

House Bill 1118

By: Representative Reece of the 11<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide a new charter for the Town of Trion; to provide for incorporation, boundaries,  
2 and powers of the town; to provide for a governing authority of such town 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 mayor and certain duties, powers, and other matters  
8 relative thereto; to provide for administrative affairs and responsibilities; to provide for  
9 boards, commissions, and authorities; to provide for a town attorney, a town clerk, and other  
10 personnel and matters relating thereto; to provide for rules and regulations; to provide for a  
11 municipal court and the judge or judges thereof and other matters relative to those judges;  
12 to provide for the court's jurisdiction, powers, practices, and procedures; to provide for the  
13 right of certiorari; to provide for elections; to provide for taxation, licenses, and fees; to  
14 provide for franchises, service charges, and assessments; to provide for bonded and other  
15 indebtedness; to provide for auditing, accounting, budgeting, and appropriations; to provide  
16 for town contracts and purchasing; to provide for the conveyance of property and interests  
17 therein; to provide for an independent school system; to provide for bonds for officials; to  
18 provide for prior ordinances and rules, pending matters, and existing personnel; to provide  
19 for penalties; to provide for definitions and construction; to provide for other matters relative  
20 to the foregoing; to repeal a specific Act; to provide for an effective date; to repeal  
21 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 town and the inhabitants thereof are reincorporated by the enactment of this charter and  
 28 are hereby constituted and declared a body politic and corporate under the name and style  
 29 Town of Trion, Georgia, and by that name shall have perpetual succession.

30

**SECTION 1.11.**

31

Corporate boundaries.

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

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

43

**SECTION 1.12.**

44

Powers and construction.

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

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

**SECTION 1.13.**

## Examples of powers.

54 (a) Animal regulations. To regulate and license or to prohibit the keeping or running at large  
55 of animals and fowl, and to provide for the impoundment of the same if in violation of any  
56 ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction  
57 of animals and fowl when not redeemed as provided by ordinance; and to provide  
58 punishment for violation of ordinances enacted hereunder.

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

63 (c) Building regulation. To regulate and to license the erection and construction of buildings  
64 and all other structures; to adopt building, housing, plumbing, fire safety, electrical, gas, and  
65 heating and air conditioning codes; and to regulate all housing and building trades.

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

72 (e) Condemnation. To condemn property, inside or outside the corporate limits of the town,  
73 for present or future use and for any corporate purpose deemed necessary by the governing  
74 authority, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such other  
75 applicable laws as are or may hereafter be enacted.

76 (f) Contracts. To enter into contracts and agreements with other governmental entities and  
77 with private persons, firms, and corporations.

78 (g) Emergencies. To establish procedures for determining and proclaiming that an  
79 emergency situation exists within or without the town, and to make and carry out all  
80 reasonable provisions deemed necessary to deal with or meet such an emergency for the  
81 protection, safety, health, or well-being of the citizens of the town.

82 (h) Environmental protection. To protect and preserve the natural resources, environment  
83 and vital areas of the town, the region, and the state through the preservation and  
84 improvement of air quality, the restoration and maintenance of water resources, the control  
85 of erosion and sedimentation, the management of storm-water and establishment of a  
86 storm-water utility, the management of solid and hazardous waste, and other necessary  
87 actions for the protection of the environment.

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

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

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

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

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

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

177 (gg) 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 made  
180 available a sewer service fee, charge, or sewer tax for the availability or use of the sewers;  
181 to provide for the manner and method of collecting such service charges and for enforcing  
182 payment of the same; and to charge, impose, and collect a sewer connection fee or fees to  
183 those connected with the system.

184 (hh) 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, paper,  
187 and other recyclable materials, and to provide for the sale of such items.

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

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

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

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

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

206 (nn) Urban redevelopment. To organize and operate an urban redevelopment program.

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

217 **SECTION 1.14.**

218 Exercise of powers.

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

223 **ARTICLE II**

224 **GOVERNMENT STRUCTURE**

225 **SECTION 2.10.**

226 Town council creation; number; election.

227 The legislative authority of the government of this town, except as otherwise specifically  
 228 provided in this charter, shall be vested in a town council to be composed of a mayor and five  
 229 councilmembers. The town council established shall in all respects be a successor to and

230 continuation of the governing authority under prior law. The mayor and councilmembers  
231 shall be elected in the manner provided by general law and this charter.

232 **SECTION 2.11.**

233 Town council terms and qualifications for office.

234 (a) The mayor and members of the town council shall serve for terms of four years and until  
235 their respective successors are elected and qualified.

236 (b) No person shall be mayor or a member of the council if that person is ineligible for such  
237 office pursuant to Code Section 45-2-1 of the O.C.G.A. or any other general law.

238 (c) No person shall be eligible to serve as mayor or councilmember unless that person shall  
239 have been a resident of the town for six months prior to the date of election of mayor or  
240 members of the council, and each person elected shall continue to reside in the town during  
241 that person's period of service and continue to be registered and qualified to vote in  
242 municipal elections of this town.

