regulations. To make, establish, and adopt such bylaws,
141 ordinances, policies, and rules and regulations as shall appear necessary for the security,
142 welfare, convenience, and interest of the municipality and the inhabitants thereof and for
143 preserving the health, peace, order, and good government of the municipality;
- 144 (23) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
145 the authority of this charter and the laws of the State of Georgia;
- 146 (24) Planning and zoning. To provide comprehensive municipality planning for
147 development by zoning and to provide subdivision regulation and the like as the
148 municipality council deems necessary and reasonable to ensure a safe, healthy, and
149 esthetically pleasing community;
- 150 (25) Police and fire protection. To exercise the power of arrest through duly appointed
151 peace officers and to establish, operate, or contract for a police and a fire-fighting agency;
- 152 (26) Public hazards: removal. To provide for the destruction and removal of any
153 building or other structure which is or may become dangerous or detrimental to the
154 public;
- 155 (27) Public improvements. To provide for the acquisition, construction, building,
156 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
157 cemeteries, markets and market houses, public buildings, libraries, public housing,
158 airports, hospitals, terminals, docks, and parking facilities or of charitable, cultural,
159 educational, recreational, conservation, sport, curative, corrective, detentive, penal, and
160 medical institutions, agencies, and facilities; to provide any other public improvements
161 inside or outside the corporate limits of the municipality; and to regulate the use of public

162 improvements; and, for such purposes, property may be acquired by condemnation under
163 Title 22 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted;
164 (28) Public peace. To provide for the prevention and punishment of drunkenness, riots,
165 and public disturbances;
166 (29) Public transportation. To organize and operate such public transportation systems
167 as are deemed beneficial;
168 (30) Public utilities and services. To grant franchises or make contracts for public
169 utilities and public services and to prescribe the rates, fares, regulations, and standards
170 and conditions of service applicable to the service to be provided by the franchise grantee
171 or contractor, insofar as such are not in conflict with valid regulations of the Public
172 Service Commission;
173 (31) Regulation of roadside areas. To prohibit or regulate and control the erection,
174 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
175 and all other structures or obstructions upon or adjacent to the rights of way of streets and
176 roads or within view thereof, within or abutting the corporate limits of the municipality,
177 and to prescribe penalties and punishment for violation of such ordinances;
178 (32) Retirement. To provide and maintain a retirement plan for officers and employees
179 of the municipality;
180 (33) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
181 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
182 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
183 walkways within the corporate limits of the municipality; to negotiate and execute leases
184 over, through, under, or across any municipality property or the right of way of any street,
185 road, alley, and walkway or portion thereof within the corporate limits of the municipality
186 for bridges, passageways, or any other purpose or use between buildings on opposite
187 sides of the street and for other bridges, overpasses, and underpasses for private use at
188 such location and to charge a rental therefor in such manner as may be provided by
189 ordinance; to authorize and control the construction of bridges, overpasses, and
190 underpasses within the corporate limits of the municipality; to grant franchises and rights
191 of way throughout the streets and roads and over the bridges and viaducts for the use of
192 public utilities and for private use; and to require real estate owners to repair and
193 maintain in a safe condition the sidewalks adjoining their lots or land and to impose
194 penalties for failure to do so;
195 (34) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
196 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
197 and sewerage system and to levy on those to whom sewers and sewerage systems are
198 made available a sewer service fee, charge, or sewer tax for the availability or use of the

199 sewers; to provide for the manner and method of collecting such service charges and for
200 enforcing payment of the same; and to charge, impose, and collect a sewer connection fee
201 or fees to those connected with the system;

202 (35) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
203 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
204 others and to provide for the separate collection of glass, tin, aluminum, cardboard, paper,
205 and other recyclable materials and to provide for the sale of such items.

206 (36) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
207 the manufacture, sale, or transportation of intoxicating liquors, and the use of firearms;
208 to regulate the transportation, storage, and use of combustible, explosive, and
209 inflammable materials, the use of lighting and heating equipment, and any other business
210 or situation which may be dangerous to persons or property; to regulate and control the
211 conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows
212 of any kind by taxation or otherwise; and to license, tax, regulate, or prohibit professional
213 fortunetelling, palmistry, adult bookstores, and massage parlors;

214 (37) Special assessments. To levy and provide for the collection of special assessments
215 to cover the costs for any public improvements;

216 (38) Taxes: ad valorem. To levy and provide for assessment, valuation, revaluation, and
217 collection of taxes on all property subject to taxation;

218 (39) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
219 future by law.

