

House Bill 498 (AS PASSED HOUSE AND SENATE)

By: Representative Coomer of the 14<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide a new charter for the City of Adairsville; to provide for incorporation, boundaries,  
2 and powers of the city; to provide for a governing authority of such city and the powers,  
3 duties, authority, election, terms, vacancies, compensation, expenses, qualifications,  
4 prohibitions, conflicts of interest, and suspension and removal from office relative to  
5 members of such governing authority; to provide for inquiries and investigations; to provide  
6 for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for  
7 ordinances and codes; to provide for a city manager, mayor, and mayor pro tempore and  
8 certain duties, powers, and other matters relative thereto; to provide for administrative affairs  
9 and responsibilities; to provide for boards, commissions, and authorities; to provide for a city  
10 attorney, a city clerk, and other personnel and matters relating thereto; to provide for rules  
11 and regulations; to provide for a municipal court and the judge or judges thereof and other  
12 matters relative to those judges; to provide for the court's jurisdiction, powers, practices, and  
13 procedures; to provide for the right of certiorari; to provide for elections; to provide for  
14 taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to  
15 provide for bonded and other indebtedness; to provide for auditing, accounting, budgeting,  
16 and appropriations; to provide for city contracts and purchasing; to provide for the  
17 conveyance of property and interests therein; to provide for bonds for officials; to provide  
18 for prior ordinances and rules, pending matters, and existing personnel; to provide for  
19 penalties; to provide for definitions and construction; to provide for other matters relative to  
20 the foregoing; to repeal a specific Act; to provide for effective dates; to repeal conflicting  
21 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 The City of Adairsville, in Bartow County, Georgia, is reincorporated by the enactment of  
28 this charter and is constituted and declared a body politic and corporate under the name and  
29 style Adairsville, Georgia, and by that name shall have perpetual succession.

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**SECTION 1.11.**  
Corporate boundaries.

32 (a) The boundaries of this city shall be those existing on the earliest effective date in 2011  
33 of the 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 city at all times shall be shown on a map,  
35 a written description, or any combination thereof, to be retained permanently in the office of  
36 the city clerk and to be designated, as the case may be: "Official Map (or Description) of the  
37 corporate limits of the City of Adairsville, Georgia." Photographic, typed, or other copies  
38 of such map or description certified by the city clerk shall be admitted as evidence in all  
39 courts and shall have the same force and effect as with the original map or description.

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

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**SECTION 1.12.**  
Powers and construction.

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

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

52 (1) Animal regulations. To regulate and license or to prohibit the keeping or running at  
53 large of animals and fowl and to provide for the impoundment of same if in violation of  
54 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane

55 destruction of animals and fowl when not redeemed as provided by ordinance; and to  
56 provide punishment for violation of ordinances enacted under this charter;

57 (2) Appropriations and expenditures. To make appropriations for the support of the  
58 government of the city; to authorize the expenditure of money for any purposes  
59 authorized by this charter and for any purpose for which a municipality is authorized by  
60 the laws of the State of Georgia; and to provide for the payment of expenses of the city;

61 (3) Building regulation. To regulate and to license the erection and construction of  
62 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,  
63 and heating and air-conditioning codes; and to regulate all housing and building trades;

64 (4) Business regulation and taxation. To levy and to provide for collection of regulatory  
65 fees and taxes on privileges, occupations, trades, and professions as authorized by  
66 Title 48 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted;  
67 to permit and regulate the same; to provide for the manner and method of payment of  
68 such regulatory fees and taxes; and to revoke such permits after due process for failure  
69 to pay any city taxes or fees;

70 (5) Condemnation. To condemn property as granted to municipalities under the general  
71 laws of the State of Georgia, utilizing procedures enumerated in Title 22 of the O.C.G.A.  
72 or such other applicable laws as are now or may hereafter be enacted;

73 (6) Contracts. To enter into contracts and agreements with other governmental entities  
74 and with private persons, firms, and corporations;

75 (7) Emergencies. To establish procedures for determining and proclaiming that an  
76 emergency situation exists within or outside the city and to make and carry out all  
77 reasonable provisions deemed necessary to deal with or meet such an emergency for the  
78 protection, safety, health, or well-being of the citizens of the city;

79 (8) Environmental protection. To protect and preserve the natural resources,  
80 environment, and vital areas of this state through the preservation and improvement of  
81 air quality, the restoration and maintenance of water resources, the control of erosion and  
82 sedimentation, the management of solid and hazardous waste, and other necessary actions  
83 for the protection of the environment;

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

88 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection  
89 and disposal and other sanitary service charge, tax, or fee for such services as may be  
90 necessary in the operation of the city from all individuals, firms, and corporations  
91 residing in or doing business in the city benefiting from such services; to enforce the

92 payment of such charges, taxes, or fees; and to provide for the manner and method of  
93 collecting such service charges;