243 **SECTION 2.12.**

244 Vacancy; filling of vacancies.

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

249 (b) Filling of vacancies - A vacancy in the office of mayor or councilmember shall be filled  
250 for the remainder of the unexpired term, if any, by appointment by the town council or those  
251 members remaining if less than six months remains in the unexpired term. If such vacancy  
252 occurs six months or more prior to the expiration of the term of that office, it shall be filled  
253 for the remainder of the unexpired term by a special election, as provided for in Section 5.14  
254 of this charter and in accordance with Titles 21 and 45 of the O.C.G.A., or other such laws  
255 as are or may hereafter be enacted.

256 (c) This provision shall also apply to a temporary vacancy created by the suspension from  
257 office of the mayor or any councilmember.

258

**SECTION 2.13.**

259

Compensation and expenses.

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

261 as provided by ordinance.

262

**SECTION 2.14.**

263

Holding other office; voting when financially interested.

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

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

266 (b) Conflict of interest - No elected official, appointed officer, or employee of the town or

267 any agency or political entity to which this charter applies shall knowingly:

268 (1) Engage in any business or transaction, or have a financial or other personal interest,

269 direct or indirect, which is incompatible with the proper discharge of that person's official

270 duties or which would tend to impair the independence of the official's judgment or action

271 in the performance of those official duties;

272 (2) Engage in or accept private employment, or render services for private interests when

273 such employment or service is incompatible with the proper discharge of that person's

274 official duties or would tend to impair the independence of the official's judgment or

275 action in the performance of those official duties;

276 (3) Disclose confidential information, including information obtained at meetings which

277 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,

278 government, or affairs of the governmental body by which the official is engaged without

279 proper legal authorization; or use such information to advance the financial or other

280 private interest of the official or others;

281 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,

282 from any person, firm, or corporation which to the official's knowledge is interested,

283 directly or indirectly, in any manner whatsoever, in business dealings with the

284 governmental body by which the official is engaged; provided, however, that an elected

285 official who is a candidate for public office may accept campaign contributions and

286 services in connection with any such campaign;

287 (5) Represent other private interests in any action or proceeding against this town or any

288 portion of its government; or

289 (6) Vote or otherwise participate in the negotiation or in the making of any contract with

290 any business or entity in which the official has a financial interest.

291 (c) Disclosure - Any elected official, appointed officer, or employee who shall have any  
292 financial interest, directly or indirectly, in any contract or matter pending before or within  
293 any department of the town shall disclose such interest to the town council. The mayor or  
294 any councilmember who has a financial interest in any matter pending before the town  
295 council shall disclose such interest and such disclosure shall be entered on the records of the  
296 town council, and that official shall disqualify himself or herself from participating in any  
297 decision or vote relating thereto. Any elected official, appointed officer, or employee of any  
298 agency or political entity to which this charter applies who shall have any financial interest,  
299 directly or indirectly, in any contract or matter pending before or within such entity shall  
300 disclose such interest to the governing body of such agency or entity.

301 (d) Use of public property - No elected official, appointed officer, or employee of the town  
302 or any agency or entity to which this charter applies shall use property owned by such  
303 governmental entity for personal benefit or profit but shall use such property only in their  
304 capacity as an officer or employee of the town.

305 (e) Contracts voidable and rescindable - Any violation of this section which occurs with the  
306 knowledge, express or implied, of a party to a contract or sale shall render said contract or  
307 sale voidable at the option of the town council.

308 (f) Ineligibility of elected official - Except where authorized by law, neither the mayor nor  
309 any councilmember shall hold any other elective or appointive office in the town or  
310 otherwise be employed by said government or any agency thereof during the term for which  
311 that official was elected. No former mayor and no former councilmember shall hold any  
312 appointive office in the town until one year after the expiration of the term for which that  
313 official was elected.

314 (g) Political activities of certain officers and employees - No officer appointed by the town  
315 council shall continue in such employment upon qualifying as a candidate for nomination or  
316 election to any public office. No employee of the town shall continue in such employment  
317 upon qualifying for or election to any public office in this town or any other public office  
318 which is inconsistent, incompatible, or in conflict with the duties of the town employee.  
319 Such determination shall be made by the mayor and council either immediately upon  
320 qualification or at any time such conflict may arise.

321 (h) Penalties for violation

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

325 (2) Any officer or employee of the town who shall forfeit an office or position as described  
326 in paragraph (1) of this subsection, shall be ineligible for appointment or election to or  
327 employment in a position in the town government for a period of three years thereafter.

328

**SECTION 2.15.**

329

Inquiries and investigations.

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

336

**SECTION 2.16.**

337

General power and authority of the town council.

338 (a) Except as otherwise provided by law or this charter, the town council shall be vested with  
339 all the powers of government of this town.

340 (b) In addition to all other powers conferred upon it by law, the council shall have the  
341 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and  
342 regulations, not inconsistent with this charter and the Constitution and the laws of the State  
343 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,  
344 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,  
345 or well-being of the inhabitants of the Town of Trion and may enforce such ordinances by  
346 imposing penalties for violation thereof.