220 (40) Taxicabs. To regulate and license vehicles operated for hire in the municipality; to
221 limit the number of such vehicles; to require the operators thereof to be licensed; to
222 require public liability insurance on such vehicles in the amounts to be prescribed by
223 ordinance; and to regulate the parking of such vehicles;

224 (41) Urban redevelopment. To organize and operate an urban redevelopment program;
225 and

226 (42) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
227 and immunities necessary or desirable to promote or protect the safety, health, peace,
228 security, good order, comfort, convenience, or general welfare of the municipality and
229 its inhabitants; to exercise all implied powers necessary to carry into execution all powers
230 granted in this charter as fully and completely as if such powers were fully stated herein;
231 and to exercise all powers now or in the future authorized to be exercised by other
232 municipal governments under other laws of the State of Georgia. No listing of particular
233 powers in this charter shall be held to be exclusive of others nor restrictive of general
234 words and phrases granting powers but shall be held to be in addition to such powers

235 unless expressly prohibited to municipalities under the Constitution or applicable laws
236 of the State of Georgia.

237 **SECTION 1.13.**

238 Exercise of powers.

239 All powers, functions, rights, privileges, and immunities of the municipality, its officers,
240 agencies, or employees shall be carried into execution as provided by this charter. If this
241 charter makes no provision, such shall be carried into execution as provided by ordinance or
242 as provided by pertinent laws of the State of Georgia.

243 **ARTICLE II.**

244 **GOVERNMENT STRUCTURE**

245 **DIVISION 1.**

246 **LEGISLATIVE BRANCH**

247 **SECTION 2.10.**

248 Mayor and council--creation; number; election.

249 The legislative authority of the government of this municipality, except as otherwise
250 specifically provided in this charter, shall be vested in a mayor and council to be composed
251 of a mayor and six members of the council. The mayor and councilmembers shall be elected
252 in the manner provided by this charter.

253 **SECTION 2.11.**

254 Mayor and council--terms and qualifications for office.

255 (a) The mayor and council in office on the effective date of this charter shall continue in
256 office until their respective successors are elected and qualified.

257 (b) In 2011, there shall be an election for mayor for a four-year term, three councilmembers
258 for a two-year term, and three councilmembers for a four-year term.

259 (c) Beginning with the election in 2013, the mayor and each member of the council shall
260 serve for terms of four years and until their respective successors are elected and qualified.

261 No person shall be eligible to serve as mayor or councilmember unless such person has been
262 a resident of the municipality for a period of at least 12 months immediately prior to the date
263 of the election of the mayor or members of the council; each shall continue to reside therein
264 during period of service and to be registered and qualified to vote in municipal elections of
265 this municipality.

266

SECTION 2.12.

267

Vacancy; filling of vacancies; suspensions.

268 (a) Vacancies. The office of mayor or councilmember shall become vacant upon the
 269 incumbent's death, resignation, forfeiture of office, or removal from office in any manner
 270 authorized by this charter or the general laws of the State of Georgia. A vacancy in the office
 271 of mayor or councilmember shall be filled for the remainder of the unexpired term, if any,
 272 as provided for in Section 5.14 of this charter.

273 (b) Suspension. Upon the suspension from office of the mayor or a councilmember in any
 274 manner authorized by the general laws of the State of Georgia, the mayor and council or
 275 those remaining shall appoint a successor for the duration of the suspension. If the
 276 suspension becomes permanent, then the office shall become vacant and shall be filled for
 277 the remainder of the unexpired term, if any, as provided for in Section 5.14 of this charter.

278

SECTION 2.13.

279

Mayor and council--compensation and expenses.

280 The mayor and each councilmember shall receive compensation and expenses for their
 281 services as provided by ordinance.

282

SECTION 2.14.

283

Conflicts of interest; holding other offices.

284 (a) Elected and appointed officers of the municipality are trustees and servants of the
 285 residents of the municipality and shall act in a fiduciary capacity for the benefit of such
 286 residents.

287 (b) Conflict of interest. No elected official, appointed officer, or employee of the
 288 municipality or any agency or political entity to which this charter applies shall knowingly:

289 (1) Engage in any business or transaction nor have a financial or other personal interest,
 290 direct or indirect, which is incompatible with the proper discharge of official duties or
 291 which would tend to impair the independence of judgment or action in the performance
 292 of official duties;

293 (2) Engage in or accept private employment or render services for private interests when
 294 such employment or service is incompatible with the proper discharge of official duties
 295 or would tend to impair the independence of judgment or action in the performance of
 296 official duties;

297 (3) Disclose confidential information, including information obtained at meetings which
298 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,
299 government, or affairs of the governmental body by which such official, officer, or
300 employee is engaged without proper legal authorization; or use such information to
301 advance the financial or other private interest of himself or herself or others;

302 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,
303 from any person, firm, or corporation which to such official, officer, or employee's
304 knowledge is interested, directly or indirectly, in any manner whatsoever, in business
305 dealings with the governmental body by which such person is engaged; provided,
306 however, that an elected official who is a candidate for public office may accept
307 campaign contributions and services in connection with any such campaign; provided,
308 further, that an elected official may receive a valuable gift, the value of which may not
309 exceed \$100.00 per quarter of a calendar year nor exceed \$250.00 per calendar year;
310 provided, further, that the same valuable gift must be offered to all councilmembers; and
311 in the event an elected official wishes to accept a gift exceeding these guidelines, then the
312 elected official must obtain a waiver approved by a majority vote of the municipal
313 council; or

314 (5) Represent other private interests in any action or proceeding against this municipality
315 or any portion of its government.