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

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

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

103 (14) Jail sentences. To provide that persons given jail sentences in the municipal court  
104 may work out such sentences in any public works or on the streets, roads, drains, and  
105 other public property in the city; to provide for commitment of such persons to any jail;  
106 or to provide for commitment of such persons to any county work camp or county jail by  
107 agreement with the appropriate county officials;

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

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

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

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

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

124 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose  
125 of public utilities, including, but not limited to, a system of waterworks, sewers and  
126 drains, sewage disposal, gas works, electric light plants, cable television and other  
127 telecommunications, transportation facilities, public airports, and any other public utility;

128 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and  
129 to provide for the withdrawal of service for refusal or failure to pay the same;

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

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

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

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

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

143 (26) Public improvements. To provide for the acquisition, construction, building,  
144 operation, and maintenance of public ways, parks and playgrounds, public grounds,  
145 recreational facilities, cemeteries, markets and market houses, public buildings, libraries,  
146 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, other  
147 public utilities, public housing, airports, hospitals, terminals, docks, parking facilities, and  
148 charitable, cultural, educational, recreational, conservation, sport, curative, corrective,  
149 detentional, penal, and medical institutions, agencies, and facilities; and to provide any  
150 other public improvements, inside or outside the corporate limits of the city; to regulate  
151 the use of public improvements; and, for such purposes, property may be acquired by  
152 condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are now  
153 or may hereafter be enacted;

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

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

158 (29) Public utilities and services. To grant franchises or make contracts for or impose  
159 taxes on public utilities and public service companies and to prescribe the rates, fares,  
160 regulations, and standards and conditions of service applicable to the service to be  
161 provided by the franchise grantee or contractor, insofar as not in conflict with valid  
162 regulations of the Georgia Public Service Commission;

163 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,  
164 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any

165 and all other structures or obstructions upon or adjacent to the rights of way of streets and  
166 roads or within view thereof, within the corporate limits of the city; and to prescribe  
167 penalties and punishment for violation of such ordinances;

168 (31) Retirement. To provide and maintain a retirement plan for officers and employees  
169 of the city;

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

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

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

188 (35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,  
189 the manufacture, sale, or transportation of any intoxicating liquors, alcoholic beverages,  
190 and the use of firearms, subject to the limitations of the Constitutions of the United States  
191 and the State of Georgia and applicable laws of the State of Georgia; to regulate the  
192 transportation, storage, and use of combustible, explosive, and inflammable materials, the  
193 use of lighting and heating equipment, and any other business or situation which may be  
194 dangerous to persons or property; to regulate and control the conduct of peddlers and  
195 itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxation  
196 or otherwise; and to license, tax, regulate, or prohibit professional fortunetelling,  
197 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 city; 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 and

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

221 **SECTION 1.13.**

222 Exercise of powers.

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

227 **ARTICLE II**  
228 **GOVERNMENT STRUCTURE**

229 **SECTION 2.10.**

230 City council creation; number; election.

231 The legislative authority of the government of this city, except as otherwise specifically  
232 provided in this charter, shall be vested in a city council to be composed of a mayor and four  
233 councilmembers. The city council established in this charter shall in all respects be a

234 successor to and continuation of the city governing authority under prior law. The mayor and  
 235 councilmembers shall be elected in the manner provided by this charter.

236 **SECTION 2.11.**

237 City councilmembers;  
 238 terms and qualifications for office.

239 The members of the city council shall serve for terms of four years and until their respective  
 240 successors are elected and qualified. The term of office of each member of the city council  
 241 shall begin on the first day of January immediately following the election of such member  
 242 unless general law authorizes or requires the term to begin at the first organizational meeting  
 243 in January or upon some other date. No person shall be eligible to serve as mayor or  
 244 councilmember unless that person shall have been a resident of the city for 12 months prior  
 245 to the date of the election of the mayor or members of the city council. Each shall continue  
 246 to reside therein during that person's period of service and to be registered and qualified to  
 247 vote in municipal elections of this city.

248 **SECTION 2.12.**

249 Vacancy; filling of vacancies;  
 250 suspensions.

251 (a) Vacancies. The office of mayor or councilmember shall become vacant upon such  
 252 person's failing or ceasing to reside in the city or upon the occurrence of any event specified  
 253 by the Constitution, Title 45 of the O.C.G.A., or such other applicable laws as are or may  
 254 hereafter be enacted.

255 (b) Filling of vacancies. A vacancy in the office of mayor or councilmember shall be filled  
 256 for the remainder of the unexpired term, if any, by appointment if less than 12 months remain  
 257 in the unexpired term, otherwise by an election as provided for in Section 5.14 of this charter  
 258 and Titles 21 and 45 of the O.C.G.A. or such other laws as are or may hereafter be enacted.

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

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**SECTION 2.13.**

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Compensation and expenses.

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The mayor and councilmembers 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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Holding other office;

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voting when personally interested.