347

**SECTION 2.17.**

348

Eminent domain.

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

357

**SECTION 2.18.**

358

## Organizational meetings.

359 The town council shall hold an organizational meeting on a date in January of each  
 360 even-numbered year as specified by ordinance. The meeting shall be called to order by the  
 361 town clerk and the oath of office shall be administered to the newly elected members by a  
 362 judicial officer authorized to administer oaths and shall, to the extent that it comports with  
 363 federal and state law, be as follows:

364 "I do solemnly (swear)(affirm) that I will faithfully perform the duties of  
 365 (mayor)(councilmember) of this town and that I will support and defend the charter thereof  
 366 as well as the constitution and laws of the State of Georgia and of the United States of  
 367 America. I am not the holder of any unaccounted for public money due this state or any  
 368 political subdivision or authority thereof. I am not the holder of any office of trust under  
 369 the government of the United States, any other state, or any foreign state which I by the  
 370 laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold  
 371 said office according to the Constitution and laws of Georgia. I have been a resident of the  
 372 Town of Trion for the time required by the Constitution and laws of this state and by the  
 373 municipal charter. I will perform the duties of my office in the best interest of the Town  
 374 of Trion to the best of my ability without fear, favor, affection, reward, or expectation  
 375 thereof."

376

**SECTION 2.19.**

377

## Regular and special meetings.

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

380 (b) Special meetings of the town council may be held on call of the mayor or two members  
 381 of the town council. Notice of such special meetings shall be served on all other members  
 382 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such  
 383 notice to councilmembers shall not be required if the mayor and all councilmembers are  
 384 present when the special meeting is called. Such notice of any special meeting may be  
 385 waived by a councilmember in writing before or after such a meeting, and attendance at the  
 386 meeting shall also constitute a waiver of notice on any business transacted in such  
 387 councilmembers presence. Only the business stated in the call may be transacted at the  
 388 special meeting.

389 (c) All meetings of the town council shall be public to the extent required by law and notice  
 390 to the public of special meetings shall be made fully as is reasonably possible as provided by

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

393 **SECTION 2.20.**

394 Rules of procedure.

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

398 (b) All committees and committee chairs and officers of the town council shall be appointed  
399 by the mayor with the approval and consent of the town council and shall serve at the  
400 pleasure of the town council. The mayor shall have the power to appoint new members to  
401 any committee at any time.

402 **SECTION 2.21.**

403 Quorum; voting.

404 (a) Three councilmembers shall constitute a quorum and shall be authorized to transact  
405 business of the town council. Voting on the adoption of ordinances shall be by voice vote  
406 and the vote shall be recorded in the journal, but any member of the town council shall have  
407 the right to request a roll call vote and such vote shall be recorded in the journal. Except as  
408 otherwise provided in this charter, the affirmative vote of three councilmembers shall be  
409 required for the adoption of any ordinance, resolution, or motion.

410 (b) The mayor shall only vote in the event of a tie between councilmembers.

411 **SECTION 2.22.**

412 Ordinance form; procedures.

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

417 (b) An ordinance may be introduced by any councilmember and be read at a regular or  
418 special meeting of the town council. Ordinances shall be considered and adopted or rejected  
419 by the town council in accordance with the rules which it shall establish; provided, however,  
420 an ordinance shall not be adopted the same day it is introduced, except for emergency  
421 ordinances provided in Section 2.24 of this charter. Upon introduction of any ordinance, the

422 clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and  
 423 shall file a reasonable number of copies in the office of the clerk and at such other public  
 424 places as the town council may designate.

425 **SECTION 2.23.**

426 Action requiring an ordinance.

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

429 **SECTION 2.24.**

430 Emergencies.

431 (a) To meet a public emergency affecting life, health, property, or public peace, the town  
 432 council may convene on call of the mayor or two councilmembers and promptly adopt an  
 433 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a  
 434 franchise; regulate the rate charged by any public utility for its services; or authorize the  
 435 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance  
 436 shall be introduced in the form prescribed for ordinances generally, except that it shall be  
 437 plainly designated as an emergency ordinance and shall contain, after the enacting clause,  
 438 a declaration stating that an emergency exists, and describing the emergency in clear and  
 439 specific terms. An emergency ordinance may be adopted, with or without amendment, or  
 440 rejected at the meeting at which it is introduced, but the affirmative vote of at least three  
 441 councilmembers shall be required for adoption. It shall become effective upon adoption or  
 442 at such later time as it may specify. Every emergency ordinance shall automatically stand  
 443 repealed 30 days following the date upon which it was adopted, but this shall not prevent  
 444 reenactment of the ordinance in the manner specified in this section if the emergency still  
 445 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance  
 446 in the same manner specified in this section for adoption of emergency ordinances.

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

451

**SECTION 2.25.**

452

Codes of technical regulations.

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

456 (1) The requirements of Section 2.22(b) for distribution and filing of copies of the  
 457 ordinance shall be construed to include copies of any code of technical regulations, as  
 458 well as the adopting ordinance; and

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

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

463

**SECTION 2.26.**

464

Signing; authenticating; recording; codification; printing.

