

Senate Bill 534

By: Senator Jeffares of the 17th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act incorporating the City of McDonough, approved April 16, 1981 (Ga. L.
2 1981, p. 3387), as amended, so as to provide for incorporation, boundaries, and powers of
3 the city; to provide for a governing authority of such city and the powers, duties, authority,
4 election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of
5 interest, and suspension and removal from office relative to members of such governing
6 authority; to provide for inquiries and investigations; to provide for oaths, organization,
7 meetings, quorum, voting, rules, and procedures; to provide for ordinances and codes; to
8 provide for a city administrator, mayor, and mayor pro tempore and certain duties, powers,
9 and other matters relative thereto; to provide for administrative affairs and responsibilities;
10 to provide for boards, commissions, and authorities; to provide for a city attorney, a city
11 clerk, and other personnel and matters relating thereto; to provide for rules and regulations;
12 to provide for a municipal court and the judge or judges thereof and other matters relative to
13 those judges; to provide for the court's jurisdiction, powers, practices, and procedures; to
14 provide for the right of certiorari; to provide for elections; to provide for taxation, licenses,
15 and fees; to provide for franchises, service charges, and assessments; to provide for bonded
16 and other indebtedness; to provide for auditing, accounting, budgeting, and appropriations;
17 to provide for city contracts and purchasing; to provide for the conveyance of property and
18 interests therein; to provide for bonds for officials; to provide for prior ordinances and rules,
19 pending matters, and existing personnel; to provide for penalties; to provide for definitions
20 and construction; to provide for other matters relative to the foregoing; to provide for an
21 effective date; to repeal conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 **SECTION 1.**

24 An Act incorporating the City of McDonough, approved April 16, 1981 (Ga. L. 1981, p.
25 3387), as amended, is amended by repealing Articles I through VII and enacting new articles
26 to read as follows:

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"ARTICLE I

28

INCORPORATION AND POWERS

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SECTION 1.10.

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Name.

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The City of McDonough, Georgia, in the County of Henry and the inhabitants thereof shall continue to be a body politic and corporate under the name and style of the City of McDonough, Georgia. Under the name said city shall continue to be vested with all of the property and rights of property which now belong to the corporation; shall have perpetual succession; may sue and be sued; may contract and be contracted with; may acquire and hold such property; real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to or otherwise acquired by it, and from time to time may hold or invest, sell or dispose of the same; may have a common seal and alter and renew the same at will.

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SECTION 1.11.

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Corporate boundaries.

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(a) The boundaries of the city shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of the city at all times shall be shown on a map, a written description or any combination thereof, to be retained permanently in the office of the City Clerk and to be designated as: 'Official Map of the corporate limits of the City of McDonough, Georgia.' Photographic, typed, or other copies of such map or description certified by the City Clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

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

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SECTION 1.12.

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Examples of powers.

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The corporate powers of this city may include, but shall not be limited to, the following:

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(1) Property taxes. To levy and to provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;

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- 58 (2) Other taxes. To levy and collect such other taxes as may be allowed now or in the
59 future by state law;
- 60 (3) Business regulation and taxation. To levy and to provide for the collection of license
61 fees and taxes on privileges, occupations, trades, and professions; to license and regulate
62 the same; to provide for the manner and method of payment of such licenses and taxes;
63 and to revoke such licenses after due process for failure to pay any city taxes or fees;
- 64 (4) Appropriations and expenditures. To make appropriations for the government of the
65 city; to authorize the expenditure of money for any purposes authorized by this charter
66 and for any purpose for which a municipality is authorized by the laws of the State of
67 Georgia; and to provide for the payment of expenses of the city;
- 68 (5) Municipal debts. To appropriate and borrow money for the payment of debts of the
69 city and to issue bonds for the purpose of raising revenue to carry out any project,
70 program, or venture authorized by this charter or the laws of the State of Georgia;
- 71 (6) Municipal property ownership. To acquire, dispose of, and hold in trust or otherwise,
72 any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the
73 property limits of the city;
- 74 (7) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
75 any purpose related to the powers and duties of the city and the general welfare of its
76 citizens, on such terms and conditions as the donor or grantor may impose;
- 77 (8) Condemnation. To condemn property, inside or outside the corporate limits of the
78 city for present or future use, and for any corporate purpose deemed necessary by the
79 governing authority, under Titles 22 and 32 of the O.C.G.A., as amended, or under other
80 applicable laws as are or may be enacted or amended;
- 81 (9) Municipal utilities. To acquire, lease, construct, operate, maintain, sell and dispose
82 of public utilities, including but not limited to a system of waterworks, sewers and drains,
83 sewage disposal, gas works, electric light plants, transportation facilities, public airports,
84 and any other public utility; to fix the taxes, charges, rates, fares, fees, assessments,
85 regulations, and penalties and withdrawal of service for refusal or failure to pay same and
86 the manner in which such remedies shall be enforced;
- 87 (10) Public utilities and services. To grant franchises or make contracts for public
88 utilities and public services; to prescribe the rates, fares, regulations and standards and
89 conditions of service applicable to the service to be provided by the franchise grantee or
90 contractor, insofar as not in conflict with such regulations by the Georgia Public Service
91 Commission;
- 92 (11) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
93 of, abandon, or close, construct, pave, curb, gutter, adorn with shade trees, otherwise
94 improve, maintain, repair, clean, prevent erosion of, and light roads, alleys, and walkways

95 within the corporate limits of the city; and to grant franchises and rights-of-way
96 throughout the streets and roads, and over the bridges and viaducts, for the use of public
97 utilities;

