

The Senate State and Local Governmental Operations Committee offered the following substitute to SB 534:

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 the continuation in office of currently serving officers; to provide  
7 for inquiries and investigations; to provide for oaths, organization, meetings, quorum, voting,  
8 rules, and procedures; to provide for ordinances and codes; to provide for a city  
9 administrator, mayor, and mayor pro tempore and certain duties, powers, and other matters  
10 relative thereto; to provide for administrative affairs and responsibilities; to provide for  
11 boards, commissions, and authorities; to provide for a city attorney, a city clerk, and other  
12 personnel and matters relating thereto; to provide for rules and regulations; to provide for a  
13 municipal court and the judge or judges thereof and other matters relative to those judges;  
14 to provide for the court's jurisdiction, powers, practices, and procedures; to provide for the  
15 right of certiorari; to provide for elections; to provide for taxation, licenses, and fees; to  
16 provide for franchises, service charges, and assessments; to provide for bonded and other  
17 indebtedness; to provide for auditing, accounting, budgeting, and appropriations; to provide  
18 for city contracts and purchasing; to provide for the conveyance of property and interests  
19 therein; to provide for bonds for officials; to provide for prior ordinances and rules, pending  
20 matters, and existing personnel; to provide for penalties; to provide for definitions and  
21 construction; to provide for other matters relative to the foregoing; to provide for an effective  
22 date; to repeal conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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**SECTION 1.**

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

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"ARTICLE I  
INCORPORATION AND POWERS  
SECTION 1.10.

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.  
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.

(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.

## SECTION 1.12.

## Examples of powers.

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

- (1) Property taxes. To levy and to provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;
- (2) Other taxes. To levy and collect such other taxes as may be allowed now or in the future by state law;
- (3) Business regulation and taxation. To levy and to provide for the collection of license fees and taxes on privileges, occupations, trades, and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; and to revoke such licenses after due process for failure to pay any city taxes or fees;
- (4) Appropriations and expenditures. To make appropriations for the government of the city; to authorize the expenditure of money for any purposes authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the city;
- (5) Municipal debts. To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this charter or the laws of the State of Georgia;
- (6) Municipal property ownership. To acquire, dispose of, and hold in trust or otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;
- (7) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to the powers and duties of the city and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose;
- (8) Condemnation. To condemn property, inside or outside the corporate limits of the city for present or future use, and for any corporate purpose deemed necessary by the governing authority, under Titles 22 and 32 of the O.C.G.A., as amended, or under other applicable laws as are or may be enacted or amended;
- (9) Municipal utilities. To acquire, lease, construct, operate, maintain, sell and dispose of public utilities, including but not limited to a system of waterworks, sewers and drains, sewage disposal, gas works, electric light plants, transportation facilities, public airports, and any other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and withdrawal of service for refusal or failure to pay same and the manner in which such remedies shall be enforced;
- (10) Public utilities and services. To grant franchises or make contracts for public utilities and public services; to prescribe the rates, fares, regulations and standards and

90 conditions of service applicable to the service to be provided by the franchise grantee or  
91 contractor, insofar as not in conflict with such regulations by the Georgia Public Service  
92 Commission;

93 (11) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade  
94 of, abandon, or close, construct, pave, curb, gutter, adorn with shade trees, otherwise  
95 improve, maintain, repair, clean, prevent erosion of, and light roads, alleys, and walkways  
96 within the corporate limits of the city; and to grant franchises and rights-of-way  
97 throughout the streets and roads, and over the bridges and viaducts, for the use of public  
98 utilities;

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

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

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

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

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

122 (17) Special areas of public regulation. To regulate or prohibit junk dealers; pawn shops;  
123 the manufacture, sale or transportation of alcoholic beverages; the use and sale of  
124 firearms; to regulate the transportation, storage and use of combustible, explosive and  
125 inflammable materials, the use of lighting and heating equipment, and any other business  
126 or situation which may be dangerous to persons or property; to regulate and control the

127 conduct of peddlers, and itinerant trades, theatrical performances, exhibitions, shows of  
128 any kind whatever, by taxation or otherwise; to license, tax, regulate, or prohibit  
129 professional fortune-telling, palmistry, adult bookstores, and massage parlors;

130 (18) Regulation of roadside areas. To prohibit or regulate and control the erection,  
131 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any  
132 and all other structures or obstructions upon or adjacent to the rights-of-way of streets and  
133 roads or within view thereof, within or abutting the corporate limits of the city and to  
134 prescribe penalties and punishment for violation of such ordinances;

