

House Bill 206

By: Representative Benton of the 31<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide for a new charter for the City of Hoschton, Georgia; to provide for corporate  
2 boundaries and powers; to provide for a governmental structure; to provide for handling  
3 administrative affairs; to provide for a judicial branch; to provide for election and removal  
4 of officials; to provide for addressing the financial affairs of the city; to provide for related  
5 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 ARTICLE I  
8 INCORPORATION AND POWERS

9 SECTION 1.10.

10 Name.

11 The City of Hoschton and the inhabitants thereof are reincorporated by the enactment of this  
12 charter and are hereby constituted and declared a body politic and corporate under the name  
13 and style of Hoschton, Georgia, and by that name shall have perpetual succession.

14 SECTION 1.11.

15 Corporate boundaries.

16 (a) The corporate boundaries of the City of Hoschton shall be as described and set forth in  
17 Appendix A attached hereto.

18 (b) The city council may provide for changes in Appendix A by ordinance to reflect lawful  
19 changes in the corporate boundaries.

20 **SECTION 1.12.**

21 Powers and construction.

22 (a) The City of Hoschton shall have all powers possible for a city to have under the present  
 23 or future Constitution and laws of the State of Georgia as fully and completely as though they  
 24 were specifically enumerated in this charter. The City of Hoschton shall have all the powers  
 25 of self-government not otherwise prohibited by this charter or by general law.

26 (b) The powers of the City of Hoschton shall be construed liberally in favor of the city. The  
 27 specific mention or failure to mention particular powers shall not be construed as limiting in  
 28 any way the powers of this city.

29 **Section 1.13.**

30 Examples of powers.

31 The specific corporate powers of the City of Hoschton shall include but are not limited to the  
 32 following:

33 (1) Animal Regulations. To regulate and license, or to prohibit the keeping or running  
 34 at large of animals and fowl, and to provide for the impoundment of same, if in violation  
 35 of any ordinance or lawful order; also to provide for the disposition by sale, gift, or  
 36 humane destruction of animals and fowl, when not redeemed as provided by ordinance;  
 37 and to provide punishment for violation of ordinances enacted hereunder;

38 (2) Appropriations and Expenditures. To make appropriations for the support of the  
 39 government of the City of Hoschton; to authorize the expenditure of money for any  
 40 purposes authorized by this charter, and for any purpose for which a municipality is  
 41 authorized by the laws of the State of Georgia; and to provide for the payment of  
 42 expenses of the city;

43 (3) Building Regulation. To regulate and to license the erection and construction of  
 44 buildings and all other structures; to adopt building, housing, plumbing, fire safety,  
 45 electrical, gas, and heating and air conditioning codes; and to regulate all housing and  
 46 building trades;

47 (4) Business Regulation and Taxation. To levy and to provide for the collection of  
 48 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized  
 49 by Title 48 of the O.C.G.A., or other such applicable laws as are or may hereafter be  
 50 enacted; to permit and regulate the same; to provide for the manner and method of  
 51 payment of such regulatory fees and taxes; and to revoke such permits after due process  
 52 for failure to pay any city taxes or fees;