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

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

332 (e) Contracts voidable and rescindable. Any violation of this section which occurs with the
 333 knowledge, express or implied, of a party to a contract or sale shall render said contract or
 334 sale voidable at the option of the mayor and council.

335 (f) Ineligibility of elected official. Except where authorized by law, neither the mayor nor
 336 any councilmember shall hold any other elective or compensated appointive office in the
 337 municipality or otherwise be employed by said government or any agency thereof during the
 338 term for which such person was elected. No former mayor or former councilmember shall
 339 hold any compensated appointive office in the municipality until one year after the expiration
 340 of the term for which such person was elected.

341 (g) Political activities of certain officers and employees. No appointed officer or employee
 342 of the municipality shall continue in such employment upon qualifying as a candidate for
 343 nomination or election to any public office for the Town of Hiltonia.

344 (h) Penalties for violation.

345 (1) Any municipal officer or employee who knowingly conceals such financial interest
 346 or knowingly violates any of the requirements of this section shall be guilty of
 347 malfeasance in office or position and shall be deemed to have forfeited the office or
 348 position.

349 (2) Any officer or employee of the municipality who shall forfeit office or position as
 350 described in paragraph (1) of this subsection shall be ineligible for appointment or
 351 election to or employment in a position in the municipality government for a period of
 352 three years thereafter.

353 **SECTION 2.15.**

354 Inquiries and investigations.

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

360 **SECTION 2.16.**

361 General power and authority of the mayor and council.

362 Except as otherwise provided by other provisions of this charter, the mayor and council shall
 363 exercise that authority and those powers as provided by Article I of this charter.

364 **SECTION 2.17.**

365 Eminent domain.

366 The mayor and council are empowered to acquire, construct, operate, and maintain public
367 ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,
368 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports,
369 hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional,
370 penal and medical institutions, agencies, and facilities; to provide any other public
371 improvements inside or outside the municipality; and to regulate the use thereof; and, for
372 such purposes, property may be condemned under procedures established under Title 22 of
373 the O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

374 **DIVISION 2.**
375 **ORGANIZATION AND PROCEDURES**

376 **SECTION 2.18.**
377 Organizational meetings.

378 The mayor and council shall hold an organizational meeting on the first business day of the
379 new year. The meeting shall be called to order by the municipal clerk and the oath of office
380 shall be administered to the newly elected members as follows:

381 "I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor or
382 councilmember) of this municipality and that I will support and defend the charter thereof
383 as well as the Constitution and laws of the State of Georgia and of the United States of
384 America. I am not the holder of any unaccounted for public money due this state or any
385 political subdivision or authority thereof. I am not the holder of any office of trust under
386 the government of the United States, any other state, or any foreign state which I by the
387 laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold
388 said office according to the Constitution and laws of Georgia. I have been a resident of the
389 Town of Hiltonia for the time required by the Constitution and laws of this state and by the
390 municipal charter. I will perform the duties of my office in the best interest of the Town
391 of Hiltonia to the best of my ability without fear, favor, affection, reward, or expectation
392 thereof."

393

SECTION 2.19.

394

Regular and special meetings.

395 (a) The mayor and council shall hold regular meetings at such times and places as prescribed
396 by ordinance.

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

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

410

SECTION 2.20.

411

Rules of procedure.

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

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

418

SECTION 2.21.

419

Quorum: voting.

420 (a) Four of the councilmembers shall constitute a quorum, which shall not include the
421 mayor, and shall be authorized to transact business of the mayor and council. Voting on the
422 adoption of ordinances shall be by a roll-call vote and such vote shall be recorded in the
423 journal. Except as otherwise provided in this charter, the affirmative vote of four
424 councilmembers (including the mayor's vote in the case of a tie) shall be required for the

425 adoption of any ordinance. Further, except as otherwise provided in this charter, the
 426 affirmative vote of a majority of the quorum present (including the mayor's vote in the case
 427 of a tie) shall be required for the adoption of any resolution or motion. The mayor shall be
 428 empowered to vote in case of a tie vote between the councilmembers in order to break the
 429 tie.

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

435 **SECTION 2.22.**

436 Ordinance form; procedures.

437 (a) Every proposed ordinance shall be introduced in writing and in the form required for
 438 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
 439 enacting clause shall be "The mayor and council of the Town of Hiltonia hereby ordain...."
 440 and every ordinance shall so begin.

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

449 **SECTION 2.23.**

450 Action requiring an ordinance.

451 Acts of the mayor and council which have the force and effect of law shall be enacted by
 452 ordinance.

453

SECTION 2.24.

454

Emergencies.