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

467 (b) The town council shall provide for the preparation of a general codification of all the  
 468 ordinances of the town having the force and effect of law. The general codification shall be  
 469 adopted by the town council by ordinance and shall be published promptly, together with all  
 470 amendments thereto and such codes of technical regulations and other rules and regulations  
 471 as the town council may specify. This compilation shall be known and cited officially as  
 472 "The Code of the Town of Trion, Georgia." Copies of the code shall be furnished to all  
 473 officers, departments, and agencies of the town, and made available for purchase by the  
 474 public at a reasonable price as fixed by the town council.

475 (c) The town council shall cause each ordinance and each amendment to this charter to be  
 476 printed promptly following its adoption, and the printed ordinances and charter amendments  
 477 shall be made available for purchase by the public at reasonable prices to be fixed by the  
 478 town council. Following publication of the first code under this charter and at all times  
 479 thereafter, the ordinances and charter amendments shall be printed in substantially the same  
 480 style as the code currently in effect and shall be suitable in form for incorporation therein.  
 481 The town council shall make such further arrangements as deemed desirable with  
 482 reproduction and distribution of any current changes in or additions to codes of technical  
 483 regulations and other rules and regulations included in the code.

484 **SECTION 2.27.**

485 Election of mayor; forfeiture; compensation.

486 The mayor shall be elected and serve for a term of four years and until a successor is elected  
 487 and qualified. The mayor shall be a qualified elector of this town and shall have been a  
 488 resident of the town for six months prior to the election. The mayor shall continue to reside  
 489 in this town during the period of service. The mayor shall forfeit the office on the same  
 490 grounds and under the same procedure as for councilmembers. The compensation of the  
 491 mayor shall be established in the same manner as for councilmembers.

492 **SECTION 2.28.**

493 Mayor pro tem.

494 By a majority vote, the town council shall elect a councilmember to serve as mayor pro tem.  
 495 The mayor pro tem shall assume the duties and powers of the mayor during the mayor's  
 496 physical or mental disability, suspension from office, or absence. Any such disability or  
 497 absence shall be declared by a majority vote of the town council. The mayor pro tem shall  
 498 sign all contracts and ordinances in which the mayor has a disqualifying financial interest as  
 499 provided in Section 2.14 of this charter. When acting as mayor, the mayor pro tem shall  
 500 continue to have a vote only as a member of the council.

501 **SECTION 2.29.**

502 Powers and duties of mayor.

503 The mayor shall:

- 504 (a) Preside at all meetings of the town council;
- 505 (b) Be the head of the town for the purpose of service of process and for ceremonial  
 506 purposes, and be the official spokesperson for the town and the chief advocate of policy;
- 507 (c) Have the power to administer oaths and to take affidavits;
- 508 (d) Sign as a matter of course on behalf of the town all written and approved contracts,  
 509 ordinances, and other instruments executed by the town which by law are required to be  
 510 in writing;
- 511 (e) Vote on matters before the town council only in the case of a tie between  
 512 councilmembers and shall not be counted toward a quorum of the town council;
- 513 (f) Prepare and submit to the town council a recommended annual operating budget and  
 514 recommended capital budget; and

515 (g) Fulfill such other executive and administrative duties as the town council shall by  
516 ordinance establish.

517 **ARTICLE III**  
518 **ADMINISTRATIVE AFFAIRS**

519 **SECTION 3.10.**  
520 **Administrative and service departments.**

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

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

528 (c) All appointive officers and directors of departments shall receive such compensation as  
529 prescribed by ordinance or resolution.

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

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

538 **SECTION 3.11.**  
539 **Boards, commissions, and authorities.**

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

544 (b) All members of boards, commissions, and authorities of the town shall be appointed by  
545 the town council for such terms of office and in such manner as shall be provided by

546 ordinance, except where other appointing authority, terms of office, or manner of  
547 appointment is prescribed by this charter or by law.

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

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

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

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

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

561 (h) Except as otherwise provided by this charter or by law, each board, commission, or  
562 authority of the town shall elect one of its members as chair and one member as vice chair,  
563 and may elect as its secretary one of its own members or may appoint as secretary an  
564 employee of the town. Each board, commission, or authority of the town government may  
565 establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances  
566 of the town, or law, as it deems appropriate and necessary for the fulfillment of its duties or  
567 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with  
568 the clerk of the town.

569 **SECTION 3.12.**

570 **Town attorney.**

571 (a) The mayor shall appoint a town attorney, together with such assistant town attorneys as  
572 may be authorized, and the town council shall provide for the payment of such attorney or  
573 attorneys for services rendered to the town. The town attorney shall be responsible for  
574 providing for the representation and defense of the town in all litigation in which the town  
575 is a party; may be the prosecuting officer in the municipal court; shall attend the meetings  
576 of the council as directed; shall advise the town council, mayor, and other officers and  
577 employees of the town concerning legal aspects of the town's affairs; and shall perform such  
578 other duties as may be required by virtue of the person's position as town attorney.