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

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

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(1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of that person's official duties or which would tend to impair the independence of that person's judgment or action in the performance of that person's official duties;

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

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

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

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

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(6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which that person has a financial interest.

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298 (c) Disclosure. Any elected official, appointed officer, or employee who shall have any  
299 financial interest, directly or indirectly, in any contract or matter pending before or within  
300 any department of the city shall disclose such interest to the city council. The mayor or any  
301 councilmember who has a financial interest in any matter pending before the city council  
302 shall disclose such interest, and such disclosure shall be entered on the records of the city  
303 council, and that person shall disqualify himself or herself from participating in any decision  
304 or vote relating thereto. Any elected official, appointed officer, or employee of any agency  
305 or political entity to which this charter applies who shall have any financial interest, directly  
306 or indirectly, in any contract or matter pending before or within such entity shall disclose  
307 such interest to the governing body of such agency or entity.

308 (d) Use of public property. No elected official, appointed officer, or employee of the city  
309 or any agency or entity to which this charter applies shall use property owned by such  
310 governmental entity for personal benefit, convenience, or profit except in accordance with  
311 policies promulgated by the city council or the governing body of such agency or entity.

312 (e) Contracts voidable and rescindable. Any violation of this section which occurs with the  
313 knowledge, express or implied, of a party to a contract or sale shall render such contract or  
314 sale voidable at the option of the city council.

315 (f) Ineligibility of elected official. Except where authorized by law, neither the mayor nor  
316 any councilmember shall hold any other elective or compensated appointive office in the city  
317 or otherwise be employed by said government or any agency thereof during the term for  
318 which that person was elected. No former councilmember and no former mayor shall hold  
319 any compensated appointive office in the city until one year after the expiration of the term  
320 for which that person was elected.

321 (g) Political activities of certain officers and employees. No appointed officer and no  
322 employee of the city shall continue in such employment upon qualifying as a candidate for  
323 nomination or election to any public office. No employee of the city shall continue in such  
324 employment upon election to any public office in this city or any other public office which  
325 is inconsistent, incompatible, or in conflict with the duties of the city employee. Such  
326 determination shall be made by the mayor and city council either immediately upon election  
327 or at any time such conflict may arise.

328 (h) Penalties for violation:

329 (1) Any city officer or employee who knowingly conceals such financial interest or  
330 knowingly violates any of the requirements of this section shall be guilty of malfeasance  
331 in office or position and shall be deemed to have forfeited that person's office or position.

332 (2) Any officer or employee of the city who shall forfeit that person's office or position  
333 as described in paragraph (1) of this subsection shall be ineligible for appointment or

334 election to or employment in a position in the city government for a period of three years  
335 thereafter.

336 **SECTION 2.15.**

337 Inquiries and investigations.

338 Following the adoption of an authorizing resolution, the city council may make inquiries and  
339 investigations into the affairs of the city and conduct of any department, office, or agency  
340 thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and  
341 require the production of evidence. Any person who fails or refuses to obey a lawful order  
342 issued in the exercise of these powers by the city council shall be punished as may be  
343 provided by ordinance.

344 **SECTION 2.16.**

345 General power and authority of the city council.

346 Except as otherwise provided by law or this charter, the city council shall be vested with all  
347 the powers of government of this city.

348 **SECTION 2.17.**

349 Organizational meetings; oaths.

350 The oath of office shall be administered by the City Clerk or other designee to the newly  
351 elected members as follows:

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

355 **SECTION 2.18.**

356 Meetings.

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

359 (b) Special meetings of the city council may be held on call of the mayor or two members  
360 of the city council. Notice of such special meeting shall be served on all other members  
361 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such  
362 notice to councilmembers shall not be required if the mayor and all councilmembers are

363 present when the special meeting is called. Such notice of any special meeting may be  
 364 waived by a councilmember in writing before or after such a meeting, and attendance at the  
 365 meeting shall also constitute a waiver of notice on any business transacted in such  
 366 councilmember's presence. Only the business stated in the call shall be transacted at the  
 367 special meeting.

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

372 **SECTION 2.19.**

373 Rules of procedure.

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

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

380 **SECTION 2.20.**

381 Quorum; voting.

382 Three members of the city council shall constitute a quorum and shall be authorized to  
 383 transact business of the city council. Voting on the adoption of ordinances shall be by voice  
 384 vote, and the vote shall be recorded in the journal, but any member of the city council shall  
 385 have the right to request a roll-call vote, and such vote shall be recorded in the journal.  
 386 Except as otherwise provided in this charter, the affirmative vote of three members of the city  
 387 council shall be required for the adoption of any ordinance, resolution, or motion. An  
 388 abstention shall be counted as an affirmative vote. For purposes of establishing a quorum  
 389 and voting, the mayor shall be deemed to be a member of the city council.