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

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

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

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

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

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

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

- 164 (26) Nuisance. To define a nuisance and provide for its abatement whether on public or  
165 private property;
- 166 (27) Municipal property protection. To provide for the preservation and protection of  
167 property and equipment of the city and the administration and use of same by the public,  
168 and to prescribe penalties and punishment for violations thereof;
- 169 (28) Jail sentences. To provide that persons given jail sentences in the city's court may  
170 work out such sentence in any public works or on the streets, roads, drains, and other  
171 public property in the city; to provide for commitment of such persons to any jail, to  
172 provide for the use of pretrial diversion and any alternative sentencing allowed by law,  
173 or to provide for commitment of such persons to any county work camp or jail by  
174 agreement with the appropriate county officials;
- 175 (29) Animal regulations. To regulate and license, or prohibit the keeping or running at  
176 large of animals and fowl and to provide for the impoundment of same, if in violation of  
177 any ordinance or lawful order; also to provide for their disposition by sale, gift, or  
178 humane disposal, when not redeemed as provided by ordinance; to provide punishment  
179 for violation of ordinances enacted hereunder;
- 180 (30) Motor vehicles. To regulate the operation of motor vehicles and exercise control  
181 over all traffic, including parking, upon or across the streets, roads, alleys and walkways  
182 of the city;
- 183 (31) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the  
184 number of such vehicles; to require the operators thereof to be licensed; to require public  
185 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to  
186 regulate and rent parking spaces in public ways for the use of such vehicles;
- 187 (32) Pensions. To provide and maintain a system of pensions and retirement for officers  
188 and employees of the city;
- 189 (33) Special assessments. To levy and provide for the collection of special assessments  
190 to cover the costs for any public improvements;
- 191 (34) Contracts. To enter into contracts and agreements with other governmental entities  
192 and with private persons, firms, and corporations providing for services to be made  
193 therefor;
- 194 (35) City agencies and delegation of power. To create, alter, or abolish departments,  
195 boards, offices, commissions and agencies of the city, and to confer upon such agencies  
196 the necessary and appropriate authority for carrying out all the powers conferred upon or  
197 delegated to same;
- 198 (36) Penalties. To provide penalties for violations of any ordinance adopted pursuant to  
199 the authority of this charter and the laws of the State of Georgia;

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

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

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

207 (40) Public transportation. To organize such public transportation systems as are deemed  
208 beneficial;

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

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

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

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

238 SECTION 1.13.

239 Exercise of powers.

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

244 ARTICLE II

245 GOVERNING BODY

246 SECTION 2.10.

247 Creation; composition; number; election.

248 The governing authority of this city shall be composed of a mayor and six councilmembers  
249 who shall be elected in the manner provided by Article V of this charter. The mayor and  
250 councilmembers serving on the effective date of this charter shall continue to serve for the  
251 remainder of their terms and until their successors are duly elected and qualified.

252 SECTION 2.11.

253 Terms and qualification for office.

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

261 SECTION 2.12.

262 Vacancy; filling of; forfeiture of office.

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

264 (1) The incumbent's death;



- 265 (2) Resignation when accepted;
- 266 (3) Decision of a competent tribunal declaring the office vacant;
- 267 (4) The incumbent ceasing to be a resident of the city or of the district for which he or
- 268 she was elected;
- 269 (5) Abandoning the office and ceasing to perform its duties or either; or
- 270 (6) Forfeiture of office or removal from office in any manner authorized by this charter
- 271 or the laws of the State of Georgia.
- 272 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder
- 273 of the unexpired term, if any, as provided for in Article V in this charter.
- 274 (c) The mayor or any councilmember shall forfeit his or her office if he or she:
- 275 (1) Lacks at any time during his term of office any qualifications of the office as
- 276 prescribed by this charter or the laws of the State of Georgia;
- 277 (2) Willfully and knowingly violates any express prohibition of this charter; or
- 278 (3) Is convicted of a crime involving moral turpitude.

279 SECTION 2.13.

280 Compensation and expenses.

281 The salaries of the mayor and council shall be fixed by said mayor and council in January

282 next following the city's election except as otherwise limited by the general laws of the

283 State of Georgia. The mayor and councilmembers shall be entitled to receive their actual

284 and necessary expenses incurred in the performance of their duties.

285 SECTION 2.14.

286 Prohibitions.

287 Except as authorized by law, neither the mayor nor any member of the council shall hold

288 any other elective city office or city employment during the term for which he or she was

289 elected, and neither the mayor nor any member of the council shall vote upon any question

290 in which he or she is personally interested.