579 (b) The town attorney is not a public official of the town and shall not take an oath of office.  
 580 The town attorney shall at all times be an independent contractor. A law firm, rather than  
 581 an individual, may be designated as the town attorney.

582 **SECTION 3.13.**

583 Town clerk.

584 The town council shall appoint a town clerk who shall not be a councilmember. The town  
 585 clerk shall be custodian of the official town seal and town records; maintain town council  
 586 records required by this charter; and perform such other duties as may be required by the  
 587 town council.

588 **SECTION 3.14.**

589 Position classification and pay plans.

590 The mayor shall be responsible for the preparation of a position classification and pay plan  
 591 which shall be submitted to the town council for approval. Such plan may apply to all  
 592 employees of the town and any of its agencies, departments, boards, commissions, or  
 593 authorities. When a pay plan has been adopted, the town council shall not increase or  
 594 decrease the salary range applicable to any position except by amendment of such pay plan.  
 595 For purposes of this section, all elected and appointed town officials are not town employees.

596 **SECTION 3.15.**

597 Personnel policies.

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

600 **ARTICLE IV**

601 **JUDICIAL BRANCH**

602 **SECTION 4.10.**

603 Creation; name.

604 There shall be a court to be known as the Municipal Court of the Town of Trion.

605

**SECTION 4.11.**

606

Chief judge; associate judge.

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

609 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless  
610 that person shall have attained the age of 25 years, shall have been a resident of Chattooga  
611 County, Georgia, for at least one year, and shall possess all qualifications required by law.  
612 All judges shall be appointed by the town council and shall serve until a successor is  
613 appointed and qualified.

614 (c) The chief judge, and such other part-time, full-time, and standby judges, shall be selected  
615 by the mayor and approved by a majority vote of a quorum of the town council and once  
616 appointed shall serve until a successor is appointed and qualified.

617 (d) Compensation of the judges shall be fixed by ordinance.

618 (e) All judges serve at-will and may be removed from office at any time by the town council  
619 unless otherwise provided by ordinance.

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

624

**SECTION 4.12.**

625

Convening.

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

627

**SECTION 4.13.**

628

Jurisdiction; powers.

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

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

633 (c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding  
634 a fine of \$1,000.00 or imprisonment for 180 days, or both such fine and imprisonment, or  
635 may fix punishment by fine, imprisonment, or alternative sentencing as now or hereafter  
636 provided by law, including up to 30 days of community service.

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

640 (e) The municipal court shall have authority to establish bail and recognizances to ensure  
641 the presence of those charged with violations before said court, and shall have discretionary  
642 authority to accept cash or personal or real property as surety for the appearance of persons  
643 charged with violations. Whenever any person shall give bail for that person's appearance  
644 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge  
645 presiding at such time, and an execution issued thereon by serving the defendant and the  
646 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the  
647 event that cash or property is accepted in lieu of bond for security for the appearance of a  
648 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,  
649 the cash so deposited shall be on order of the judge declared forfeited to the town, or the  
650 property so deposited shall have a lien against it for the value forfeited which lien shall be  
651 enforceable in the same manner and to the same extent as a lien for town property taxes.

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

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

658 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of  
659 persons charged with offenses against any ordinance of the town, and each judge of the  
660 municipal court shall have the same authority as a magistrate of the state to issue warrants  
661 for offenses against state laws committed within the town.

#### 662 **SECTION 4.14.**

##### 663 **Certiorari.**

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

668 **SECTION 4.15.**

669 Rules for Court.

670 With the approval of the town council, the chief judge shall have full power and authority  
 671 to make reasonable rules and regulations necessary and proper to secure the efficient and  
 672 successful administration of the municipal court; provided, however, that the town council  
 673 may adopt in part or in toto the rules and regulations applicable to municipal courts. The  
 674 rules and regulations made or adopted shall be filed with the town clerk, shall be available  
 675 for public inspection, and, upon request, a copy shall be furnished to all defendants in  
 676 municipal court proceedings at least 48 hours prior to said proceedings.

677 **ARTICLE V**

678 **ELECTIONS AND REMOVAL**

679 **SECTION 5.10.**

680 Applicability of general law.

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

683 **SECTION 5.12.**

684 Non-partisan elections.

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

687 **SECTION 5.13.**

688 Election by plurality.

689 (a) For the purpose of electing members of the town council, there shall be five seats on the  
 690 council, designated as Council Seats 1 through 5. A candidate shall designate the seat for  
 691 which he or she is offering at the time of qualifying. Members may reside anywhere within  
 692 the town and shall be elected by the electors of the entire town.

693 (b) The mayor and members of the town council in office on the effective date of this charter  
 694 shall serve out the terms to which they were elected and until their respective successors are  
 695 elected and qualified.

696 (c) At the municipal general election in 2013, an election shall be held for successors to the  
 697 mayor and those members of the council from Council Seats 1, 2, and 3, whose terms are  
 698 expiring. Such successors shall take office on January 1, 2014, and shall serve for terms of  
 699 four years and until their respective successors are elected and qualified. Thereafter,  
 700 successors shall be elected at the municipal general election immediately preceding the end  
 701 of the term of office, shall take office on the first day of January following such election, and  
 702 shall serve for terms of four years and until their respective successors are elected and  
 703 qualified.