390 **SECTION 2.21.**

391 Ordinance form; procedures.

392 (a) Every proposed ordinance should be introduced in writing and in the form required for  
 393 final adoption. No ordinance shall contain a subject which is not expressed in its title. The

394 enacting clause shall be, "It is hereby ordained by the governing authority of the City of  
395 Adairsville ..." and every ordinance shall so begin.

396 (b) An ordinance may be introduced by the mayor or any member of the city council and be  
397 read at a regular or special meeting of the city council. Ordinances shall be considered and  
398 adopted or rejected by the city council in accordance with the rules which it shall establish;  
399 provided, however, that an ordinance shall not be adopted the same day it is introduced,  
400 except for emergency ordinances provided for in Section 2.23 of this charter. Upon  
401 introduction of any ordinance, the clerk shall as soon as possible distribute a copy to the  
402 mayor and to each councilmember and shall file a reasonable number of copies in the office  
403 of the clerk and at such other public places as the city council may designate.

404 **SECTION 2.22.**

405 Action requiring an ordinance.

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

407 **SECTION 2.23.**

408 Emergencies.

409 (a) To meet a public emergency affecting life, health, property, or public peace, the city  
410 council may convene on call of the mayor or two councilmembers and may promptly adopt  
411 an emergency ordinance, but such ordinance shall not levy taxes; grant, renew, or extend a  
412 franchise; regulate the rate charged by any public utility for its services; or authorize the  
413 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance  
414 shall be introduced in the form prescribed for ordinances generally, except that it shall be  
415 plainly designated as an emergency ordinance and shall contain, after the enacting clause,  
416 a declaration stating that an emergency exists and describing the emergency in clear and  
417 specific terms. An emergency ordinance may be adopted, with or without amendment, or  
418 rejected at the meeting at which it is introduced, but the affirmative vote of at least three  
419 councilmembers shall be required for adoption. It shall become effective upon adoption or  
420 at such later time as it may specify. Every emergency ordinance shall automatically stand  
421 repealed 30 days following the date upon which it was adopted, but this shall not prevent  
422 reenactment of the ordinance in the manner specified in this section if the emergency still  
423 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance  
424 in the same manner specified in this section for adoption of emergency ordinances.

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

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

429 **SECTION 2.24.**

430 Codes of technical regulations.

431 (a) The city council may adopt any standard code of technical regulations by reference  
432 thereto in an adopting ordinance. The procedure and requirements governing such adopting  
433 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements  
434 of subsection (b) of Section 2.21 of this charter for distribution and filing of copies of the  
435 ordinance shall be construed to include copies of any code of technical regulations, as well  
436 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as  
437 well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to  
438 Section 2.25 of this charter.

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

441 **SECTION 2.25.**

442 Signing; authenticating;  
443 recording; codification; printing.

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

446 (b) The city council shall provide for the preparation of a general codification of all the  
447 ordinances of the city having the force and effect of law. The general codification shall be  
448 adopted by the city council by ordinance and shall be published promptly, together with all  
449 amendments thereto and such codes of technical regulations and other rules and regulations  
450 as the city council may specify. This compilation shall be known and cited officially as "The  
451 Code of the City of Adairsville, Georgia." Copies of the code shall be furnished to all  
452 officers, departments, and agencies of the city and made available for purchase by the public  
453 at a reasonable price as fixed by the city council.

454 (c) The city council shall cause each ordinance and each amendment to this charter to be  
455 printed promptly following its adoption, and the printed ordinances and charter amendments  
456 shall be made available for purchase by the public at reasonable prices to be fixed by the city  
457 council. Following publication of the first code under this charter and at all times thereafter,  
458 the ordinances and charter amendments shall be printed in substantially the same style as the  
459 code currently in effect and shall be suitable in form for incorporation therein. The city

460 council shall make such further arrangements as deemed desirable with reproduction and  
 461 distribution of any current changes in or additions to codes of technical regulations and other  
 462 rules and regulations included in the code.

463 **SECTION 2.26.**

464 City manager; appointment;  
 465 qualifications; compensation.

466 The city council shall appoint a city manager for an indefinite term and shall fix the city  
 467 manager's compensation. The city manager shall be appointed solely on the basis of that  
 468 person's executive and administrative qualifications.

469 **SECTION 2.27.**

470 Removal of city manager.

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

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

477 (2) Within five days after a copy of the resolution is delivered to the city manager, that  
 478 person may file with the city council a written request for a public hearing. This hearing  
 479 shall be held within 30 days after the request is filed. The city manager may file with the  
 480 city council a written reply not later than five days before the hearing; and

481 (3) If the city manager has not requested a public hearing within the time specified in  
 482 paragraph (2) of this subsection, the city council may adopt a final resolution for removal,  
 483 which may be made effective immediately, by an affirmative vote of a majority of all its  
 484 members. If the city manager has requested a public hearing, the city council may adopt  
 485 a final resolution for removal, which may be made effective immediately, by an  
 486 affirmative vote of a majority of all its members at any time after the public hearing.