98 (12) Public improvements. To provide for the acquisition, construction, building,
99 operation and maintenance of public ways, parks and playgrounds, recreational facilities,
100 cemeteries, markets and market houses, public buildings, libraries, public housing,
101 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
102 recreational, conservation, sport, curative, corrective, detentional, penal and medical
103 institutions, agencies, and facilities; and any other public improvements, inside or outside
104 the corporate limits of the city; and to regulate the use thereof, and for such purposes,
105 property may be acquired by condemnation under Titles 22 and 32 of the O.C.G.A., as
106 amended, or under other applicable laws as are or may be enacted or amended;

107 (13) Sidewalk maintenance. To require real estate owners to repair and maintain in a
108 safe condition the sidewalks adjoining their lots or lands; and to enact ordinances
109 establishing the terms and conditions under which such repairs and maintenance shall be
110 effected, including the penalties to be imposed for failure to do so;

111 (14) Building regulation. To regulate the erection and construction of buildings and all
112 other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air
113 conditioning codes and to regulate all housing, building, and building trades; to license
114 the construction and erection of buildings and all other structures;

115 (15) Planning and zoning. To provide such comprehensive city planning for
116 development by zoning, subdivision regulation and the like as the mayor and city council
117 deems necessary and reasonable to insure a safe, healthy, and aesthetically pleasing
118 community;

119 (16) Public peace. To provide for the prevention and punishment of drunkenness, riots,
120 and public disturbances;

121 (17) Special areas of public regulation. To regulate or prohibit junk dealers; pawn shops;
122 the manufacture, sale or transportation of alcoholic beverages; the use and sale of
123 firearms; to regulate the transportation, storage and use of combustible, explosive and
124 inflammable materials, the use of lighting and heating equipment, and any other business
125 or situation which may be dangerous to persons or property; to regulate and control the
126 conduct of peddlers, and itinerant trades, theatrical performances, exhibitions, shows of
127 any kind whatever, by taxation or otherwise; to license, tax, regulate, or prohibit
128 professional fortune-telling, palmistry, adult bookstores, and massage parlors;

129 (18) Regulation of roadside areas. To prohibit or regulate and control the erection,
130 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
131 and all other structures or obstructions upon or adjacent to the rights-of-way of streets and

132 roads or within view thereof, within or abutting the corporate limits of the city and to
133 prescribe penalties and punishment for violation of such ordinances;

134 (19) Health and sanitation. To prescribe standards of health and sanitation and to
135 provide for the enforcement of such standards;

136 (20) Air and water pollution. To regulate the emission of smoke or other exhaust which
137 pollutes the air and to prevent the pollution of natural streams which flow within the
138 corporate limits of the city;

139 (21) Fire regulations. To fix and establish fire limits and from time to time to extend,
140 enlarge, or restrict same; to prescribe fire safety regulations not inconsistent with general
141 law, relating to both fire prevention and detection and to fire fighting, and to prescribe
142 penalties and punishment for violation thereof;

143 (22) Public hazards, removal. To provide for the destruction and removal of any
144 building or other structure which may or might become dangerous or detrimental to the
145 public;

146 (23) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
147 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
148 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
149 paper, and other recyclable materials and to provide for the sale of such items;

150 (24) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
151 and disposal and other sanitary service charge, tax, or fee for such services as may be
152 necessary in the operation of the city from all individuals, firms, and corporations
153 residing in or doing business therein benefiting from such services; to enforce the
154 payment of such charges, taxes or fees, and to provide for the manner and method of
155 collecting such service charges;

156 (25) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
157 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
158 and sewerage system, and to levy on the users of sewers and the sewerage system a sewer
159 service charge, fee, or sewer tax for the use of the sewers; and to provide for the manner
160 and method of collecting such service charges, and for enforcing payment of same; to
161 charge, impose, and collect a sewer connection fee or fees, and to charge the same from
162 time to time; such fees to be levied on the users connecting with the sewerage system;

163 (26) Nuisance. To define a nuisance and provide for its abatement whether on public or
164 private property;

165 (27) Municipal property protection. To provide for the preservation and protection of
166 property and equipment of the city and the administration and use of same by the public,
167 and to prescribe penalties and punishment for violations thereof;

168 (28) Jail sentences. To provide that persons given jail sentences in the city's court may
169 work out such sentence in any public works or on the streets, roads, drains, and other
170 public property in the city; to provide for commitment of such persons to any jail, to
171 provide for the use of pretrial diversion and any alternative sentencing allowed by law,
172 or to provide for commitment of such persons to any county work camp or jail by
173 agreement with the appropriate county officials;

174 (29) Animal regulations. To regulate and license, or prohibit the keeping or running at
175 large of animals and fowl and to provide for the impoundment of same, if in violation of
176 any ordinance or lawful order; also to provide for their disposition by sale, gift, or
177 humane disposal, when not redeemed as provided by ordinance; to provide punishment
178 for violation of ordinances enacted hereunder;

179 (30) Motor vehicles. To regulate the operation of motor vehicles and exercise control
180 over all traffic, including parking, upon or across the streets, roads, alleys and walkways
181 of the city;

182 (31) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
183 number of such vehicles; to require the operators thereof to be licensed; to require public
184 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
185 regulate and rent parking spaces in public ways for the use of such vehicles;

186 (32) Pensions. To provide and maintain a system of pensions and retirement for officers
187 and employees of the city;

188 (33) Special assessments. To levy and provide for the collection of special assessments
189 to cover the costs for any public improvements;

190 (34) Contracts. To enter into contracts and agreements with other governmental entities
191 and with private persons, firms, and corporations providing for services to be made
192 therefor;

193 (35) City agencies and delegation of power. To create, alter, or abolish departments,
194 boards, offices, commissions and agencies of the city, and to confer upon such agencies
195 the necessary and appropriate authority for carrying out all the powers conferred upon or
196 delegated to same;

197 (36) Penalties. To provide penalties for violations of any ordinance adopted pursuant to
198 the authority of this charter and the laws of the State of Georgia;