704 (d) At the municipal general election in 2015, an election shall be held for successors to  
 705 those members of the council from Council Seats 4 and 5, whose terms are expiring. Such  
 706 successors shall take office on January 1, 2016, and shall serve for terms of four years and  
 707 until their respective successors are elected and qualified. Thereafter, successors shall be  
 708 elected at the municipal general election immediately preceding the end of the term of office,  
 709 shall take office on the first day of January following such election, and shall serve for terms  
 710 of four years and until their respective successors are elected and qualified.

711 (e) The person receiving a plurality of the votes cast for any town office shall be elected.

712 **SECTION 5.14.**

713 Special elections; vacancies.

714 In the event that the office of mayor or councilmember shall become vacant as provided in  
 715 Section 2.12 of this charter, the town council or those remaining shall order a special election  
 716 to fill the balance of the unexpired term of such official; provided, however, if such vacancy  
 717 occurs within six months of the expiration of the term of that office, the town council or  
 718 those remaining shall appoint a successor for the remainder of the term. In all other respects,  
 719 the special election shall be held and conducted in accordance with Chapter 2 of Title 21 of  
 720 the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

721 **SECTION 5.15.**

722 Other provisions.

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

726

**SECTION 5.16.**

727

## Removal of officers.

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

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

733 (1) Following a hearing at which an impartial panel shall render a decision. In the event  
 734 an elected officer is sought to be removed by the action of the town council, such officer  
 735 shall be entitled to a written notice specifying the ground or grounds for removal and to a  
 736 public hearing which shall be held not less than ten days after the service of such written  
 737 notice. The town council shall provide by ordinance for the manner in which such hearings  
 738 shall be held. Any elected officer sought to be removed from office as herein provided  
 739 shall have the right of appeal from the decision of the town council to the Superior Court  
 740 of Chattooga County. Such appeal shall be governed by the same rules as govern appeals  
 741 to the superior court from the probate court.

742 (2) By an order of the Superior Court of Chattooga County following a hearing on a  
 743 complaint seeking such removal brought by any resident of the Town of Trion.

744

**ARTICLE VI**

745

**FINANCE**

746

**SECTION 6.10.**

747

## Property tax.

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

754 **SECTION 6.11.**

755 Millage rate; due dates; payment methods.

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

760 **SECTION 6.12.**

761 Occupation and business taxes.

762 The town council by ordinance shall have the power to levy such occupation or business  
763 taxes as are not denied by law. The town council may classify businesses, occupations, or  
764 professions for the purpose of such taxation in any way which may be lawful and may  
765 compel the payment of such taxes as provided in Section 6.18.

766 **SECTION 6.13.**

767 Regulatory fees; permits.

768 The town council by ordinance shall have the power to require businesses or practitioners  
769 doing business within this town to obtain a permit for such activity from the town and pay  
770 a reasonable regulatory fee for such permit as provided by general law. Such fees shall  
771 reflect the total cost to the town of regulating the activity, and if unpaid, shall be collected  
772 as provided in Section 6.18.

773 **SECTION 6.14.**

774 Franchises.

775 (a) The town council shall have the power to grant franchises for the use of this town's  
776 streets and alleys for the purposes of railroads, street railways, telephone companies, electric  
777 companies, electric membership corporations, cable television and other telecommunications  
778 companies, gas companies, transportation companies, and other similar organizations. The  
779 town council shall determine the duration, terms, whether the same shall be exclusive or  
780 nonexclusive, and the consideration for such franchises; provided, however, no franchise  
781 shall be granted for a period in excess of 35 years and no franchise shall be granted unless  
782 the town receives just and adequate compensation therefor. The town council shall provide  
783 for the registration of all franchises with the town clerk in a registration book kept by the

784 clerk. The town council may provide by ordinance for the registration within a reasonable  
785 time of all franchises previously granted.

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

791 **SECTION 6.15.**

792 Service charges.

793 The town council by ordinance shall have the power to assess and collect fees, charges,  
794 assessments, and tolls for sewers, sanitary and health services, or any other services provided  
795 or made available within and without the corporate limits of the town. If unpaid, such  
796 charges shall be collected as provided in Section 6.18.

797 **SECTION 6.16.**

798 Special assessments.

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

803 **SECTION 6.17.**

804 Construction; other taxes and fees.

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

808 **SECTION 6.18.**

809 Collection of delinquent taxes and fees.

810 The town council, by ordinance, may provide generally for the collection of delinquent taxes,  
811 fees, or other revenue due the town under Sections 6.10 through 6.17 by whatever reasonable  
812 means as are not precluded by law. This shall include providing for the dates when the taxes

813 or fees are due; late penalties or interest; issuance and execution of fi.fa.'s; creation and  
 814 priority of liens; making delinquent taxes and fees personal debts of the persons required to  
 815 pay the taxes or fees imposed; revoking town permits for failure to pay any town taxes or  
 816 fees; and providing for the assignment or transfer of tax executions.