- 53 (5) Condemnation. To condemn property, inside or outside the corporate limits of the  
54 City of Hoschton, for present or future use, and for any corporate purpose deemed  
55 necessary by the governing authority, utilizing procedures enumerated in Title 22 of the  
56 O.C.G.A., or such other applicable laws as are or may hereafter be enacted;
- 57 (6) Contracts. To enter into contracts and agreements with other governmental entities  
58 and with private persons, firms, and corporations;
- 59 (7) Emergencies. To establish procedures for determining and proclaiming that an  
60 emergency situation exists within or without the City of Hoschton, and to make and carry  
61 out all reasonable provisions deemed necessary to deal with or meet such an emergency  
62 for the protection, safety, health, or well-being of the citizens of the city;
- 63 (8) Environmental Protection. To protect and preserve the natural resources,  
64 environment, and vital areas of the City of Hoschton, the region, and the state through the  
65 preservation and improvement of air quality, the restoration and maintenance of water  
66 resources, the control of erosion and sedimentation, the management of stormwater and  
67 establishment of a stormwater utility, the management of solid and hazardous waste, and  
68 other necessary actions for the protection of the environment;
- 69 (9) Fire Regulations. To fix and establish fire limits and from time to time to extend,  
70 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with  
71 general law, relating to both fire prevention and detection and to fire fighting, and to  
72 prescribe penalties and punishment for violations thereof;
- 73 (10) Garbage Fees. To levy, fix, assess, and collect a garbage, refuse and trash  
74 collection, and disposal and other sanitary service charge, tax, or fee for such services as  
75 may be necessary in the operation of the city from all individuals, firms, and corporations  
76 residing in or doing business therein benefiting from such services; to enforce the  
77 payment of such charges, taxes, or fees, and to provide for the manner and method of  
78 collecting such service charges;
- 79 (11) General Health, Safety, and Welfare. To define, regulate, and prohibit any act,  
80 practice, conduct, or use of property which is detrimental to health, sanitation,  
81 cleanliness, welfare, and safety of the inhabitants of the City of Hoschton and to provide  
82 for the enforcement of such standards;
- 83 (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for  
84 any purpose related to the powers and duties of the City of Hoschton and the general  
85 welfare of the citizens of the City of Hoschton, on such terms and conditions as the donor  
86 or grantor may impose insofar as those terms and conditions accord with the Constitution  
87 and laws of the State of Georgia and provisions contained in this charter and where the  
88 mayor and city council formally approve such terms and conditions by majority vote;

- 89 (13) Health and Sanitation. To prescribe standards of health and sanitation and to  
90 provide for the enforcement of such standards;
- 91 (14) Jail Sentences. To provide that persons given jail sentences in the city's court may  
92 work out such sentences in any public works or on the streets, roads, drains, and other  
93 public property in the city; to provide for commitment of such persons to any jail; to  
94 provide for the use of pretrial diversion and any alternative sentencing allowed by law;  
95 or to provide for commitment of such persons to any county work camp or county jail by  
96 agreement with the appropriate county officials;
- 97 (15) Motor Vehicles. To regulate the operation of motor vehicles and exercise control  
98 over all traffic, including parking, upon or across the streets, roads, alleys, and walkways  
99 of the city;
- 100 (16) Municipal Agencies and Delegation of Power. To create, alter, or abolish  
101 departments, boards, offices, commissions, and agencies of the city, and to confer upon  
102 such agencies the necessary and appropriate authority for carrying out all the powers  
103 conferred upon or delegated to the same;
- 104 (17) Municipal Debts. To appropriate and borrow money for the payment of debts of the  
105 City of Hoschton and to issue bonds for the purpose of raising revenue to carry out any  
106 project, program, or venture authorized by this charter or the laws of the State of Georgia;
- 107 (18) Municipal Property Ownership. To acquire, dispose of, and hold in trust or  
108 otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside  
109 or outside the property limits of the City of Hoschton;
- 110 (19) Municipal Property Protection. To provide for the preservation and protection of  
111 property and equipment of the city and the administration and use of same by the public,  
112 and to prescribe penalties and punishment for violations thereof;
- 113 (20) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell, and dispose  
114 of public utilities, including, but not limited to, a system of water works, sewers and  
115 drains, sewage and wastewater treatment and disposal, stormwater management, gas  
116 works, electric light plants, cable television and other telecommunications, transportation  
117 facilities, public airports, and any other public utility; and to fix the taxes, charges, rates,  
118 fares, fees, assessments, regulations, and penalties and to provide for the withdrawal of  
119 service for refusal or failure to pay same and the manner in which such remedies shall be  
120 enforced;
- 121 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or  
122 private property;
- 123 (22) Penalties. To provide penalties for violations of any ordinance adopted pursuant to  
124 the authority of this charter and the laws of the State of Georgia;