487 (b) The city manager shall continue to receive the city manager's salary until the effective  
 488 date of a final resolution of removal.

489

**SECTION 2.28.**

490

Acting city manager.

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

497

**SECTION 2.29.**

498

Powers and duties of the city manager.

499 The city manager shall be the chief executive and administrative officer of the city. The city  
 500 manager shall be responsible to the city council for the administration of all city affairs  
 501 placed in the city manager's charge by or under this charter. As the chief executive and  
 502 administrative officer, the city manager shall:

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

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

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

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

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

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

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

524 (8) Keep the city council fully advised as to the financial condition and future needs of  
 525 the city, and make such recommendations to the city council concerning the affairs of the  
 526 city as the city manager deems desirable; and

527 (9) Perform other such duties as are specified in this charter or as may be required by the  
 528 city council.

529 **SECTION 2.30.**

530 Council's interference with administration.

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

536 **SECTION 2.31.**

537 Election of mayor; forfeiture; compensation.

538 The mayor shall be elected and shall serve for a term of four years and until the mayor's  
 539 successor is elected and qualified. The mayor shall be a qualified elector of this city and  
 540 shall have been a resident of the city for 12 months prior to the election. The mayor shall  
 541 continue to reside in this city during the period of the mayor's service. The mayor shall forfeit  
 542 the office of mayor on the same grounds and under the same procedure as for  
 543 councilmembers. The compensation of the mayor shall be established in the same manner  
 544 as for councilmembers.

545 **SECTION 2.32.**

546 Mayor pro tempore.

547 By a majority vote, the councilmembers shall elect a councilmember to serve as mayor pro  
 548 tempore. The mayor pro tempore shall assume the duties and powers of the mayor during  
 549 the mayor's physical or mental disability or absence. The mayor pro tempore shall continue  
 550 to vote and otherwise participate as a councilmember. Any such disability or absence shall  
 551 be declared by a majority vote of the councilmembers. The mayor pro tempore shall sign all

552 contracts and ordinances in which the mayor has a disqualifying financial interest as  
553 provided in Section 2.14 of this charter.

554 **SECTION 2.33.**

555 Powers and duties of mayor.

556 The mayor shall:

- 557 (1) Preside at all meetings of the city council;
- 558 (2) Be the head of the city for the purpose of service of process and for ceremonial  
559 purposes and be the official spokesperson for the city and the chief advocate of policy;
- 560 (3) Have the power to administer oaths and to take affidavits;
- 561 (4) Sign as a matter of course on behalf of the city all written and approved contracts,  
562 ordinances, and other instruments executed by the city which by law are required to be  
563 in writing;
- 564 (5) Vote on matters before the city council and be counted toward a quorum as any other  
565 councilmember;
- 566 (6) Prepare and submit to the city council a recommended annual operating budget and  
567 recommended capital budget; and
- 568 (7) Fulfill such other executive and administrative duties as the city council shall by  
569 ordinance establish.

570 **SECTION 2.34.**

571 Submission of ordinances to the mayor; veto power.

- 572 (a) Every ordinance adopted by the councilmembers shall be presented promptly by the city  
573 clerk to the mayor after its adoption.
- 574 (b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the city  
575 clerk with or without the mayor's approval or with the mayor's disapproval. If the ordinance  
576 has been approved by the mayor, it shall become law upon its return to the city clerk; if the  
577 ordinance is neither approved nor disapproved, it shall become law at 12:00 Noon on the  
578 tenth calendar day after its adoption; if the ordinance is disapproved, the mayor shall submit  
579 to the councilmembers through the city clerk a written statement of the reasons for the veto.  
580 The city clerk shall record upon the ordinance the date of its delivery to and receipt from the  
581 mayor.
- 582 (c) Ordinances vetoed by the mayor shall be presented by the city clerk to the  
583 councilmembers at their next meeting. If the councilmembers then or at their next meeting  
584 adopt the ordinance by an affirmative vote of three members, it shall become law.

585 (d) The mayor may disapprove or reduce any item or items of appropriation in any  
 586 ordinance. The approved part or parts of any ordinance making appropriations shall become  
 587 law, and the part or parts disapproved shall not become law unless subsequently passed by  
 588 the councilmembers over the mayor's veto as provided in this section. The reduced part or  
 589 parts shall be presented to the councilmembers as though disapproved and shall not become  
 590 law unless overridden by the councilmembers as provided in subsection (c) of this section.

591 **ARTICLE III**

592 **ADMINISTRATIVE AFFAIRS**

593 **SECTION 3.10.**

594 Administrative and service departments.

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

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

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

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

608 (e) All appointed officers and directors under the supervision of the city manager shall be  
 609 nominated by the city manager with confirmation of appointment by the city council. All  
 610 appointed officers and directors shall be employees at will and subject to removal or  
 611 suspension at any time by the city manager unless otherwise provided by law or ordinance.