455 (a) To meet a public emergency affecting life, health, property, or public peace, the mayor
 456 and council may convene on call of the mayor or two councilmembers and promptly adopt
 457 an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
 458 franchise; regulate the rate charged by any public utility for its services; or authorize the
 459 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
 460 shall be introduced in the form prescribed for ordinances generally, except that it shall be
 461 plainly designated as an emergency ordinance, shall contain, after the enacting clause, a
 462 declaration stating that an emergency exists, and shall describe the emergency in clear and
 463 specific terms. An emergency ordinance may be adopted, with or without amendment, or
 464 rejected at the meeting at which it is introduced, but the affirmative vote of at least two
 465 councilmembers shall be required for adoption. It shall become effective upon adoption or
 466 at such later time as it may specify. Every emergency ordinance shall automatically stand
 467 repealed 90 days following the date upon which it was adopted, but this shall not prevent
 468 reenactment of the ordinance in the manner specified in this section if the emergency still
 469 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
 470 in the same manner specified in this section for adoption of emergency ordinances.

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

475

SECTION 2.25.

476

Codes of technical regulations.

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

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

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

486 (b) Copies of any adopted code of technical regulations shall be made available by the clerk
487 for distribution or for purchase at a reasonable price which may include referral to a
488 bookstore or online copy of said materials.

489 **SECTION 2.26.**

490 Signing; authenticating; recording; codification; printing.

491 (a) The clerk shall authenticate by signature and record in full in a properly indexed book
492 kept for that purpose all ordinances adopted by the mayor and council.

493 (b) The mayor and council shall provide for the preparation of a general codification of all
494 the ordinances of the municipality having the force and effect of law. The general
495 codification shall be adopted by the mayor and council by ordinance and shall be published
496 promptly together with all amendments thereto and such codes of technical regulations and
497 other rules and regulations as the mayor and council may specify. This compilation shall be
498 known and cited officially as "The Code of the Town of Hiltonia, Georgia." Copies of the
499 code shall be furnished to all officers, departments, and agencies of the municipality and
500 shall be made available for purchase by the public at a reasonable price as fixed by the
501 council.

502 (c) The mayor and council shall cause each ordinance and each amendment to this charter
503 to be printed promptly following its adoption, and the printed ordinances and charter
504 amendments shall be made available for purchase by the public at reasonable prices to be
505 fixed by the council. Following publication of the first code under this charter and at all
506 times thereafter, the ordinances and charter amendments shall be printed in substantially the
507 same style as the code currently in effect and shall be suitable in form for incorporation
508 therein. The mayor and council shall make such further arrangements as deemed desirable
509 with reproduction and distribution of any current changes in or additions to codes of
510 technical regulations and other rules and regulations included in the code.

511 **SECTION 2.27.**

512 Selection of mayor pro tempore.

513 By a majority vote of all its members, the mayor and council by the second meeting of the
514 new year shall elect a councilmember to serve as mayor pro tempore who shall serve at the
515 pleasure of the mayor and council. The mayor pro tempore shall continue to vote and
516 otherwise participate as a councilmember.

517

SECTION 2.28.

518

Powers and duties of mayor.

519 The mayor shall:

520

(1) Preside at all meetings of the mayor and council;

521

(2) Be the head of the municipality for the purpose of service of process and for ceremonial purposes and shall be the official spokesperson for the municipality and the chief advocate of policy;

522

523

(3) Have power to administer oaths and to take affidavits;

524

525

(4) Sign as a matter of course on behalf of the municipality all written and approved contracts, ordinances, and other instruments executed by the municipality which by law are required to be in writing; and

526

527

(5) Vote on matters before the municipal council only in the case of a tie and not be counted toward a quorum as other councilmembers.

528

529

SECTION 2.29.

530

Mayor pro tempore; duties.

531

532 Upon the mayor's disability or absence, the mayor pro tempore shall preside at all meetings
533 of the mayor and council and shall assume the duties and powers of the mayor. The council
534 by a majority vote shall elect a new presiding officer from among its members for any period
535 in which the mayor pro tempore is disabled, absent, or acting as mayor. Any such absence
536 or disability of the mayor shall be declared by majority vote of the council.

537

ARTICLE III.

538

ADMINISTRATIVE AFFAIRS

539

DIVISION 1.

540

IN GENERAL

541

SECTION 3.10.

542

Administrative and service departments.

543

(a) Except as otherwise provided in this charter, the mayor and council, by ordinance, shall
544 prescribe the functions or duties and establish, abolish, or alter all nonelective offices,
545 positions of employment, departments, and agencies of the municipality as necessary for the
546 proper administration of the affairs and government of this municipality.

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

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

552 (d) There shall be a director of each department or agency who shall be its principal officer.
553 Each director shall be responsible for the administration and direction of the affairs and
554 operations of department or agency.

555 (e) All directors shall be appointed by the mayor and council. All appointed officers and
556 directors shall be employees at will and subject to removal or suspension at any time by the
557 mayor and council unless otherwise provided by law or ordinance.

558 **SECTION 3.11.**

559 Municipal boards, municipal commissions, and municipal authorities.

560 (a) The mayor and council shall create by ordinance such municipal boards, municipal
561 commissions, and municipal authorities to fulfill any investigative, quasi-judicial, or
562 quasi-legislative function the municipal council deems necessary and shall by ordinance
563 establish the composition, period of existence, duties, and powers thereof.