- 125 (23) Planning and Zoning. To provide comprehensive city planning for development by  
126 zoning; and to provide subdivision regulation and the like as the city council deems  
127 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;
- 128 (24) Police and Fire Protection. To exercise the power of arrest through duly appointed  
129 police officers, and to establish, operate, or contract for a police and a firefighting  
130 agency;
- 131 (25) Public Hazards, Removal. To provide for the destruction and removal of any  
132 building or other structure which is or may become dangerous or detrimental to the  
133 public;
- 134 (26) Public Improvements. To provide for the acquisition, construction, building,  
135 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,  
136 cemeteries, markets and market houses, public buildings, libraries, public housing,  
137 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,  
138 recreational, conservation, sport, curative, corrective, detention, penal, and medical  
139 institutions, agencies, and facilities, and water and wastewater facilities; and to provide  
140 any other public improvements, inside or outside, the corporate limits of the city; to  
141 regulate the use of public improvements; and for such purposes, property may be  
142 acquired by condemnation under Title 22 of the O.C.G.A., or such other applicable laws  
143 as are or may hereafter be enacted;
- 144 (27) Public Peace. To provide for the prevention and punishment of loitering, disorderly  
145 conduct, drunkenness, riots, and public disturbances;
- 146 (28) Public Transportation. To organize and operate such public transportation systems  
147 as are deemed beneficial;
- 148 (29) Public Utilities and Services. To grant franchises or make contracts for, or impose  
149 taxes on, public utilities and public service companies; and to prescribe the rates, fares,  
150 regulations, and standards, and conditions of service applicable to the service to be  
151 provided by the franchise grantee or contractor, insofar as not in conflict with valid  
152 regulations of the Public Service Commission;
- 153 (30) Regulation of Roadside Areas. To prohibit or regulate and control the erection,  
154 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any  
155 and all other structures or obstructions upon or adjacent to the rights-of-way of streets and  
156 roads or within view thereof, within or abutting the corporate limits of the city and to  
157 prescribe penalties and punishment for violation of such ordinances;
- 158 (31) Retirement. To provide and maintain a retirement plan and other employee benefit  
159 plans and programs for officers and employees of the city;
- 160 (32) Roadways. To lay out, open, extend, widen, narrow, establish, change the grade of,  
161 abandon, close, construct, pave, curb, gutter, adorn with shade trees, or otherwise

162 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and  
163 walkways within the corporate limits of the city; and to grant franchises and  
164 rights-of-way throughout the streets and roads, and over the bridges and viaducts for the  
165 use of public utilities; and to require real estate owners to repair and maintain in a safe  
166 condition the sidewalks adjoining their lots or lands, and to impose penalties for failure  
167 to do so;

168 (33) Sewer Fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,  
169 constructing, equipping, operating, maintaining, improving, and extending of a sewage  
170 disposal, wastewater, or sewage treatment plant and sewerage system, and to levy on  
171 those to whom sewers and sewerage systems are made available a sewer service fee,  
172 charge, or sewer tax for the availability or use of the sewers; to provide for the manner  
173 and method of collecting such service charges and for enforcing payment of the same; to  
174 levy and provide for the collection of special assessments to cover the costs of providing  
175 such plant or plants and systems; and to charge, impose, and collect a sewer connection  
176 fee or fees to those connected with the system;

177 (34) Solid Waste Disposal. To provide for the collection and disposal of garbage,  
178 rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish, and  
179 refuse by others, including the granting of exclusive or nonexclusive franchises for such  
180 services; and to provide for the separate collection of recyclable materials and to provide  
181 for the sale of such items;

182 (35) Special Areas of Public Regulation. To regulate or prohibit junk dealers and the  
183 manufacture and sale of intoxicating liquors; to regulate the transport, carrying, or  
184 possession of firearms by employees of the city in the course of their employment; to  
185 regulate the discharge of firearms within the boundaries of the city; to regulate the  
186 transportation, storage, and use of combustible, explosive, and inflammable materials, the  
187 use of lighting and heating equipment, and any other business or situation which may be  
188 dangerous to persons or property; to regulate and control the conduct of peddlers, and  
189 itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxation  
190 or otherwise; to license and tax professional fortune telling, palmistry, and massage  
191 parlors; and to restrict adult bookstores to certain areas;