199 (37) Police and fire protection. To exercise the power of arrest through duly appointed
200 policemen and to organize and operate a fire fighting agency;

201 (38) Emergencies. To establish procedures for determining and proclaiming that an
202 emergency situation exists within or without the city, and to make and carry out all
203 reasonable provisions deemed necessary to deal with or meet such an emergency for the
204 protection, safety, health or well-being of the citizens of the city;

205 (39) Urban redevelopment. To organize and operate an urban redevelopment program;
206 (40) Public transportation. To organize such public transportation systems as are deemed
207 beneficial;

208 (41) General health, safety, and welfare. To define, regulate, and prohibit any act,
209 practice, conduct, or use of property which is detrimental to health, sanitation,
210 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the
211 enforcement of such standards;

212 (42) Cutting and removal of weeds, vegetable growth and debris. To require the owner,
213 or his duly authorized agent, of any lot, tract, parcel of land or premises in the city to cut
214 and remove from the same, any and all weeds, vegetable growth or debris thereon which
215 might endanger the public health or safety; to provide notice to such owner, or the
216 owner's duly authorized agent, that if the weeds or vegetable growth or debris are not cut
217 or removed, the city may cut or remove the same and charge the expenses of the same to
218 the said owner. The mayor and council shall have authority to enforce the collection of
219 the charges for cutting or removing weeds or vegetable growth or debris when such
220 charges are due and remain unpaid for a period of 30 days, by execution to be issued by
221 the clerk against the owner or owners of the premises from which the weeds or vegetable
222 growth or debris are cut or removed and such other persons as may be liable therefor.
223 The said execution shall be a lien upon the said premises and, when recorded in the
224 general execution docket of Henry County, Georgia, shall be a lien upon all of the
225 property of the defendant in execution from the date of such record; and

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

237 SECTION 1.13.

238 Exercise of powers.

239 All powers, functions, rights, privileges, and immunities of the city, its officers, agencies,
 240 or employees may be exercised as provided by this charter. If this charter makes no
 241 provision, such may be exercised as provided by ordinance or as provided by pertinent state
 242 laws.

243 ARTICLE II

244 GOVERNING BODY

245 SECTION 2.10.

246 Creation; composition; number; election.

247 The governing authority of this city shall be composed of a mayor and six councilmembers
 248 who shall be elected in the manner provided by Article V of this charter.

249 SECTION 2.11.

250 Terms and qualification for office.

251 Except as otherwise provided for their initial terms, the members of the governing body
 252 shall serve for terms of four years and until their respective successors are elected and
 253 qualified. No person shall be eligible to serve as mayor or councilmember unless he or she
 254 shall have been a resident of the city for a period of one year immediately prior to the date
 255 of the election of the mayor or members of the council and shall continue to reside therein
 256 during his or her period of service and shall be registered and qualified to vote in municipal
 257 elections of this city.

258 SECTION 2.12.

259 Vacancy; filling of; forfeiture of office.

260 (a) The office of mayor or councilmember shall become vacant upon:

261 (1) The incumbent's death;

262 (2) Resignation when accepted;

263 (3) Decision of a competent tribunal declaring the office vacant;

264 (4) The incumbent ceasing to be a resident of the city or of the district for which he or
 265 she was elected;

266 (5) Abandoning the office and ceasing to perform its duties or either; or

267 (6) Forfeiture of office or removal from office in any manner authorized by this charter
268 or the laws of the State of Georgia.

269 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder
270 of the unexpired term, if any, as provided for in Article V in this charter.

271 (c) The mayor or any councilmember shall forfeit his or her office if he or she:

272 (1) Lacks at any time during his term of office any qualifications of the office as
273 prescribed by this charter or the laws of the State of Georgia;

274 (2) Willfully and knowingly violates any express prohibition of this charter; or

275 (3) Is convicted of a crime involving moral turpitude.

276 SECTION 2.13.

277 Compensation and expenses.

278 The salaries of the mayor and council shall be fixed by said mayor and council in January
279 next following the city's election except as otherwise limited by the general laws of the
280 State of Georgia. The mayor and councilmembers shall be entitled to receive their actual
281 and necessary expenses incurred in the performance of their duties.

282 SECTION 2.14.

283 Prohibitions.

284 Except as authorized by law, neither the mayor nor any member of the council shall hold
285 any other elective city office or city employment during the term for which he or she was
286 elected, and neither the mayor nor any member of the council shall vote upon any question
287 in which he or she is personally interested.

288 SECTION 2.15.

289 Code of ethics.

290 The mayor and council may enact by ordinance a code of ethics which shall apply to all
291 elected officials, appointed officers and employees of this city.

292 SECTION 2.16.

293 Inquiries and investigations.

294 The mayor and council may make inquiries and investigations into the affairs of the city
295 and the conduct of any department, office, or agency thereof and for this purpose may

296 subpoena witnesses, administer oaths, take testimony and require the production of
 297 evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of
 298 these powers by the mayor and council shall be punished as provided by ordinance.

299 SECTION 2.17.

300 General power and authority
 301 of the mayor and council.

302 (a) Except as otherwise provided by law or by this charter, the mayor and council shall be
 303 vested with all the powers of government of this city as provided by Article I of this
 304 charter.

305 (b) In addition to all other powers conferred upon it by law, the mayor and council shall
 306 have the authority to adopt and provide for the creation of such ordinances, resolutions,
 307 rules and regulations, not inconsistent with this charter, the Constitution and the laws of the
 308 State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good
 309 order, protection of life, property, health, welfare, sanitation, comfort, convenience,
 310 prosperity, or well-being of the inhabitants of this city. The mayor and council may
 311 enforce such ordinances by imposing penalties for the violation thereof.

312 (c) The mayor and council may, by ordinances, create, change, alter, abolish, or
 313 consolidate offices, agencies and departments of the city and may assign additional
 314 functions to any of the offices, agencies and departments expressly provided for by this
 315 charter.