564 (b) All members of municipal boards, municipal commissions, and municipal authorities
565 shall be appointed by the mayor and council for such terms of office and in such manner as
566 shall be provided by ordinance, except where other appointing authority, terms of office, or
567 manner of appointment is prescribed by this charter or by law.

568 (c) The mayor and council, by ordinance, may provide for the compensation and
569 reimbursement for actual and necessary expenses of the members of any municipal board,
570 municipal commission, or municipal authority.

571 (d) Except as otherwise provided by charter or by law, no member of any municipal board,
572 municipal commission, or municipal authority shall hold any elective office in the
573 municipality.

574 (e) Any vacancy on a municipal board, municipal commission, or municipal authority shall
575 be filled for the unexpired term in the manner prescribed in this charter for original
576 appointment, except as otherwise provided by this charter or by law.

577 (f) No member of a municipal board, municipal commission, or municipal authority shall
578 assume office until such member has executed and filed with the clerk of the municipality
579 an oath obligating that member to faithfully and impartially perform the duties of office, such
580 oath to be prescribed by ordinance and administered by the mayor.

581 (g) Any member of a municipal board, municipal commission, or municipal authority may
582 be removed from office for cause by a vote of five members of the council.

583 (h) Except as otherwise provided by this charter or by law, each municipal board, municipal
584 commission, or municipal authority shall elect one of its members as chairperson and one
585 member as vice chairperson and may elect as its secretary one of its own members or may
586 appoint as secretary an employee of the municipality. Each municipal board, municipal
587 commission, or municipal authority may establish such bylaws, rules, and regulations, not
588 inconsistent with this charter, ordinances of the municipality, or law, as it deems appropriate
589 and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such
590 bylaws, rules, and regulations shall be filed with the clerk of the municipality.

591 **DIVISION 2.**

592 **ADMINISTRATIVE OFFICERS**

593 **SECTION 3.12.**

594 **Municipal attorney.**

595 The mayor and council shall appoint a municipal attorney, together with such assistant
596 municipal attorneys as may be authorized, and shall provide for the payment of such attorney
597 or attorneys for services rendered to the municipality. The municipal attorney shall be
598 responsible for representing and defending the municipality in all litigation in which the
599 municipality is a party, may be the prosecuting officer in the municipal court, shall attend the
600 meetings of the mayor and council as directed, shall advise the mayor and council and other
601 officers and employees of the municipality concerning legal aspects of the municipality's
602 affairs, and shall perform such other duties as may be required of the municipal attorney by
603 virtue of position as municipal attorney.

604 **SECTION 3.13.**

605 **Municipal clerk.**

606 The mayor and council shall appoint a municipal clerk who shall not be a councilmember.
607 The municipal clerk shall be custodian of the official town seal, maintain such records as are
608 required by this charter, and perform such other duties as may be required by the mayor and
609 council.

610 **SECTION 3.14.**

611 Municipal accountant.

612 The mayor and council shall appoint a municipal accountant to perform the duties of an
613 accountant.

614 **DIVISION 3.**

615 **PERSONNEL ADMINISTRATION**

616 **SECTION 3.15.**

617 Position classification and pay plans.

618 The mayor and municipal clerk shall be responsible for the preparation of a position
619 classification and pay plan which shall be submitted to the mayor and council for approval.
620 Such plan may apply to all employees of the municipality and any of its agencies,
621 departments, boards, commissions, or authorities. When a pay plan has been adopted, the
622 mayor and council shall not increase or decrease the salary range applicable to any position
623 except by amendment of such pay plan. For purposes of this section, all elected and
624 appointed municipal officials are not municipal employees.

625 **SECTION 3.16.**

626 Personnel policies.

627 The mayor and council shall adopt rules and regulations consistent with this charter
628 concerning:

- 629 (1) The method of employee selection and probationary periods of employment;
- 630 (2) The administration of the position classification and pay plan, methods of promotion
631 and application of service ratings thereto, and transfer of employees within the
632 classification plan;
- 633 (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and
634 the order and manner in which layoffs shall be effected;
- 635 (4) Such dismissal hearings as due process may require; and
- 636 (5) Such other personnel notices as may be necessary to provide for adequate and
637 systematic handling of personnel affairs.

638 ARTICLE IV.
 639 JUDICIAL BRANCH
 640 **SECTION 4.10.**
 641 Creation; name.

642 There shall be a court to be known as the Municipal Court of the Town of Hiltonia.

643 **SECTION 4.11.**
 644 Municipal judge; associate judge.

645 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,
 646 or stand-by judges as shall be provided by the mayor and council. The method of selection
 647 and terms of such judges shall be provided by the mayor and council.

648 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
 649 such person shall have attained the age of 21 years and shall be a member of the State Bar
 650 of Georgia. All judges shall be appointed by the mayor and council.

651 (c) Compensation of the judges shall be fixed by the mayor and council.