817 **SECTION 6.19.**

818 General obligation bonds.

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

823 **SECTION 6.20.**

824 Revenue bonds.

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

828 **SECTION 6.21.**

829 Short-term loans.

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

832 **SECTION 6.22.**

833 Lease-purchase contracts.

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

841 **SECTION 6.23.**

842 Fiscal Year.

843 The town council shall set the fiscal year by ordinance. This fiscal year shall constitute the  
844 budget year and the year for financial accounting and reporting of each and every office,  
845 department, agency, and activity of the town government unless otherwise provided by state  
846 or federal law.

847 **SECTION 6.24.**

848 Preparation of budgets.

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

853 **SECTION 6.25.**

854 Submission of operating budget to town council.

855 On or before a date fixed by the town council but not later than 90 days prior to the  
856 beginning of each fiscal year, the mayor shall submit to the town council a proposed  
857 operating budget for the ensuing fiscal year. The budget shall be accompanied by a message  
858 from the mayor containing a statement of the general fiscal policies of the town, the  
859 important features of the budget, explanations of major changes recommended for the next  
860 fiscal year, a general summary of the budget, and such other pertinent comments and  
861 information. The operating budget and the capital budget hereinafter provided for, the  
862 budget message, and all supporting documents shall be filed in the office of the town clerk  
863 and shall be open to public inspection.

864 **SECTION 6.26.**

865 Action by town council on budget.

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

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

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

884 **SECTION 6.27.**

885 Tax levies.

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

892 **SECTION 6.28.**

893 Changes in appropriations.

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

898 **SECTION 6.29.**

899 Capital budget.

900 (a) On or before the date fixed by the town council but no later than 90 days prior to the  
 901 beginning of each fiscal year, the mayor shall submit to the town council a proposed capital

902 improvements plan with a recommended capital budget containing the means of financing  
 903 the improvements proposed for the ensuing fiscal year. The town council shall have power  
 904 to accept, with or without amendments, or reject the proposed plan and proposed budget.  
 905 The town council shall not authorize an expenditure for the construction of any building,  
 906 structure, work, or improvement, unless the appropriations for such project are included in  
 907 the capital budget, except to meet a public emergency as provided in Section 2.24 of this  
 908 charter.

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

916 **SECTION 6.30.**

917 Independent audit.

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

923 **SECTION 6.31.**

924 Contracting procedures.

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

- 926 (1) It is in writing;
- 927 (2) It is drawn by or submitted to and reviewed by the town attorney and, as a matter of  
 928 course, is signed by the town attorney to indicate such drafting or review; and
- 929 (3) It is made or authorized by the town council and such approval is entered in the town  
 930 council journal of proceedings pursuant to Section 2.21 of this charter.

931 **SECTION 6.32.**

932 Centralized purchasing.

933 The town council shall by ordinance prescribe procedures for a system of centralized  
934 purchasing for the town.

935 **SECTION 6.33.**

936 Sale and lease of town property.

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

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

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

955 **ARTICLE VII**

956 **EDUCATION**

957 **SECTION 7.10.**

958 Board of education.

959 (a) The Board of Education of the Town of Trion which was appointed and in existence on  
960 the effective date of this charter is continued in existence but, on and after the effective date  
961 of this charter, shall be constituted as provided in this article. The Board of Education of the

962 Town of Trion so continued and constituted, sometimes referred to in this article as the  
963 "board," shall continue to have the same powers, duties, rights, obligations, and liabilities of  
964 that Board of Education of the Town of Trion as existed immediately before the effective  
965 date of this charter and shall be subject to all constitutional and statutory provisions relating  
966 to boards of education and not in conflict with this article.

967 (b) The Board of Education of the Town of Trion shall consist of five members elected at  
968 large by the electors of the Town of Trion Independent School District in accordance with  
969 this section. Those members of the Board of Education of the Town of Trion who are  
970 serving as such on the effective date of this charter shall serve out the terms of office to  
971 which such members were elected.

972 (c)(1) No person shall be a member of the board if that person is ineligible for such  
973 office pursuant to Code Section 20-2-51 or 45-2-1 of the O.C.G.A. or any other general  
974 law.

975 (2) In order to be elected as a member of the board, a person shall have resided in the  
976 Town of Trion Independent School District for at least 12 months prior to election  
977 thereto. Only electors who are residents of that school district shall vote for a member  
978 of the board, A person elected as a member of the board shall continue to reside in that  
979 school district during that person's terms of office or that office shall thereupon become  
980 vacant.

981 (d) For the purpose of electing the members of the Board of Education of the Town of Trion,  
982 there shall be five seats on the board, designated as Board Seats 1 through 5. A candidate  
983 shall designate the seat for which he or she offers at the time of qualifying. Members may  
984 reside anywhere within the school district and shall be elected by the electors of the entire  
985 school district.