316 SECTION 2.18.

317 Chief executive officer.

318 The mayor shall be the chief executive of this city. He shall possess all of the executive
 319 and administrative powers granted to the city under the Constitution and State of Georgia,
 320 and all the executive and administrative powers contained in this charter.

321 SECTION 2.19.

322 Powers and duties of mayor.

323 As the chief executive of this city the mayor:

- 324 (1) Shall see that all laws and ordinances of the city are faithfully executed;
 325 (2) Shall preside at all meetings of the mayor and council;
 326 (3) Reserved;

- 327 (4) Shall exercise supervision over all executive and administrative work of the city and
 328 provide for the coordination of administrative activities;
- 329 (5) Reserved;
- 330 (6) Reserved;
- 331 (7) May recommend to the council such measures relative to the affairs of the city,
 332 improvement of the government, and promotion of the welfare of its inhabitants as he
 333 may deem expedient;
- 334 (8) May call special meetings of the council as provided for in Section 2.22(b);
- 335 (9) May examine and audit all accounts of the city;
- 336 (10) May require any department or agency of the city to submit written reports
 337 whenever he or she deems it expedient; and
- 338 (11) Shall perform other duties as may be required by general state law, this charter or
 339 ordinance.

340 SECTION 2.20.

341 Mayor pro tem; selection; duties.

342 Following any induction of new members, the mayor and council shall elect by majority
 343 vote from among its members a mayor pro tem who shall assume the duties and powers of
 344 the mayor upon the mayor's disability or absence. The mayor pro tem shall serve for a term
 345 of one year and until his or her successor is elected and qualified. The mayor and council
 346 shall elect an acting mayor pro tem from among its members for any period in which the
 347 mayor pro tem is disabled, absent, or acting as mayor. Any such absence, action, or
 348 disability shall be declared by majority vote of all members of the mayor and council.

349 SECTION 2.21.

350 Organization meeting.

351 The mayor and council shall meet for organization on the first scheduled meeting in
 352 January next following the city election. The meeting shall be called to order and the oath
 353 of office shall be administered to the newly elected members as follows:

354 'I do solemnly swear that I will well and truly perform the duties of (mayor or
 355 councilmember as the case may be) of this city and that I will support and defend the
 356 charter thereof as well as the Constitution and laws of the State of Georgia and of the
 357 United States of America.'

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SECTION 2.22.

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Regular and special meetings.

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(a) The mayor and council shall hold regular meetings at such times and places as prescribed by ordinance. The mayor and council may recess any regular meeting and continue such meeting on any weekday or hour it may fix and may transact any business at such continued meeting as may be transacted at any regular meeting.

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(b) Special meetings of the mayor and council may be held on call of the mayor or two members of the council. Notice of such special meetings shall be served on all other members personally, or by telephone, or shall be left at their residence in advance of the meeting. Such notice shall not be required if the mayor and all councilmembers are present when the special meeting is called. Notice of any special meeting may be waived in writing before or after such meeting and attendance at the meeting shall constitute a waiver of notice of any special meeting. Only the business stated in the call may be transacted at the special meeting except by unanimous consent of all members present. With such consent, any business which may be transacted at a regular meeting may be conducted at the special meeting.

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(c) All meetings of the mayor and council shall be public to the extent required by general state law.

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SECTION 2.23.

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Rules of procedure.

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

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SECTION 2.24.

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Quorum; voting.

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(a) For transaction of all business, except as otherwise provided in this charter, the mayor and three councilmembers shall constitute a quorum. The vote of four councilmembers shall decide any question. Alternatively, the vote of three councilmembers and the mayor shall decide any question.

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(b) Voting on the adoption of ordinances shall be taken by voice or electronically. The ayes and nays shall be recorded in the minutes, but the mayor or any member of the council shall have the right to request a roll-call vote, except as otherwise provided in this charter.

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390 SECTION 2.25.

391 Action requiring an ordinance.

392 Acts of the mayor and council that have the force and effect of law shall be enacted by
393 ordinance.

394 SECTION 2.26.

395 Ordinance form; procedures.

396 (a) Every proposed ordinance should be introduced in writing and in the form required for
397 final adoption. No ordinance shall contain a subject that is not expressed in its title. The
398 enacting clause shall be 'It is hereby ordained by the governing authority of the City of
399 McDonough' and every ordinance shall so begin.

400 (b) An ordinance may be introduced by the mayor or any councilmember and be read at
401 a regular or special meeting of the city council. Ordinances shall be considered and
402 adopted or rejected by the mayor and council in accordance with the rules that it shall
403 establish. Upon introduction of any ordinance, the clerk shall as soon as possible distribute
404 a copy to the mayor and to each councilmember and shall file a reasonable number of
405 copies in the office of the clerk and at such other public places as the mayor and council
406 may designate.

407 SECTION 2.27.

408 Codes of technical regulations.

409 The mayor and council may adopt any standard code of technical regulations by reference
410 thereto in an adopting ordinance.

411 SECTION 2.28.

412 Signing; authenticating;
413 recording; printing.

414 (a) The city clerk may authenticate by his or her signature and record in full in a properly
415 indexed book kept for the purpose all ordinances adopted by the mayor and council. Every
416 ordinance may be signed by the mayor after adoption.

417 (b) The mayor and council may cause each ordinance and each amendment to this charter
418 to be printed promptly following its adoption. The ordinances and charter amendments
419 may be printed in substantially the same style as the code currently in effect and may be

420 suitable in form for incorporation therein. The mayor and council may make such further
 421 arrangements as deemed desirable with respect to reproduction and distributions of any
 422 current changes in or additions to codes of technical regulations and other rules and
 423 regulations included in the code.