612 **SECTION 3.11.**

613 Boards, commissions, and authorities.

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

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

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

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

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

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

633 (g) All members of boards, commissions, or authorities of the city serve at will and may be  
 634 removed at any time by the city council unless otherwise provided by law.

635 (h) Except as otherwise provided by this charter or by law, each board, commission, or  
 636 authority of the city shall elect one of its members as chairperson and one member as vice  
 637 chairperson and may elect as its secretary one of its own members or may appoint as  
 638 secretary an employee of the city. Each board, commission, or authority of the city  
 639 government may establish such bylaws, rules, and regulations, not inconsistent with this  
 640 charter, ordinances of the city, or law, as it deems appropriate and necessary for the  
 641 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and  
 642 regulations shall be filed with the clerk of the city.

643 **SECTION 3.12.**

644 City attorney.

645 The city council shall appoint a city attorney, together with such assistant city attorneys as  
 646 may be authorized, and shall provide for the payment of such attorney or attorneys for  
 647 services rendered to the city. The city attorney shall be responsible for providing for the  
 648 representation and defense of the city in all litigation in which the city is a party; may be the  
 649 prosecuting officer in the municipal court; shall attend the meetings of the city council as  
 650 directed; shall advise the councilmembers, mayor, and other officers and employees of the  
 651 city concerning legal aspects of the city's affairs; and shall perform such other duties as may  
 652 be required by virtue of such person's position as city attorney.

653 **SECTION 3.13.**

654 City clerk.

655 The councilmembers shall appoint a city clerk who shall not be a councilmember. The city  
656 clerk shall be custodian of the official city seal and city records; maintain city council records  
657 required by this charter; and perform such other duties as may be required by the city  
658 council.

659 **SECTION 3.14.**

660 Position classification and pay plans.

661 The city manager shall be responsible for the preparation of a position classification and pay  
662 plan which shall be submitted to the city council for approval. Such plan may apply to all  
663 employees of the city and any of its agencies, departments, boards, commissions, or  
664 authorities. When a pay plan has been adopted, the city council shall not increase or decrease  
665 the salary range applicable to any position except by amendment of such pay plan. For  
666 purposes of this section, all elected and appointed city officials are not city employees.

667 **SECTION 3.15.**

668 Personnel policies.

669 All employees serve at will and may be removed from office at any time unless otherwise  
670 provided by ordinance.

671 **ARTICLE IV**

672 **JUDICIAL BRANCH**

673 **SECTION 4.10.**

674 Creation; name.

675 There shall be a court to be known as the Municipal Court of the City of Adairsville.

676 **SECTION 4.11.**

677 Chief judge; associate judge.

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

680 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless  
 681 that person shall have attained the age of 21 years and shall be a member of the State Bar of  
 682 Georgia and shall possess all qualifications required by law. All judges shall be appointed  
 683 by the city council and shall serve until a successor is appointed and qualified.

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

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

687 (e) Before assuming office, each judge shall take an oath, given by the mayor, that such  
 688 judge will honestly and faithfully discharge the duties of the judge's office to the best of the  
 689 judge's ability and without fear, favor, or partiality. The oath shall be entered upon the  
 690 minutes of the city council journal required in Section 2.19 of this charter.

691 **SECTION 4.12.**

692 Convening.

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

694 **SECTION 4.13.**

695 Jurisdiction; powers.

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

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

700 (c) The municipal court may fix punishment for offenses within its jurisdiction not  
 701 exceeding a fine of \$2,500.00 or imprisonment for 12 months or both such fine and  
 702 imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing, as  
 703 now or hereafter provided by law.

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

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

713 the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi.  
714 In the event that cash or property is accepted in lieu of bond for security for the appearance  
715 of a defendant at trial, and if such defendant fails to appear at the time and place fixed for  
716 trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the  
717 property so deposited shall have a lien against it for the value forfeited which lien shall be  
718 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

#### 729 **SECTION 4.14.**

##### 730 Certiorari.

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

#### 735 **SECTION 4.15.**

##### 736 Rules for court.

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



772 other respects, the special election shall be held and conducted in accordance with Chapter  
773 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

774 **SECTION 5.15.**

775 Other provisions.

776 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe  
777 such rules and regulations as it deems appropriate to fulfill any options and duties under  
778 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

779 **SECTION 5.16.**

780 Removal of officers.

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

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

786 (1) Following a hearing at which an impartial panel shall render a decision. In the event  
787 an elected officer is sought to be removed by the action of the city council, such officer  
788 shall be entitled to a written notice specifying the ground or grounds for removal and to  
789 a public hearing which shall be held not less than ten days after the service of such  
790 written notice. The city council shall provide by ordinance for the manner in which such  
791 hearings shall be held. Any elected officer sought to be removed from office as provided  
792 in this section shall have the right of appeal from the decision of the city council to the  
793 Superior Court of Bartow County. Such appeal shall be governed by the same rules as  
794 govern appeals to the superior court from the probate court; or

795 (2) By an order of the Superior Court of Bartow County following a hearing on a  
796 complaint seeking such removal brought by any resident of the City of Adairsville.