652 (d) Judges may be removed for cause by a vote of five members of the council.

653 (e) Before assuming office, each judge shall take an oath, given by the mayor, that he or she
 654 will honestly and faithfully discharge the duties of office to the best of ability and without
 655 fear, favor, or partiality. The oath shall be entered upon the minutes of the journal of the
 656 mayor and council as required in Section 2.20 of this charter.

657 **SECTION 4.12.**
 658 Convening.

659 The municipal court shall be convened at regular intervals.

660 **SECTION 4.13.**
 661 Jurisdiction; powers.

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

664 (b) The municipal court shall have authority to punish those in its presence for contempt,
 665 provided that such punishment shall not exceed \$600.00, 20 days in jail, or both \$600.00 and
 666 20 days in jail.

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

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

674 (e) The municipal court shall have authority to establish bail and recognizances to ensure
 675 the presence of those charged with violations before said court and shall have discretionary
 676 authority to accept cash or personal or real property as surety for the appearance of persons
 677 charged with violations. Whenever any person shall give bail for appearance and shall fail
 678 to appear at the time fixed for trial, bond shall be forfeited by the presiding judge at such
 679 time, and an execution shall be issued thereon by serving the defendant and sureties with a
 680 rule nisi at least two days before a hearing on the rule nisi. In the event that cash or property
 681 is accepted in lieu of bond for security for the appearance of a defendant at trial and if such
 682 defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be
 683 on order of the judge declared forfeited to the municipality or the property so deposited shall
 684 have a lien against it for the value forfeited, which lien shall be enforceable in the same
 685 manner and to the same extent as a lien for municipal property taxes.

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

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

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

696 **SECTION 4.14.**

697 **Certiorari.**

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

702 **SECTION 4.15.**

703 Rules for court.

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

711 **ARTICLE V.**712 **ELECTIONS AND REMOVAL**713 **SECTION 5.10.**

714 Applicability of general law.

715 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title
 716 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

717 **SECTION 5.11.**

718 Elections; time for holding.

719 The mayor and council shall cause an election to be held at such place in the municipality
 720 as the mayor and council shall direct and designate. All general municipal elections shall be
 721 held on the Tuesday next following the first Monday in November in 2011 and on such day
 722 biennially thereafter. Except for the election in 2011, each elected officer shall serve for a
 723 term of four years, the term beginning the day of taking the oath of office as provided in
 724 Section 2.18 of this charter. Three of the councilmembers elected in November of 2011 shall
 725 be elected for two-year terms as set forth in Section 2.11 of this charter. Notwithstanding
 726 any provision of this charter, no term of office to which a person has been elected prior to
 727 the effective date of this charter shall be shortened or lengthened except pursuant to the
 728 procedures established by state law.

729 **SECTION 5.12.**

730 Qualifying; absentee ballots; other provisions.

731 Except as otherwise provided by this charter, the mayor and council, by ordinance, may
 732 prescribe rules and regulations governing qualifying fees, absentee ballots, write-in votes,
 733 challenge of votes, and such other rules and regulations as it deems necessary to fulfill any
 734 options and duties in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia
 735 Election Code," as now or hereafter amended.

736 **SECTION 5.13.**

737 Election by plurality vote; nonpartisan elections.

738 (a) The candidate receiving a plurality of the votes cast for each respective position shall be
 739 elected to the council to fill that particular vacancy on the council. The procedures and
 740 requirements for election of all elected officers of the municipality shall be in accordance
 741 with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter
 742 amended.

743 (b) Political parties shall not conduct primaries for municipal offices and all names of
 744 candidates for municipal offices shall be listed without party designations.

745 **SECTION 5.14.**

746 Special election; vacancies.

747 In the event that the office of mayor or councilmember shall become vacant for any cause
 748 whatsoever, the mayor and council or those remaining shall order a special election to fill the
 749 balance of the unexpired term of such official; provided, however, if such vacancy occurs
 750 within 12 months of the next municipal election, the mayor and council or those remaining
 751 shall appoint a successor for the remainder of the term. In all other respects, the special
 752 election shall be held and conducted in accordance with Chapter 2 of Title 21 of the
 753 O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

754 ARTICLE VI.

755 FINANCE

756 SECTION 6.10.

757 Property tax.

758 The mayor and council may assess, levy, and collect an ad valorem tax on all real and
 759 personal property within the corporate limits of the municipality that is subject to such
 760 taxation by the state and county. This tax is for the purpose of raising revenues to defray the
 761 costs of operating the municipal government, of providing governmental services, for the
 762 repayment of principal and interest on general obligations, and for any other public purpose
 763 as determined by the mayor and council in their discretion.

764 SECTION 6.11.

765 Millage rate; due dates; payment methods.

766 The mayor and council by ordinance, shall establish a millage rate for the municipal property
 767 tax, a due date, and the time period within which these taxes must be paid. The mayor and
 768 council by ordinance, may provide for the payment of these taxes by installments or in one
 769 lump sum, as well as authorize voluntary payment of taxes prior to the time when due.