192 (36) Special Assessments. To levy and provide for the collection of special assessments  
193 to cover the costs of any public improvements;

194 (37) Taxes: Ad Valorem. To levy and provide for the assessment, valuation, revaluation,  
195 and collection of taxes on all property subject to taxation;

196 (38) Taxes: Other. To levy and collect such other taxes as may be allowed now or in the  
197 future by law;

198 (39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the  
 199 number of such vehicles; to require the operators thereof to be licensed; to require public  
 200 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to  
 201 regulate the parking of such vehicles;

202 (40) Urban Redevelopment. To organize and operate an urban redevelopment program;  
 203 and

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

215 **SECTION 1.14.**

216 Exercise of powers.

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

221 **ARTICLE II**

222 **GOVERNMENT STRUCTURE**

223 **SECTION 2.10.**

224 Chief executive officer.

225 The mayor shall be the chief executive officer of the City of Hoschton. He or she shall  
 226 possess all of the executive and administrative powers granted to the city under the  
 227 Constitution and laws of the State of Georgia, and all the executive and administrative  
 228 powers contained in this charter, except those executive and administrative powers  
 229 specifically granted to the city council or other officers under this charter or under the  
 230 Constitution and laws of the State of Georgia.

231 **SECTION 2.11.**

232 Election of mayor; forfeiture; compensation.

233 The mayor shall be elected and serve for a term of four years and until a successor is elected  
 234 and qualified. The first election of a mayor under this charter will be on November 5, 2013.  
 235 The mayor shall be a qualified elector of the City of Hoschton and shall have been a resident  
 236 of the city for 12 months immediately preceding his or her election. The mayor shall  
 237 continue to reside in the City of Hoschton during the period of his or her service. He or she  
 238 shall forfeit the office of mayor on the same grounds and under the same procedure as for  
 239 councilmembers. The compensation of the mayor shall be established in the same manner  
 240 as for councilmembers.

241 **SECTION 2.12.**

242 Tie breaker.

243 The mayor may cast a vote to break a tie on matters before the council; by such vote the  
 244 mayor waives veto power.

245 **SECTION 2.13.**

246 Powers and duties of mayor.

247 As the chief executive of the City of Hoschton, the mayor shall:

- 248 (1) Preside at all meetings of the city council but shall not have the power to vote in any  
 249 business before the city council except in the election by the city council of the officers  
 250 of the City of Hoschton;
- 251 (2) See that all laws and ordinances of the City of Hoschton are faithfully executed;
- 252 (3) With the approval of the city council, appoint and remove all officers and department  
 253 heads of the City of Hoschton, except as otherwise provided in this charter;
- 254 (4) Exercise supervision over all executive and administrative work of the City of  
 255 Hoschton, provide for the coordination of administrative activities, and appoint and  
 256 remove employees not provided for in Section 3.10(e) of this charter, provided that the  
 257 mayor may delegate administrative duties to appropriate officers or employees of the City  
 258 of Hoschton;
- 259 (5) Prepare or cause to be prepared and submit to the city council a recommended annual  
 260 operating budget and recommended capital budget;

- 261 (6) Submit to the city council at least once a year a statement covering the financial  
 262 conditions of the City of Hoschton and from time to time such other information as the  
 263 city council may request;
- 264 (7) Recommend to the city improvement of government, and promotion of the welfare  
 265 of its inhabitants as he or she may deem advisable;
- 266 (8) Call special or emergency meetings of the city council as provided in Sections 2.25  
 267 and 2.30 of this charter;
- 268 (9) Approve or disapprove ordinances as provided in Section 2.14 of this charter;
- 269 (10) Provide for an annual audit of all accounts of the City of Hoschton;
- 270 (11) Require any department or agency of the city to submit written reports whenever  
 271 the mayor deems it expedient; and
- 272 (12) Perform other duties as may be required by general law of the State of Georgia, this  
 273 charter, or ordinance of the City of Hoschton.