291 SECTION 2.15.

292 Code of ethics.

293 The mayor and council may enact by ordinance a code of ethics which shall apply to all

294 elected officials, appointed officers and employees of this city.

295 SECTION 2.16.  
296 Inquiries and investigations.

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

302 SECTION 2.17.  
303 General power and authority  
304 of the mayor and council.

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

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

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

319 SECTION 2.18.  
320 Chief executive officer.

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

## SECTION 2.19.

## Powers and duties of mayor.

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As the chief executive of this city the mayor:

- (1) Shall see that all laws and ordinances of the city are faithfully executed;
- (2) Shall preside at all meetings of the mayor and council;
- (3) Reserved;
- (4) Shall exercise supervision over all executive and administrative work of the city and provide for the coordination of administrative activities;
- (5) Reserved;
- (6) Reserved;
- (7) May recommend to the council such measures relative to the affairs of the city, improvement of the government, and promotion of the welfare of its inhabitants as he may deem expedient;
- (8) May call special meetings of the council as provided for in Section 2.22(b);
- (9) May examine and audit all accounts of the city;
- (10) May require any department or agency of the city to submit written reports whenever he or she deems it expedient; and
- (11) Shall perform other duties as may be required by general state law, this charter or ordinance.

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## SECTION 2.20.

## Mayor pro tem; selection; duties.

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

## 352 SECTION 2.21.

## 353 Organization meeting.

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

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

## 361 SECTION 2.22.

## 362 Regular and special meetings.

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

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

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

## 379 SECTION 2.23.

## 380 Rules of procedure.

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

384 SECTION 2.24.

385 Quorum; voting.

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

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

393 SECTION 2.25.

394 Action requiring an ordinance.

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

397 SECTION 2.26.

398 Ordinance form; procedures.

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

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

410 SECTION 2.27.

411 Codes of technical regulations.

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

## 414 SECTION 2.28.

415 Signing; authenticating;

416 recording; printing.

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

420 (b) The mayor and council may cause each ordinance and each amendment to this charter  
421 to be printed promptly following its adoption. The ordinances and charter amendments  
422 may be printed in substantially the same style as the code currently in effect and may be  
423 suitable in form for incorporation therein. The mayor and council may make such further  
424 arrangements as deemed desirable with respect to reproduction and distributions of any  
425 current changes in or additions to codes of technical regulations and other rules and  
426 regulations included in the code.

## 427 ARTICLE III

## 428 ADMINISTRATIVE AFFAIRS

## 429 SECTION 3.10.

430 Administrative and service departments.

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

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

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

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

## SECTION 3.11.

## Boards, commissions and authorities.

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

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

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

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

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

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

## SECTION 3.12.

## City attorney.

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

- (1) Shall be responsible for representing and defending the city in all litigation in which the city is a party;
- (2) May be the prosecuting officer in the municipal court;
- (3) Shall attend the meetings of the mayor and council as directed;

- 479 (4) Shall advise the council, mayor and other officers and employees of the city  
 480 concerning legal aspects of the city's affairs; and  
 481 (5) Shall perform such other duties as may be required of him by virtue of his position  
 482 as city attorney.

483 SECTION 3.13.

484 City clerk.

485 The mayor and council shall appoint a city clerk to keep a journal of the proceedings of the  
 486 city council and to maintain in a safe place all records and documents pertaining to the  
 487 affairs of the city and to perform such other duties as may be required by law or as the  
 488 council may direct.

489 SECTION 3.14.

490 Tax collector.

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

496 SECTION 3.15.

497 City accountant.

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

500 SECTION 3.16.

501 Consolidation of functions.

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



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## SECTION 3.17.

506

## Position classification and pay plans.

507

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

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## SECTION 3.18.

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## Personnel policies.

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

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

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

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

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

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

527

## ARTICLE IV

528

## MUNICIPAL COURT

529

## SECTION 4.10.

530

## Creation.

531

There is hereby established a court to be known as the 'Municipal Court, City of McDonough' which shall have jurisdiction and authority to try offenses against the laws and ordinances of said city and to punish for a violation of the same. Such court shall have the power to enforce its judgments by the imposition of such penalties as may be provided by the laws of Georgia, to subpoena witnesses, to punish witnesses for nonattendance, and to try all offenses occurring within the territorial limits of the city, including traffic cases

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537 which under the laws of Georgia are now or hereafter placed within the jurisdiction of  
 538 municipal or police courts to the extent of and in accordance with the provisions of such  
 539 laws and all laws subsequently enacted amendatory thereof. The presiding officer of such  
 540 court shall be known as the judge. The court shall be convened at such times as designated  
 541 by ordinance or at such times as deemed necessary to keep current the dockets thereof.