424 ARTICLE III

425 ADMINISTRATIVE AFFAIRS

426 SECTION 3.10.

427 Administrative and service departments.

428 (a) Except as otherwise provided in this charter, the mayor and council shall prescribe the
 429 functions or duties and establish, abolish, or alter all nonelective offices, positions of
 430 employment, departments and agencies of the city, as necessary for the proper
 431 administration of the affairs and government of this city.

432 (b) Except as otherwise provided by this charter or general state law, department heads and
 433 other appointed officers of the city shall be appointed solely on the basis of their respective
 434 administrative and professional qualifications as shall be prescribed by the governing
 435 authority.

436 (c) All appointive officers and department heads shall receive such compensation as
 437 prescribed by the mayor and council.

438 (d) There may be a director of each department or agency who shall be its principal
 439 officer. Each director shall, subject to direction and supervision of the city administrator,
 440 be responsible for the administration and direction of the affairs and operations of his
 441 department or agency.

442 SECTION 3.11.

443 Boards, commissions and authorities.

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

448 (b) All members of boards, commissions, and authorities of the city shall be appointed by
 449 the mayor and council for such terms of office and in such manner as shall be provided by
 450 ordinance, except where other appointing authority, term of office or manner of
 451 appointment is prescribed by this charter or general state law.

452 (c) The mayor and council may provide for the compensation and reimbursement for
 453 actual and necessary expenses of the members of any board, commission, or authority.

454 (d) Any vacancy on a board, commission, or authority of the city shall be filled for the
 455 unexpired term in the manner prescribed herein for original appointment, except as
 456 otherwise provided by this charter or general state law.

457 (e) Any member of a board, commission, or authority of the city may be removed from
 458 office for cause by a majority vote of the mayor and council.

459 (f) Except as otherwise provided by this charter or by general state law, each board,
 460 commission, or authority of the city shall elect one of its members as chairman and one
 461 member as vice chairman and may elect as its secretary one of its own members or may
 462 appoint as secretary an employee of the city. Each board, commission, or authority of the
 463 city government may establish such by-laws, rules and regulations, not inconsistent with
 464 this charter, ordinances of the city, or general state law, as it deems appropriate and
 465 necessary for the fulfillment of its duties or the conduct of its affairs, copies of which shall
 466 be filed with the clerk of the city.

467 SECTION 3.12.

468 City attorney.

469 The mayor and council may appoint a city attorney, together with such assistant city
 470 attorneys as may be authorized, and shall provide for the payment of such attorney or
 471 attorneys for services rendered to the city. The city attorney:

472 (1) Shall be responsible for representing and defending the city in all litigation in which
 473 the city is a party;

474 (2) May be the prosecuting officer in the municipal court;

475 (3) Shall attend the meetings of the mayor and council as directed;

476 (4) Shall advise the council, mayor and other officers and employees of the city
 477 concerning legal aspects of the city's affairs; and

478 (5) Shall perform such other duties as may be required of him by virtue of his position
 479 as city attorney.

480 SECTION 3.13.

481 City clerk.

482 The mayor and council shall appoint a city clerk to keep a journal of the proceedings of the
 483 city council and to maintain in a safe place all records and documents pertaining to the

484 affairs of the city and to perform such other duties as may be required by law or as the
485 council may direct.

486 SECTION 3.14.

487 Tax collector.

488 The mayor and council may appoint a tax collector to collect all taxes, licenses, fees and
489 other moneys belonging to the city subject to the provisions of this charter and the
490 ordinances of the city; and the tax collector shall diligently comply with and enforce all
491 general laws of the State of Georgia relating to the collection, sale, or foreclosure of taxes
492 by municipalities.

493 SECTION 3.15.

494 City accountant.

495 The mayor and council may appoint a city accountant to perform the duties of an
496 accountant.

497 SECTION 3.16.

498 Consolidation of functions.

499 The mayor and council may consolidate any two or more of the positions of city clerk, city
500 tax collector and city accountant or any other positions or may assign the functions of any
501 one or more of such positions to the holder or holders of any other positions.

502 SECTION 3.17.

503 Position classification and pay plans.

504 The city administrator may be responsible for the preparation of a position classification
505 and pay plan which shall be submitted to the mayor and council for approval. Said plan
506 may apply to all employees of the city and any of its agencies, departments, boards,
507 commissions, or authorities. When a pay plan has been adopted, the mayor and council
508 shall not increase or decrease the salaries of individual employees except by amendment
509 of said pay plan. For purposes of this section, all elected and appointed city officials are
510 not city employees.

511 SECTION 3.18.

512 Personnel policies.

513 The mayor and council may adopt rules and regulations consistent with this charter
514 concerning:

515 (1) The method of employee selection and probationary periods of employment;

516 (2) The administration of the position classification and pay plan, methods of promotion
517 and application of service ratings thereto, and transfer of employees within the
518 classification plan;

519 (3) Hours of work, vacation, sick leave and other leaves of absence, overtime pay, and
520 the order and manner in which layoff shall be effected;

521 (4) Such dismissal hearings as due process may require; and

522 (5) Such other personnel policies as may be necessary to provide for adequate and
523 systematic handling of personnel affairs.

524 ARTICLE IV

525 MUNICIPAL COURT

526 SECTION 4.10.

527 Creation.

528 There is hereby established a court to be known as the 'Municipal Court, City of
529 McDonough' which shall have jurisdiction and authority to try offenses against the laws
530 and ordinances of said city and to punish for a violation of the same. Such court shall have
531 the power to enforce its judgments by the imposition of such penalties as may be provided
532 by the laws of Georgia, to subpoena witnesses, to punish witnesses for nonattendance, and
533 to try all offenses occurring within the territorial limits of the city, including traffic cases
534 which under the laws of Georgia are now or hereafter placed within the jurisdiction of
535 municipal or police courts to the extent of and in accordance with the provisions of such
536 laws and all laws subsequently enacted amendatory thereof. The presiding officer of such
537 court shall be known as the judge. The court shall be convened at such times as designated
538 by ordinance or at such times as deemed necessary to keep current the dockets thereof.