770 SECTION 6.12.

771 Occupation and business taxes.

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

776 SECTION 6.13.

777 Licenses; permits; fees.

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

783 **SECTION 6.14.**

784 Franchises.

785 (a) The mayor and council shall have the power to grant franchises for the use of this
 786 municipality's streets and alleys for the purposes of railroads, street railways, telephone
 787 companies, electric companies, electric membership corporations, cable television and other
 788 telecommunications companies, gas companies, transportation companies and other similar
 789 organizations. The mayor and council shall determine the duration, terms, whether the same
 790 shall be exclusive or nonexclusive, and the consideration for such franchises; provided,
 791 however, no franchise shall be granted for a period in excess of 35 years and no franchise
 792 shall be granted unless the municipality receives just and adequate compensation therefor.
 793 The mayor and council shall provide for the registration of all franchises with the municipal
 794 clerk in a registration book kept by the clerk. The mayor and council may provide by
 795 ordinance for the registration within a reasonable time of all franchises previously granted.
 796 (b) If no franchise agreement is in effect, the mayor and council have the authority to impose
 797 a tax on gross receipts for the use of this municipality's streets and alleys for the purposes of
 798 railroads, street railways, telephone companies, electric companies, electric membership
 799 corporations, cable television and other telecommunications companies, gas companies,
 800 transportation companies and other similar organizations.

801 **SECTION 6.15.**

802 Service charges.

803 The mayor and council by ordinance shall have the power to assess and collect fees, charges,
 804 and tolls for sewers, sanitary and health services, or any other services provided or made
 805 available inside and outside the corporate limits of the municipality for the total cost to the
 806 municipality of providing or making available such services. If unpaid, such charges shall
 807 be collected as provided in Section 6.18 of this charter.

808 **SECTION 6.16.**

809 Special assessments.

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

815 **SECTION 6.17.**

816 Construction; other taxes.

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

820 **SECTION 6.18.**

821 Collection of delinquent taxes and fees.

822 The mayor and council by ordinance may provide generally for the collection of delinquent
823 taxes, fees, or other revenue due the municipality under Sections 6.10 through 6.17 of this
824 charter by whatever reasonable means as are not precluded by law. This shall include
825 providing for the dates when the taxes or fees are due; late penalties or interest; issuance and
826 execution of fi. fas.; creation and priority of liens; making delinquent taxes and fees personal
827 debts of the persons required to pay the taxes or fees imposed; revoking municipal licenses
828 for failure to pay any municipal taxes or fees; and providing for the assignment or transfer
829 of tax executions.

830 **SECTION 6.19.**

831 General obligation bonds.

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

836 **SECTION 6.20.**

837 Revenue bonds.

838 Revenue bonds may be issued by the mayor and council as state law now or hereafter
839 provides. Such bonds are to be paid out of any revenue produced by the project, program,
840 or venture for which they were issued.

841 **SECTION 6.21.**

842 Short-term loans.

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

845 **SECTION 6.22.**

846 Fiscal year.

847 The mayor and council shall set the fiscal year by ordinance. This fiscal year shall constitute
848 the budget year and the year for financial accounting and reporting of each and every office,
849 department, agency, and activity of the municipality government.

850 **SECTION 6.23.**

851 Preparation of budgets.

852 The mayor and council shall provide an ordinance on the procedures and requirements for
853 the preparation and execution of an annual operating budget, a capital improvement program,
854 and a capital budget, including requirements as to the scope, content, and form of such
855 budgets and programs.

856 **SECTION 6.24.**

857 Submission of operating budget.

858 On or before a date fixed by the mayor and council but not later than 60 days prior to the
859 beginning of each fiscal year, the mayor and municipal clerk shall submit to the council a
860 proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by
861 a statement of the general fiscal policies of the municipality, the important features of the
862 budget, explanations of major changes recommended for the next fiscal year, a general
863 summary of the budget, and such other comments and information as may be pertinent. The
864 operating budget and the capital improvements budget hereinafter provided for, the budget
865 statement, and all supporting documents shall be filed in the office of the municipal clerk and
866 shall be open to public inspection.

867

SECTION 6.25.

868

Action by mayor and council on budget.

869 (a) The mayor and council may amend the operating budget; provided, however, that the
 870 budget as finally amended and adopted must provide for all expenditures required by state
 871 law or by other provisions of this charter and for all debt service requirements for the ensuing
 872 fiscal year, and the total appropriations from any fund shall not exceed the estimated fund
 873 balance, reserves, and revenues.

874 (b) The mayor and council by ordinance shall adopt the final operating budget for the
 875 ensuing fiscal year not later than 15 days prior to the beginning of each fiscal year. If the
 876 mayor and council fail to adopt the budget by this date, the amounts appropriated for
 877 operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on
 878 a month-to-month basis, with items prorated accordingly until such time as the mayor and
 879 council adopt a budget for the ensuing fiscal year. Adoption of the budget shall take the form
 880 of an appropriations ordinance setting out the estimated revenues in detail by sources and
 881 making appropriations according to fund and by organizational unit, purpose, or activity as
 882 set out in the budget preparation ordinance adopted pursuant to Section 6.23 of this charter.