274 **SECTION 2.14.**

275 Submission of ordinances to the mayor; veto power.

- 276 (a) Every ordinance adopted by the city council shall be presented promptly by the city clerk  
 277 to the mayor.
- 278 (b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the city  
 279 clerk with or without the mayor's approval, or with the mayor's disapproval. If the ordinance  
 280 has been approved by the mayor, it shall become law upon its return to the city clerk. If the  
 281 ordinance is neither approved nor disapproved, it shall become law at 12:00 noon on the  
 282 tenth calendar day after its adoption; if the ordinance is disapproved, the mayor shall submit  
 283 to the city council through the city clerk a written statement of the reasons for his or her veto.  
 284 The city clerk shall record upon the ordinance the date of its delivery to and receipt from the  
 285 mayor and the mayor's disposition of the ordinance.
- 286 (c) Ordinances vetoed by the mayor shall be presented by the city clerk to the city council  
 287 at its next regular meeting, and should the city council then or at its next regular meeting  
 288 adopt the ordinance by an affirmative vote of four members, the ordinance shall become law.

289 **SECTION 2.15.**

290 Mayor pro tem; selection and duties.

291 The city council and mayor shall elect annually at the first meeting of the year by majority  
 292 vote from among the members of the city council a mayor pro tem who shall assume the  
 293 duties and powers of the mayor upon the mayor's physical or mental disability, suspension

294 from office, or absence. The duly elected mayor pro tem shall serve in such capacity until  
295 such time as the mayor pro tem is re-elected or a successor is elected at the first meeting of  
296 the following year. The city council by a majority vote shall elect a new mayor pro tem from  
297 among its members for any period in which the mayor pro tem is disabled, absent, or acting  
298 as mayor. Any such absence or disability shall be declared by majority vote of all  
299 councilmembers. When serving as mayor, the mayor pro tem shall not also vote as a member  
300 of the city council.

301 **SECTION 2.16.**

302 City council creation; number; election.

303 (a) The legislative authority of the government of the City of Hoschton, except as otherwise  
304 specifically provided in this charter, shall be vested in a city council to be composed of six  
305 councilmembers until December 2, 2013. From December 2, 2013, until December 7, 2015,  
306 the city council shall be composed of five councilmembers. After December 7, 2015, the city  
307 council shall be composed of four councilmembers. The city council established shall in all  
308 respects be a successor to and continuation of the governing authority under prior law. The  
309 councilmembers shall be elected in the manner provided by general law and this charter.

310 (b) During the municipal elections to be held on November 5, 2013, and every four years  
311 thereafter, there shall be elected two councilmembers. During the municipal elections to be  
312 held on November 3, 2015, and every four years thereafter, there shall be elected two  
313 councilmembers.

314 **SECTION 2.17.**

315 City council terms and qualification for office.

316 The members of the city council of the City of Hoschton shall serve for terms of four years  
317 and until their respective successors are elected and qualified. No person shall be eligible  
318 to serve as councilmember unless he or she shall have been a resident of the City of  
319 Hoschton for 12 months immediately preceding the date of the election of that member of  
320 the city council, and each shall continue to reside therein during that member's period of  
321 service and each shall be registered and qualified to vote in municipal elections of the City  
322 of Hoschton.

323

**SECTION 2.18.**

324

## Compensation and expenses.

325 (a) The mayor and councilmembers shall receive compensation for their services in an  
326 amount set by ordinance and as provided by the laws of the State of Georgia. The mayor and  
327 councilmembers shall be entitled to receive their actual and necessary expenses incurred in  
328 the performance of their duties of office. During the period beginning with the effective date  
329 of this charter through taking office of new councilmembers in 2013, salaries shall be the  
330 same as those existing in the year 2007.

331 (b) Any action to increase the compensation of the mayor or councilmembers shall not be  
332 effective until after the taking office of those elected at the next regular municipal election  
333 which is held following the date on which the action to increase such compensation was  
334 taken.

335 (c) Such action shall not be taken during the period of time beginning with the date that  
336 candidates for election to membership on the city council may first qualify as such candidates  
337 and ending with the date members of the city council take office following their election.

338 (d) Such action shall not be taken until notice of intent to do so has been published in a  
339 newspaper of general circulation designated as the legal organ in the county and in the City  
340 of Hoschton at least once a week for three consecutive weeks immediately preceding the  
341 week during which such action is taken.