539 SECTION 4.11.

540 Chief judge; associate judge.

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

543 (b) No person shall be qualified or eligible to serve as a judge on the municipal court
 544 unless that person shall have attained the age of 21 years, shall be a member of the State
 545 Bar of Georgia and shall possess all qualifications required by law. All judges shall be
 546 appointed by the mayor and council and shall serve until a successor is appointed and
 547 qualified.

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

549 (d) Judges serve at-will and may be removed from office at any time by the mayor and
 550 council unless otherwise provided by ordinance.

551 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the
 552 judge will honestly and faithfully discharge the duties of the office to the best of that
 553 person's ability and without fear, favor, or partiality. The oath shall be entered upon the
 554 minutes of the mayor and council.

555 SECTION 4.12.

556 Jurisdiction.

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

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

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

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

569 (e) The municipal court shall have authority to establish bail and recognizances to ensure
 570 the presence of those charged with violations before said court, and shall have discretionary
 571 authority to accept cash or personal or real property as surety for the appearance of persons
 572 charged with violations. Whenever any person shall give bail for that person's appearance
 573 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
 574 presiding at such time and an execution issued thereon by serving the defendant and the
 575 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In
 576 the event that cash or property is accepted in lieu of bond for security for the appearance
 577 of a defendant at trial, and if such defendant fails to appear at the time and place fixed for

578 trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or
579 the property so deposited shall have a lien against it for the value forfeited which lien shall
580 be enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

591 SECTION 4.13.

592 Right of certiorari.

593 The right of certiorari to the superior court from the municipal court shall lie in the same
594 manner and under the same procedure as prescribed for certiorari to the various justice
595 courts of the state.

596 SECTION 4.14.

597 Vacancy in office.

598 (a) In the event of absence, sickness, or disqualification of the judge or vacancy in such
599 office, a judge pro tempore appointed by the mayor and council may preside over the
600 municipal court and hear and try all cases therein, and in the performance of said office
601 shall be clothed with the same powers and authority as are granted to the judge under this
602 charter and the laws of the State of Georgia. The mayor and council are empowered to
603 provide for the compensation of any such person appointed to preside over said court as
604 herein provided.

605 (b) Any person being considered for appointment as judge pro tempore must also meet the
606 qualifications set out in Section 4.11 of this charter.

607 ARTICLE V
 608 ELECTIONS
 609 SECTION 5.10.

610 Applicability of general law.

611 All elections, including special elections, shall be held and conducted in accordance with
 612 applicable provisions of Title 21 of the O.C.G.A., as now or hereafter amended, and any
 613 other applicable law.

614 SECTION 5.11.

615 Election of mayor and council.

616 (a) There shall be a municipal general election biennially in the odd years on the Tuesday
 617 next following the first Monday in November.

618 (b) There shall be elected the mayor, one at large councilmember, and councilmembers for
 619 Districts One and Two at one election and at every other regular election thereafter. The
 620 remaining three councilmember seats, consisting of one at large councilmember and
 621 councilmembers for Districts Three and Four, shall be filled at the election alternating with
 622 the first election so that a continuing body is created. Terms shall be for four years.

623 (c) The person receiving a plurality of the votes for any city office shall be elected.

624 SECTION 5.12.

625 Special elections; vacancies.

626 In the event that the office of mayor or any councilmember shall become vacant for any
 627 cause whatsoever, the mayor and city council or those remaining shall order a special
 628 election to fill the balance of the unexpired term of such office; provided, however, if such
 629 vacancy occurs within 12 months of the expiration of the term of that office, the mayor and
 630 council or those remaining shall not be required to call an election to fill the vacancy.

631 SECTION 5.13.

632 Nonpartisan elections.

633 Political parties shall not conduct primaries for city offices and all names of candidates for
 634 city offices shall be listed without party labels.

635 SECTION 5.14.

636 City council districts; adjustment of districts.

637 There shall be four city council districts. The election districts in effect on the effective
 638 date of this Act are incorporated by reference and shall remain in effect until lawfully
 639 amended.

640 SECTION 5.15.

641 Grounds for removal.

642 The mayor, councilmembers, or others provided for in this charter shall be removed from
 643 office for any one or more of the following causes:

- 644 (1) Incompetence, misfeasance or malfeasance in office;
- 645 (2) Conviction of a crime involving moral turpitude;
- 646 (3) Failure at any time to possess any of the qualifications of office as provided by this
 647 charter or by law;
- 648 (4) Knowingly violate any express prohibition of this charter;
- 649 (5) Abandonment of office or neglect to perform the duties thereof; or
- 650 (6) Failure for any other cause to perform the duties of office as required by this charter
 651 or by state law.

652 SECTION 5.16.

653 Procedure for removal.

654 Removal of an above described officer may be accomplished by one of the following
 655 methods:

- 656 (1) By majority vote of the mayor and council after an investigative hearing, the officer
 657 to be removed not voting if he is the mayor or a member of the council. In the event an
 658 elected officer is sought to be removed by the action of the mayor and council, such
 659 officer shall be entitled to a written notice specifying the ground for removal and to a
 660 public hearing which shall be held not less than ten days after the service of such written
 661 notice. Any elected officer sought to be removed from office as herein provided shall
 662 have the right of appeal from the decision of the mayor and council to the Superior Court
 663 of Henry County. Such appeal shall be governed by the same rules as govern appeals to
 664 the superior court from the probate court; or
- 665 (2) By information filed in the Superior Court of Henry County as provided by state law.