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

887

SECTION 6.26.

888

Tax levies.

889 Following adoption of the operating budget, the mayor and council shall levy by ordinance
 890 such taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that
 891 reasonable estimates of revenues from such levy shall at least be sufficient, together with
 892 other anticipated revenues, fund balances, and applicable reserves, to equal the total amount
 893 appropriated for each of the several funds set forth in the annual operating budget for
 894 defraying the expenses of the general government of this municipality.

895

SECTION 6.27.

896

Changes in appropriations.

897 The mayor and council by ordinance may make changes in the appropriations contained in
 898 the current operating budget at any regular, special, or emergency meeting called for such

899 purpose, but any additional appropriations may be made only from an existing unexpended
900 surplus.

901 **SECTION 6.28.**

902 Capital improvements budget.

903 (a) On or before the date fixed by the mayor and council but no later than 30 days prior to
904 the beginning of each fiscal year, the mayor and municipal clerk shall prepare a proposed
905 capital improvements budget with recommendations as to the means of financing the
906 improvements proposed for the ensuing fiscal year. The mayor and council shall have power
907 to accept, with or without amendments, or reject the proposed program and proposed means
908 of financing. The mayor and council shall not authorize an expenditure for the construction
909 of any building, structure, work, or improvement, unless the appropriations for such project
910 are included in the capital improvements budget, except to meet a public emergency as
911 provided in Section 2.24 of this charter.

912 (b) The mayor and council shall adopt by ordinance the final capital improvements budget
913 for the ensuing fiscal year not later than 15 days prior to the beginning of each fiscal year.
914 No appropriation provided for in a prior capital improvements budget shall lapse until the
915 purpose for which the appropriation was made shall have been accomplished or abandoned;
916 provided, however, the mayor may submit amendments to the capital improvements budget
917 at any time during the fiscal year, accompanied by recommendations. Any such amendments
918 to the capital improvements budget shall become effective only upon adoption by ordinance.

919 **SECTION 6.29.**

920 Independent audit.

921 There shall be an annual independent audit of all municipal accounts, funds, and financial
922 transactions by a certified public accountant selected by the mayor and council. The audit
923 shall be conducted according to generally accepted accounting principles. Any audit of any
924 funds by the state or federal government may be accepted as satisfying the requirements of
925 this charter. If the municipality is eligible for using an annual report of agreed upon
926 procedures pursuant to Code Section 36-81-7 of the O.C.G.A., it may substitute such review
927 for the annual audit. Copies of all audit reports shall be available at printing costs to the
928 public.

929 **SECTION 6.30.**

930 Contracting procedures.

931 No contract with the municipality shall be binding on the municipality unless:

932 (1) It is in writing;

933 (2) It is drawn by or submitted to and reviewed by the municipal attorney and, as a
934 matter of course, is signed by the municipal attorney to indicate such drafting or review;
935 and

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

938 **SECTION 6.30.**

939 Centralized purchasing.

940 The mayor and council shall by ordinance prescribe procedures for a system of centralized
941 purchasing for the municipality.

942 **SECTION 6.31.**

943 Sale of municipal property.

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

946 (b) The mayor and council may quitclaim any rights they may have in property not needed
947 for public purposes upon report by the mayor and adoption of a resolution, both finding that
948 the property is not needed for public or other purposes and that the interest of the
949 municipality has no readily ascertainable monetary value.

950 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
951 of the municipality, a small parcel or tract of land is cut off or separated by such work from
952 a larger tract or boundary of land owned by the municipality, the mayor and council may
953 execute and deliver in the name of the municipality a deed conveying said cut-off or
954 separated parcel or tract of land to an abutting or adjoining property owner or owners in
955 exchange for rights of way of said street, avenue, alley, or public place when such swap is
956 deemed to be in the best interest of the municipality. All deeds and conveyances heretofore
957 and hereafter so executed and delivered shall convey all title and interest the municipality has
958 in such property, notwithstanding the fact that no public sale after advertisement was or is
959 hereafter made.

987 **SECTION 7.14.**

988 Construction.

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

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

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

994 **SECTION 7.14.**

995 Severability.

996 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
997 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
998 or impair other parts of this charter unless it clearly appears that such other parts are wholly
999 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
1000 legislative intent in enacting this charter that each article, section, subsection, paragraph,
1001 sentence, or part thereof be enacted separately and independent of each other.

1002 **SECTION 7.15.**

1003 Repealer.

1004 An Act incorporating the Town of Hiltonia in the County of Screven, approved August 14,
1005 1915 (Ga. L.1915, p. 623), is hereby repealed in its entirety and all amendatory acts thereto
1006 are likewise repealed in their entirety.

1007 **SECTION 7.16.**

1008 Effective date.

1009 This Act shall become effective on July 1, 2011.

1010 **SECTION 7.17.**

1011 General repealer.

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