342 (e) Notice of such action must also appear in a prominent place in the city clerk's office  
343 continuously during the three week period provided for in subsection (d) of this section, and  
344 a copy of the proposal must be available for inspection by the public.

345

**SECTION 2.19.**

346

## Vacancy; filling of vacancies.

347 (a) Vacancies - The office of mayor or councilmember shall become vacant upon the  
348 incumbent's death, resignation, forfeiture of office, removal from office in a manner  
349 authorized by this charter or the general laws of the State of Georgia, or the occurrence of  
350 any event specified by the Constitution of the State of Georgia, Title 45 of the O.C.G.A., or  
351 such other applicable laws as are or may hereafter be enacted.

352 (b) Filling of Vacancies - A vacancy in the office of mayor or councilmember shall be filled  
353 for the remainder of the unexpired term, if any, by appointment by the city council or those  
354 members remaining if less than four months remain in the unexpired term. If such vacancy  
355 occurs four months or more prior to the expiration of the term of that office, it shall be filled  
356 for the remainder of the unexpired term by a special election, as provided for in Section 5.12

357 of this charter and in accordance with Titles 21 and 45 of the O.C.G.A., or such other laws  
 358 as are or may hereafter be enacted.

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

361 **SECTION 2.20.**

362 Prohibitions.

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

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

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

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

375 (3) Disclose confidential information, including information obtained at meetings which  
 376 are closed pursuant to Title 50, Chapter 14, of the O.C.G.A., concerning the property,  
 377 government, or affairs of the City of Hoschton without proper legal authorization or use  
 378 such information to advance the financial or other private interest of the official or others;

379 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,  
 380 from any person, firm, or corporation which he or she knows is interested directly or  
 381 indirectly in any manner whatsoever in business dealings with the City of Hoschton;  
 382 provided, however, that an elected official who is a candidate for public office may  
 383 accept campaign contributions and services in connection with any such campaign insofar  
 384 as permitted by the laws of the State of Georgia and other provisions of this charter;

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

387 (6) Vote or otherwise participate in the negotiation or the making of any contract with  
 388 any business or entity in which he or she has a financial interest.

389 (c) Disclosure. Any elected official, appointed officer, or employee who shall have any  
 390 financial interest, directly or indirectly, in any contract or matter pending before or within  
 391 any department of the City of Hoschton shall disclose such interest to the city council of the

392 City of Hoschton. The mayor or any councilmember who has a financial interest in any  
393 matter pending before the city council of the City of Hoschton shall disclose such interest  
394 and such disclosure shall be entered on the records of the city council and that  
395 councilmember shall be disqualified from participating in any decision or vote relating to that  
396 interest. Any elected official, appointed officer, or employee of any agency or political entity  
397 to which this charter applies who shall have any financial interest, directly or indirectly, in  
398 any contact or matter pending before or within the entity shall disclose that interest to the  
399 governing body of the agency or entity.

400 (d) Use of public property. No elected official, appointed officer, or employee of the City  
401 of Hoschton, or any agency or entity to which this charter applies, shall use property owned  
402 by the City of Hoschton for personal benefit, convenience, or profit but shall use such  
403 property only in their capacity as an officer or employee of the city.

404 (e) Contracts voidable and rescindable. Any violation of this section which occurs with the  
405 knowledge, express or implied, of another party to a contract or sale shall render that contract  
406 or sale voidable at the option of the city council of the City of Hoschton.

407 (f) Ineligibility of elected officials. Except where authorized by law, neither the mayor nor  
408 any councilmember shall hold any other elective or compensated appointive office in the  
409 City of Hoschton or otherwise be employed by said government or any agency thereof during  
410 the term for which that official was elected. No former mayor and no former councilmember  
411 shall hold any compensated appointive office in the City of Hoschton until one year after the  
412 expiration of the term for which that individual was elected except as provided by the  
413 Constitution and laws of the State of Georgia or elsewhere in this charter.