542 SECTION 4.11.

543 Chief judge; associate judge.

- 544 (a) The municipal court shall be presided over by a chief judge and such part-time,  
 545 full-time, or stand-by judges as shall be provided by ordinance.
- 546 (b) No person shall be qualified or eligible to serve as a judge on the municipal court  
 547 unless that person shall have attained the age of 21 years, shall be a member of the State  
 548 Bar of Georgia and shall possess all qualifications required by law. All judges shall be  
 549 appointed by the mayor and council and shall serve until a successor is appointed and  
 550 qualified.
- 551 (c) Compensation of the judges shall be fixed by ordinance.
- 552 (d) Judges serve at-will and may be removed from office at any time by the mayor and  
 553 council unless otherwise provided by ordinance.
- 554 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the  
 555 judge will honestly and faithfully discharge the duties of the office to the best of that  
 556 person's ability and without fear, favor, or partiality. The oath shall be entered upon the  
 557 minutes of the mayor and council.

558 SECTION 4.12.

559 Jurisdiction.

- 560 (a) The municipal court shall have jurisdiction and authority to try and punish violations  
 561 of this charter, all city ordinances, and such other violations as provided by law.
- 562 (b) The municipal court shall have authority to punish those in its presence for contempt,  
 563 provided that such punishment shall not exceed \$200.00 or ten days in jail.
- 564 (c) The municipal court may fix punishment for offenses within its jurisdiction not  
 565 exceeding a fine of \$1,000.00 or imprisonment for 180 days or both such fine and  
 566 imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as  
 567 now or hereafter provided by law.
- 568 (d) The municipal court shall have authority to establish a schedule of fees to defray the  
 569 cost of operations, and shall be entitled to reimbursement of the cost of meals,

570 transportation, and caretaking of prisoners bound over to superior courts for violations of  
571 state law.

572 (e) The municipal court shall have authority to establish bail and recognizances to ensure  
573 the presence of those charged with violations before said court, and shall have discretionary  
574 authority to accept cash or personal or real property as surety for the appearance of persons  
575 charged with violations. Whenever any person shall give bail for that person's appearance  
576 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge  
577 presiding at such time and an execution issued thereon by serving the defendant and the  
578 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In  
579 the event that cash or property is accepted in lieu of bond for security for the appearance  
580 of a defendant at trial, and if such defendant fails to appear at the time and place fixed for  
581 trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or  
582 the property so deposited shall have a lien against it for the value forfeited which lien shall  
583 be enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

594 SECTION 4.13.

595 Right of certiorari.

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

599 SECTION 4.14.

600 Vacancy in office.

601 (a) In the event of absence, sickness, or disqualification of the judge or vacancy in such  
602 office, a judge pro tempore appointed by the mayor and council may preside over the

603 municipal court and hear and try all cases therein, and in the performance of said office  
 604 shall be clothed with the same powers and authority as are granted to the judge under this  
 605 charter and the laws of the State of Georgia. The mayor and council are empowered to  
 606 provide for the compensation of any such person appointed to preside over said court as  
 607 herein provided.

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

610 ARTICLE V

611 ELECTIONS

612 SECTION 5.10.

613 Applicability of general law.

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

617 SECTION 5.11.

618 Election of mayor and council.

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

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

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

627 SECTION 5.12.

628 Special elections; vacancies.

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

634 SECTION 5.13.

635 Nonpartisan elections.

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

638 SECTION 5.14.

639 City council districts; adjustment of districts.

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

643 SECTION 5.15.

644 Grounds for removal.

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

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

655 SECTION 5.16.

656 Procedure for removal.

657 Removal of an above described officer may be accomplished by one of the following  
658 methods:

- 659 (1) By majority vote of the mayor and council after an investigative hearing, the officer  
660 to be removed not voting if he is the mayor or a member of the council. In the event an  
661 elected officer is sought to be removed by the action of the mayor and council, such  
662 officer shall be entitled to a written notice specifying the ground for removal and to a  
663 public hearing which shall be held not less than ten days after the service of such written

664 notice. Any elected officer sought to be removed from office as herein provided shall  
 665 have the right of appeal from the decision of the mayor and council to the Superior Court  
 666 of Henry County. Such appeal shall be governed by the same rules as govern appeals to  
 667 the superior court from the probate court; or

668 (2) By information filed in the Superior Court of Henry County as provided by state law.