797 **ARTICLE VI**

798 **FINANCE**

799 **SECTION 6.10.**

800 Property tax.

801 The city council may assess, levy, and collect an ad valorem tax on all real and personal  
802 property within the corporate limits of the city that is subject to such taxation by the state and

803 county. This tax is for the purpose of raising revenues to defray the costs of operating the  
 804 city government, of providing governmental services, for the repayment of principal and  
 805 interest on general obligations, and for any other public purpose as determined by the city  
 806 council in its discretion.

807 **SECTION 6.11.**

808 Millage rate; due dates; payment methods.

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

813 **SECTION 6.12.**

814 Occupation and business taxes.

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

819 **SECTION 6.13.**

820 Licenses; permits; fees.

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

826 **SECTION 6.14.**

827 Franchises.

828 (a) The city council shall have the power to grant franchises for the use of this city's streets  
 829 and alleys for the purposes of railroads, street railways, telephone companies, electric  
 830 companies, electric membership corporations, cable television and other telecommunications  
 831 companies, gas companies, transportation companies, and other similar organizations. The

832 city council shall determine the duration, terms, whether the same shall be exclusive or  
 833 nonexclusive, and the consideration for such franchises; provided, however, that no franchise  
 834 shall be granted for a period in excess of 35 years and no franchise shall be granted unless  
 835 the city receives just and adequate compensation therefor. The city council shall provide for  
 836 the registration of all franchises with the city clerk in a registration book kept by the city  
 837 clerk. The city council may provide by ordinance for the registration within a reasonable  
 838 time of all franchises previously granted.

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

844 **SECTION 6.15.**

845 Service charges.

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

851 **SECTION 6.16.**

852 Special assessments.

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

858 **SECTION 6.17.**

859 Construction; other taxes.

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

863 **SECTION 6.18.**

864 Collection of delinquent taxes and fees.

865 The city council by ordinance may provide generally for the collection of delinquent taxes,  
 866 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by  
 867 whatever reasonable means as are not precluded by law. This shall include providing for the  
 868 dates when the taxes or fees are due; late penalties or interest; issuance and execution of  
 869 fi. fas.; creation and priority of liens; making delinquent taxes and fees personal debts of the  
 870 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any  
 871 city taxes or fees; and providing for the assignment or transfer of tax executions.

872 **SECTION 6.19.**

873 General obligation bonds.

874 The city council shall have the power to issue bonds for the purpose of raising revenue to  
 875 carry out any project, program, or venture authorized under this charter or the laws of the  
 876 state. Such bonding authority shall be exercised in accordance with the laws governing bond  
 877 issuance by municipalities in effect at the time such issue is undertaken.

878 **SECTION 6.20.**

879 Revenue bonds.

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

883 **SECTION 6.21.**

884 Short-term loans.

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

887 **SECTION 6.22.**

888 Lease-purchase contracts.

889 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the  
 890 acquisition of goods, materials, real and personal property, services, and supplies, provided

891 the contract terminates without further obligation on the part of the municipality at the close  
892 of the calendar year in which it was executed and at the close of each succeeding calendar  
893 year for which it may be renewed. Contracts shall be executed in accordance with the  
894 requirements of Code Section 36-60-13 of the O.C.G.A., or other such applicable laws as are  
895 or may hereafter be enacted.

896 **SECTION 6.23.**

897 Fiscal year.

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

901 **SECTION 6.24.**

902 Budget ordinance.

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

907 **SECTION 6.25.**

908 Operating budget.

909 On or before a date fixed by the city council but not later than 30 days prior to the beginning  
910 of each fiscal year, the city manager shall submit to the city council a proposed operating  
911 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the  
912 city manager containing a statement of the general fiscal policies of the city, the important  
913 features of the budget, explanations of major changes recommended for the next fiscal year,  
914 a general summary of the budget, and other pertinent comments and information. The  
915 operating budget and the capital budget provided for in Section 6.29 of this charter, the  
916 budget message, and all supporting documents shall be filed in the office of the city clerk and  
917 shall be open to public inspection.

918

**SECTION 6.26.**

919

Action by city council on budget.

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

925 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal  
 926 year not later than the last day of each fiscal year. If the city council fails to adopt the budget  
 927 by said date, the amounts appropriated for operation for the then current fiscal year shall be  
 928 deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items  
 929 prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal  
 930 year. Adoption of the budget shall take the form of an appropriations ordinance setting out  
 931 the estimated revenues in detail by sources and making appropriations according to fund and  
 932 by organizational unit, purpose, or activity as set out in the budget preparation ordinance  
 933 adopted pursuant to Section 6.24 of this charter.