986 (e) An election shall be conducted at the time of and in conjunction with the general  
987 municipal election in 2013 to elect successors to the members from Board Seats 1, 2, and 3  
988 whose terms expire on December 31, 2013. Those members elected from Board Seats 1, 2,  
989 and 3 shall take office on January 1, 2014, and shall serve for terms of four years and until  
990 their respective successors are elected and qualified. Successors to such members shall be  
991 elected at the municipal general election immediately prior to the end of their terms and such  
992 successors shall take office on January 1 immediately following such election and shall serve  
993 for terms of four years and until their respective successors are elected and qualified.

994 (f) An election shall be conducted at the time of and in conjunction with the general  
995 municipal election in 2015 to elect successors to the members from Board Seats 4 and 5  
996 whose terms expire on December 31, 2015. Those members elected from Board Seats 4  
997 and 5 shall take office on January 1, 2016, and shall serve for terms of four years and until  
998 their respective successors are elected and qualified. Successors to such members shall be

999 elected at the municipal general election immediately prior to the end of their terms and such  
1000 successors shall take office on January 1 immediately following such election and shall serve  
1001 for terms of four years and until their respective successors are elected and qualified.

1002 (g) All elections for members of the board shall be conducted in accordance with Chapter 2  
1003 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.  
1004 Such elections shall be held on a nonpartisan basis and the person received a plurality of the  
1005 votes cast for such seat shall be elected.

1006 **SECTION 7.11.**

1007 Vacancies.

1008 In the event of a vacancy occurring in the membership of the board for any reason other than  
1009 expiration of term, that vacancy shall be filled as provided in Code Section 20-2-54.1 of  
1010 the O.C.G.A.

1011 **SECTION 7.12.**

1012 Compensation.

1013 Members of the Board of Education of the Town of Trion shall be compensated in the same  
1014 amount and subject to the same procedures as the members of the town council. Members  
1015 of the board shall be reimbursed for expenses in the same manner as members of the town  
1016 council.

1017 **SECTION 7.13.**

1018 Chairperson.

1019 The chairperson of the board shall be elected from the membership of the board as provided  
1020 in Code Section 20-2-57 of the O.C.G.A.

1021 **SECTION 7.14.**

1022 School superintendent.

1023 (a) The Board of Education of the Town of Trion shall appoint a school superintendent.  
1024 Unless otherwise provided by general law, such school superintendent shall serve at the  
1025 pleasure of the board or the board may provide the school superintendent with a contract of  
1026 employment for a fixed term.

1027 (b) Except as otherwise provided in this section, the school superintendent shall be subject  
 1028 to all general laws of this state relating to school superintendents.

1029 **ARTICLE VIII**

1030 **GENERAL PROVISIONS**

1031 **SECTION 8.10.**

1032 Bonds for officials.

1033 The officers and employees of this town, both elective and appointive, shall execute such  
 1034 surety or fidelity bonds in such amounts and upon such terms and conditions as the town  
 1035 council shall from time to time require by ordinance or as may be provided by law.

1036 **SECTION 8.11.**

1037 Prior ordinances.

1038 All ordinances, resolutions, rules and regulations now in force in the town not inconsistent  
 1039 with this charter are hereby declared valid and of full effect and force until amended or  
 1040 repealed by the town council.

1041 **SECTION 8.12.**

1042 Existing personnel and officers.

1043 Except as specifically provided otherwise by this charter, all personnel and officers of the  
 1044 town and their rights, privileges, and powers shall continue beyond the time this charter takes  
 1045 effect for a period of 90 days before or during which the existing town council shall pass a  
 1046 transition ordinance detailing the changes in personnel and appointive officers required or  
 1047 desired and arranging such titles, rights, privileges, and powers as may be required or desired  
 1048 to allow a reasonable transition.

1049 **SECTION 8.13.**

1050 Pending matters.

1051 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,  
 1052 contracts, and legal or administrative proceedings shall continue and any such ongoing work  
 1053 or cases shall be completed by such town agencies, personnel, or offices as may be provided  
 1054 by the town council.

**SECTION 8.14.**

## Construction.

1057 (a) Section captions in this charter are informative only and are not to be considered as a part  
1058 thereof.

1059 (b) The word "shall" is mandatory and the word "may" is permissive.

1060 (c) The singular shall include the plural, the masculine shall include the feminine, and vice  
1061 versa.

**SECTION 8.15.**

## Severability.

1064 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be  
1065 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect  
1066 or impair other parts of this charter unless it clearly appears that such other parts are wholly  
1067 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the  
1068 legislative intent in enacting this charter that each article, section, subsection, paragraph,  
1069 sentence, or part thereof be enacted separately and independent of each other.

**SECTION 8.16.**

## Specific repealer.

1072 An Act incorporating the Town of Trion, approved December 18, 1897 (Ga. L. 1897, p. 352),  
1073 is hereby repealed in its entirety and all amendatory acts thereto are likewise repealed in their  
1074 entirety.

**SECTION 8.17.**

## Effective date.

1077 This charter shall become effective on July 1, 2012.

**SECTION 8.18.**

1079 All laws and parts of laws in conflict with this Act are repealed.