669 ARTICLE VI

670 FINANCE

671 SECTION 6.10.

672 Property tax.

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

679 SECTION 6.11.

680 Millage rate, due dates,  
 681 payment methods.

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

691 SECTION 6.12.

692 Occupation and business taxes.

693 The mayor and council, by ordinance, shall have the power to levy such occupation or  
 694 business taxes as are not denied by applicable law. Such taxes may be levied on both

695 individuals and corporations who transact business in this city or who practice or offer to  
 696 practice any profession or calling therein to the extent such persons have a constitutionally  
 697 sufficient nexus to this city to be so taxed. The mayor and council may classify businesses,  
 698 occupations, professions or callings for the purpose of such taxation in any way which may  
 699 be lawful and compel the payment of such taxes as provided in this article.

700 SECTION 6.13.

701 Licenses; permits; fees.

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

711 SECTION 6.14.

712 Service charges.

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

718 SECTION 6.15.

719 Special assessments.

720 The mayor and council shall have the power and authority to assess all or part of the cost  
 721 of constructing, reconstructing, widening or improving any public way, street, sidewalk,  
 722 curbing, gutters, sewers or other utility mains and appurtenances, from the abutting  
 723 property owners, under such terms and conditions as may be prescribed by ordinance.  
 724 Such special assessments shall become delinquent 30 days after their due dates, shall  
 725 thereupon be subject, in addition to fi. fa. charges, to a penalty of 10 percent, and shall

726 thereafter be subject to interest at the rate or rates now or hereafter provided by the laws  
 727 of the State of Georgia from the date due until paid. A lien shall exist against the abutting  
 728 property superior to all other liens except that it shall be of equal dignity with liens for  
 729 county and city property taxes. Said lien shall also be enforceable by the same procedures  
 730 and under the same remedies as provided for in this article for city property taxes.

731 SECTION 6.16.

732 Construction; other taxes.

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

737 SECTION 6.17.

738 Collection of delinquent taxes and fees.

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

747 SECTION 6.18.

748 Transfer of executions.

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



757 the requirements of redemption of property sold under state or county ad valorem tax fi.  
758 fas., as said requirements now exist or as may be hereinafter provided by law.

759 SECTION 6.19.

760 General obligation bonds.

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

766 SECTION 6.20.

767 Revenue bonds.

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

772 SECTION 6.21.

773 Short-term notes.

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

776 SECTION 6.22.

777 Fiscal year.

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

782

## SECTION 6.23.

783

## Preparation of budgets.

784

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

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## SECTION 6.24.

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## Additional appropriations.

790

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

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## SECTION 6.25.

795

## Capital improvements budget.

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

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

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811 SECTION 6.26.

812 Independent audit.

813 There shall be an annual, independent audit of all city accounts, funds, and financial  
 814 transactions by a qualified public accountant selected by the mayor and council. The audit  
 815 shall be conducted according to generally accepted governmental accounting principles.  
 816 Any audit of any funds by the state or federal governments may be accepted as satisfying  
 817 the requirements of this charter.

818 SECTION 6.27.

819 Contracting procedures.

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

821 (1) It is in writing; and

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

824 SECTION 6.28.

825 Centralized purchasing.

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

828 SECTION 6.29.

829 Sale of city property.

830 The mayor and council may sell and convey any real or personal property owned or held  
 831 by the city for governmental or other purposes as provided by general state law, Chapter  
 832 37 of Title 36 of the O.C.G.A., or any other applicable laws.

833 ARTICLE VII

834 GENERAL PROVISIONS

835 SECTION 7.10.

836 Eminent domain.

837 The mayor and council are hereby empowered to acquire, construct, operate, and maintain  
 838 public ways, parks, public grounds, cemeteries, markets, market houses, public buildings,

839 libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems,  
840 airports, hospitals and charitable, educational, recreational, sport, curative, corrective,  
841 detentional, penal and medical institutions, agencies, and facilities and any other public  
842 improvements inside or outside the city; and to regulate the use thereof, and for such  
843 purposes, property may be taken under Titles 22 and 32 of the O.C.G.A., subject to such  
844 amendments as shall be enacted, or any other law applicable now or provided in the future.

845 SECTION 7.11.

846 Franchises.

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

858 SECTION 7.12.

859 Official bonds.

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

863 SECTION 7.13.

864 Penalties.

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

868 SECTION 7.14.

869 Construction.

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

872 (b) The word 'shall' is intended to be to be mandatory and the word 'may' is not.

873 (c) The word 'city' shall mean the City of McDonough, Georgia.

874 (d) The word 'council' shall mean the city council of this city.

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

876 SECTION 2.

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

879 SECTION 3.

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