666 ARTICLE VI
 667 FINANCE
 668 SECTION 6.10.
 669 Property tax.

670 The mayor and council may assess, levy, and collect an ad valorem tax on all real and
 671 personal property within the corporate limits of the city that is subject to such taxation by
 672 the state and county. This tax is for the purpose of raising revenues to defray the costs of
 673 operating the city government; providing governmental services; for the repayment of
 674 principal and interest on general obligations; and for any other public purpose as
 675 determined by the mayor and council in its discretion.

676 SECTION 6.11.
 677 Millage rate, due dates,
 678 payment methods.

679 The mayor and council, by ordinance, shall establish a millage rate for the city property
 680 tax; a due date; and in what length of time these taxes must be paid. The mayor and
 681 council, by ordinance, may provide for the payment of these taxes by installments or in one
 682 lump sum, as well as to authorize the voluntary payment of taxes prior to the time when
 683 due. The tax rate set by such ordinance shall be such that reasonable estimates of revenues
 684 from such levy shall at least be sufficient, together with other anticipated revenues, fund
 685 balances and applicable reserves, to equal the total amount approximated for each of the
 686 several funds set forth in the annual operating budget for defraying the expenses of the
 687 general government of the city.

688 SECTION 6.12.
 689 Occupation and business taxes.

690 The mayor and council, by ordinance, shall have the power to levy such occupation or
 691 business taxes as are not denied by applicable law. Such taxes may be levied on both
 692 individuals and corporations who transact business in this city or who practice or offer to
 693 practice any profession or calling therein to the extent such persons have a constitutionally
 694 sufficient nexus to this city to be so taxed. The mayor and council may classify businesses,
 695 occupations, professions or callings for the purpose of such taxation in any way which may
 696 be lawful and compel the payment of such taxes as provided in this article.

697 SECTION 6.13.

698 Licenses; permits; fees.

699 The mayor and council, by ordinance, shall have the power to require any individuals or
 700 corporations who transact business in this city or who practice or offer to practice any
 701 profession or calling therein to obtain a license or permit for such activity from the city and
 702 pay a reasonable fee for such license or permit where such activities are not now regulated
 703 by general state law in such a way as to preclude city regulation. Such fees may reflect the
 704 total cost to the city of regulating the activity and if unpaid shall be collected as provided
 705 in this article for delinquent taxes and fees. The mayor and council, by ordinance, may
 706 establish reasonable requirements for obtaining or keeping such licenses as the public
 707 health, safety, and welfare necessitates.

708 SECTION 6.14.

709 Service charges.

710 The mayor and council, by ordinance, shall have the power to assess and collect fees,
 711 charges and tolls for sewer, sanitary, health services or any other services rendered within
 712 and without the corporate limits of the city for the total cost of the city of providing such
 713 services. If unpaid, such charges shall be collected as provided in this article for delinquent
 714 taxes and fees.

715 SECTION 6.15.

716 Special assessments.

717 The mayor and council shall have the power and authority to assess all or part of the cost
 718 of constructing, reconstructing, widening or improving any public way, street, sidewalk,
 719 curbing, gutters, sewers or other utility mains and appurtenances, from the abutting
 720 property owners, under such terms and conditions as may be prescribed by ordinance.
 721 Such special assessments shall become delinquent 30 days after their due dates, shall
 722 thereupon be subject, in addition to fi. fa. charges, to a penalty of 10 percent, and shall
 723 thereafter be subject to interest at the rate or rates now or hereafter provided by the laws
 724 of the State of Georgia from the date due until paid. A lien shall exist against the abutting
 725 property superior to all other liens except that it shall be of equal dignity with liens for
 726 county and city property taxes. Said lien shall also be enforceable by the same procedures
 727 and under the same remedies as provided for in this article for city property taxes.

728 SECTION 6.16.

729 Construction; other taxes.

730 This city shall be empowered to levy any other tax allowed now or hereafter by state law,
 731 including but not limited to the insurance premium tax at the maximum rate allowable by
 732 law, and the specific mention of any right, power, or authority in this article shall not be
 733 construed as limiting in any way the general powers of this city to govern its local affairs.

734 SECTION 6.17.

735 Collection of delinquent taxes and fees.

736 The mayor and council, by ordinance, may provide generally for the collection of
 737 delinquent taxes, fees, or other revenue due the city by whatever reasonable means as are
 738 not precluded by general state law. This shall include providing for the dates when the
 739 taxes or fees are due; late penalties or interest; issuance and execution of fi. fas.; creation
 740 and priority of liens; making delinquent taxes and fees personal debts of the persons
 741 required to pay the taxes or fees imposed; revoking city licenses for failure to pay any city
 742 taxes or fees; allowing exceptions for hardship; and providing for the assignment or
 743 transfer of tax executions.

744 SECTION 6.18.

745 Transfer of executions.

746 The city clerk shall be authorized to assign or transfer any fi. fa. or execution issued for any
 747 tax or for any street, sewer or other assessment in the same manner and to the same extent
 748 as provided by Georgia law regarding sales and transfers of fi. fas. Such transfer or
 749 assignment, when made, shall vest the purchaser or transferee with all right, title and
 750 interest as provided by Georgia law governing sales and transfers of tax fi. fas.; provided,
 751 however, that upon levy of execution and sale of property pursuant to such tax fi. fa.,
 752 whether assigned, transferred or executed by the city, the owner of such property in fee
 753 simple or lesser interest shall not lose his right to redeem the property in accordance with
 754 the requirements of redemption of property sold under state or county ad valorem tax fi.
 755 fas., as said requirements now exist or as may be hereinafter provided by law.

756 SECTION 6.19.

757 General obligation bonds.

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

763 SECTION 6.20.

764 Revenue bonds.

765 Revenue bonds may be issued by the mayor and council as provided by an act of the
 766 General Assembly of Georgia, approved March 31, 1937, known as the Revenue Bond
 767 Law (Ga. Laws 1937, page 761), as now or hereafter amended, or by any other Georgia law
 768 as now or hereafter provided.