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

938

**SECTION 6.27.**

939

Levy of taxes.

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

946

**SECTION 6.28.**

947

Changes in appropriations.

948 The city council by ordinance may make changes in the appropriations contained in the  
 949 current operating budget at any regular meeting or special or emergency meeting called for

950 such purpose, but any additional appropriations may be made only from an existing  
 951 unexpended surplus.

952 **SECTION 6.29.**

953 Capital improvements.

954 (a) On or before the date fixed by the city council, but not later than 30 days prior to the  
 955 beginning of each fiscal year, the city manager shall submit to the city council a proposed  
 956 capital improvements plan with a recommended capital budget containing the means of  
 957 financing the improvements proposed for the ensuing fiscal year. The city council shall have  
 958 power to accept, with or without amendments, or reject the proposed plan and budget. The  
 959 city council shall not authorize an expenditure for the construction of any building, structure,  
 960 work, or improvement unless the appropriations for such project are included in the capital  
 961 budget, except to meet a public emergency as provided in Section 2.23 of this charter.

962 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal  
 963 year not later than the last day of each fiscal year. No appropriation provided for in a prior  
 964 capital budget shall lapse until the purpose for which the appropriation was made shall have  
 965 been accomplished or abandoned; provided, however, that the city manager may submit  
 966 amendments to the capital budget at any time during the fiscal year, accompanied by  
 967 recommendations. Any such amendments to the capital budget shall become effective only  
 968 upon adoption by ordinance.

969 **SECTION 6.30.**

970 Audits.

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

976 **SECTION 6.31.**

977 Procurement and property management.

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

979 (1) It is in writing;

- 980 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of  
 981 course, is signed by the city attorney to indicate such drafting or review; and  
 982 (3) It is made or authorized by the city council and such approval is entered in the city  
 983 council journal of proceedings pursuant to Section 2.19 of this charter.

984 **SECTION 6.32.**

985 Purchasing.

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

988 **SECTION 6.33.**

989 Sale and lease of property.

- 990 (a) The city council may sell and convey or lease any real or personal property owned or  
 991 held by the city for governmental or other purposes as now or hereafter provided by law.  
 992 (b) The city council may quitclaim any rights it may have in property not needed for public  
 993 purposes upon report by the city manager and adoption of a resolution, both finding that the  
 994 property is not needed for public or other purposes and that the interest of the city has no  
 995 readily ascertainable monetary value.  
 996 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place  
 997 of the city a small parcel or tract of land is cut off or separated by such work from a larger  
 998 tract or boundary of land owned by the city, the city council may authorize the city manager  
 999 to sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining  
 1000 property owner or owners where such sale and conveyance facilitates the highest and best  
 1001 use of the abutting owner's property. Included in the sales contract shall be a provision for  
 1002 the rights of way of said street, avenue, alley, or public place. Each abutting property owner  
 1003 shall be notified of the availability of the property and given the opportunity to purchase said  
 1004 property under such terms and conditions as set out by ordinance. All deeds and  
 1005 conveyances heretofore and hereafter so executed and delivered shall convey all title and  
 1006 interest the city has in such property, notwithstanding the fact that no public sale after  
 1007 advertisement was or is hereafter made.

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ARTICLE VII  
GENERAL PROVISIONS  
**SECTION 7.10.**  
Bonds for officials.

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

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**SECTION 7.11.**  
Existing ordinances,  
resolutions, rules, and regulations.

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Existing ordinances, resolutions, rules, and regulations of this city not in conflict with this charter shall continue in force, unless repealed or amended, for two years from the effective date of this charter. During such two-year period, the city council shall review all such provisions and shall readopt, repeal, or amend each, so that a codification as provided by subsection (b) of Section 2.25 of this charter is accomplished.

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1024

**SECTION 7.12.**  
Pending matters.

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1026  
1027  
1028

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

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**SECTION 7.13.**  
Construction and definitions.

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- (a) Section captions in this charter are informative only and are not be considered as a part thereof.
- (b) The word "shall" is mandatory and the word "may" is permissive.
- (c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.
- (d) Except as specifically provided otherwise by this charter, the term:

1037 (1) "City council" means the members of the city council and the mayor.

1038 (2) "Councilmember" means a member of the city council other than the mayor.

1039 **SECTION 7.14.**

1040 Specific repealer.

1041 An Act to incorporate the City of Adairsville in the County of Bartow and provide a charter  
1042 therefor, approved March 14, 1983 (Ga. L. 1983, p. 3654), is hereby repealed.

1043 **SECTION 7.15.**

1044 Effective date.

1045 This Act shall become effective upon the approval of this Act by the Governor and upon its  
1046 otherwise becoming law without such approval.

1047 **SECTION 7.16.**

1048 General repealer.

1049 All laws and parts of laws in conflict with this Act are repealed.