769 SECTION 6.21.

770 Short-term notes.

771 The city must obtain and repay any short-term loans between January 1 and December 31
 772 of each year or as is otherwise provided by present or future state law.

773 SECTION 6.22.

774 Fiscal year.

775 The mayor and council shall set the fiscal year by ordinance. The fiscal year shall
 776 constitute the budget year and the year for financial accounting and reporting of each and
 777 every office, department, agency, and activity of the city government, unless otherwise
 778 provided by general state or federal law.

779 SECTION 6.23.

780 Preparation of budgets.

781 The mayor and council may provide an ordinance on the procedures and requirement for
 782 the preparation and execution of an annual operating budget capital improvement program,

783 and a capital budget including requirements as to the scope, content, and form of such
784 budgets and programs.

785 SECTION 6.24.

786 Additional appropriations.

787 The mayor and council may make appropriations in addition to those contained in the
788 current operating budget at any regular meeting or at any special meeting called for such
789 purpose. Any such additional appropriations, however, may be made only from an existing
790 unappropriated surplus in the fund to which it applies.

791 SECTION 6.25.

792 Capital improvements budget.

793 (a) The city administrator may submit to the mayor and council a proposed capital
794 improvements budget with his or her recommendation as to the means of financing the
795 improvements proposed for the ensuing fiscal year. The mayor and council shall have
796 power to accept with or without amendments or reject the proposed program and proposed
797 means of financing. The mayor and council shall not authorize an expenditure for the
798 construction of any building, structure, work or improvement unless the appropriations for
799 such project are included in the capital improvements budget, except to meet a public
800 emergency threatening the lives, health or property of the city's inhabitants, provided that
801 such authorization is passed by a majority vote of the mayor and council.

802 (b) No appropriation provided for in the capital improvements budget shall lapse until the
803 purpose for which the appropriation was made shall have been accomplished or abandoned;
804 provided, however, that the city administrator may submit amendments to the capital
805 improvements budget, accompanied by his recommendations thereon, at any time during
806 the fiscal year. Any such amendments to the capital improvements budget shall become
807 effective only upon adoption by a vote of the mayor and council.

808 SECTION 6.26.

809 Independent audit.

810 There shall be an annual, independent audit of all city accounts, funds, and financial
811 transactions by a qualified public accountant selected by the mayor and council. The audit
812 shall be conducted according to generally accepted governmental accounting principles.

813 Any audit of any funds by the state or federal governments may be accepted as satisfying
814 the requirements of this charter.

815 SECTION 6.27.
816 Contracting procedures.

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

818 (1) It is in writing; and

819 (2) It is made or authorized by the mayor and council and such approval is entered in the
820 council minutes.

821 SECTION 6.28.
822 Centralized purchasing.

823 The mayor and council may, by ordinance, prescribe procedures for a system of centralized
824 purchasing for the city.

825 SECTION 6.29.
826 Sale of city property.

827 The mayor and council may sell and convey any real or personal property owned or held
828 by the city for governmental or other purposes as provided by general state law, Chapter
829 37 of Title 36 of the O.C.G.A., or any other applicable laws.

830 ARTICLE VII
831 GENERAL PROVISIONS

832 SECTION 7.10.
833 Eminent domain.

834 The mayor and council are hereby empowered to acquire, construct, operate, and maintain
835 public ways, parks, public grounds, cemeteries, markets, market houses, public buildings,
836 libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems,
837 airports, hospitals and charitable, educational, recreational, sport, curative, corrective,
838 detentional, penal and medical institutions, agencies, and facilities and any other public
839 improvements inside or outside the city; and to regulate the use thereof, and for such
840 purposes, property may be taken under Titles 22 and 32 of the O.C.G.A., subject to such
841 amendments as shall be enacted, or any other law applicable now or provided in the future.

842 SECTION 7.11.

843 Franchises.

844 The mayor and council shall have the power to grant franchises for the use of this city's
845 streets and alleys, for the purposes of railroads, street railways, telephone companies,
846 electric companies, cable television, gas companies, transportation companies and other
847 similar organizations. The mayor and council shall determine the duration, provisions,
848 terms, whether the same shall be exclusive or nonexclusive, and the consideration for such
849 franchises; provided, however, no franchise shall be granted for a period in excess of 15
850 years and no franchise shall be granted unless the city receives just and adequate
851 compensation therefor. The mayor and council shall provide for the registration of all
852 franchises with the city clerk in a registration book to be kept by him or her. The mayor
853 and council may provide by ordinance for the registration within a reasonable time of all
854 franchises previously granted.

855 SECTION 7.12.

856 Official bonds.

857 The officers and employees of the city, both elective and appointive, shall execute such
858 official bonds in such amounts and upon such terms and conditions as the mayor and
859 council shall from time to time require by ordinance or as may be provided by state law.

860 SECTION 7.13.

861 Penalties.

862 The violation of any provisions of this charter, for which penalty is not specifically
863 provided for herein, shall be punishable by a fine of not more than \$1,000.00 or by
864 imprisonment not to exceed six months or both such fine and imprisonment.

865 SECTION 7.14.

866 Construction.

- 867 (a) Section captions in this charter are informative only and are not to be considered as a
868 part thereof.
- 869 (b) The word 'shall' is intended to be to be mandatory and the word 'may' is not.
- 870 (c) The word 'city' shall mean the City of McDonough, Georgia.
- 871 (d) The word 'council' shall mean the city council of this city.

872 (e) The singular shall include the plural and the masculine the feminine and vice versa."

873 **SECTION 2.**

874 This Act shall become effective upon its approval by the Governor or upon its becoming law
875 without such approval.

876 **SECTION 3.**

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