414 (g) Political activities of certain officers, elected officials, and employees. No appointive  
415 officer of the City of Hoschton shall continue in such employment upon qualifying as a  
416 candidate for nomination or election to any public office. No employee of the City of  
417 Hoschton shall continue in such employment upon qualifying for or election to any public  
418 office in the City of Hoschton or any other public office which is inconsistent, incompatible,  
419 or in conflict with the duties of the city employee. Such determination shall be made by the  
420 mayor and council either immediately upon election or at any time such conflict may arise.

421 (h) Penalties for violation.

422 (1) Any officer, elected official, or employee of the City of Hoschton who knowingly  
423 conceals such financial interest or knowingly violates any of the requirements of this  
424 section shall be guilty of malfeasance in office or position and upon conviction therefor  
425 shall be deemed to have forfeited the office or position.

426 (2) Any officer, elected official, or employee of the City of Hoschton who shall forfeit  
427 his or her office or position as described in paragraph (1) of this subsection shall be

428 ineligible for appointment or election to or employment in a position in the government  
429 of the City of Hoschton for a period of three years thereafter.

430 **SECTION 2.21.**

431 Inquiries and investigations.

432 Following the adoption of an authorizing resolution, the city council of the City of Hoschton  
433 may make inquiries and investigations into the affairs of the City of Hoschton and the  
434 conduct of any department, office, or agency thereof and for this purpose may command the  
435 appearance of witnesses, administer oaths, take testimony, and require the production of  
436 evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of  
437 these powers by the city council shall be punished as provided by ordinance.

438 **SECTION 2.22.**

439 General power and authority of the city council.

440 The legislative authority of the government of the City of Hoschton, except as otherwise  
441 specifically provided in this charter, shall be vested in a city council to be composed of six  
442 councilmembers until December 2, 2013. From December 2, 2013, until December 7, 2015,  
443 the city council shall be composed of five councilmembers. After December 7, 2015, the city  
444 council shall be composed of four councilmembers. The councilmembers shall be elected  
445 in the manner provided by this charter.

446 **SECTION 2.23.**

447 Eminent domain.

448 The city council is hereby empowered to acquire, construct, operate, and maintain public  
449 ways, parks and playgrounds, recreational facilities, cemeteries, public buildings, libraries,  
450 public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural,  
451 educational, recreational, conservation, sport, curative, corrective, detention, penal, and  
452 medical institutions, agencies, and facilities, and water and wastewater facilities; and to  
453 provide any other public improvements, inside or outside, the corporate limits of the city; to  
454 regulate the use of public improvements; and for such purposes, property may be acquired  
455 by condemnation under Title 22 of the O.C.G.A., or such other applicable laws as are or may  
456 hereafter be enacted.

457

**SECTION 2.24.**

458

## Organizational meeting.

459 The city council of Hoschton shall meet for organization on the first regularly scheduled  
460 meeting after the regular election. The meeting shall be called to order by the city clerk and  
461 the oath of office shall be administered to the newly elected members by an officer of the  
462 court authorized to administer oaths and shall, to the extent that it comports with federal and  
463 state law, be as follows:

464 "I do solemnly swear that I will faithfully perform the duties of mayor/councilmember of  
465 this city and that I will support and defend the charter thereof as well as the Constitution  
466 and laws of the State of Georgia and of the United States of America. I am not the holder  
467 of any unaccounted for public money due this state or any political subdivision or authority  
468 thereof. I am not the holder of any office of trust under the government of the United  
469 States, any other state, or any foreign state which I by the laws of the State of Georgia am  
470 prohibited from holding. I am otherwise qualified to hold said office according to the  
471 Constitution and laws of Georgia. I have been a resident of the City of Hoschton for the  
472 time required by the Constitution and laws of this state and by the municipal charter. I will  
473 perform the duties of my office in the best interest of the City of Hoschton to the best of  
474 my ability without fear, favor, affection, reward, or expectation thereof."

475

**SECTION 2.25.**

476

## Regular and special meetings.

477 (a) The city council of the City of Hoschton at its organizational meeting shall set the dates,  
478 place, and times of regular meetings for the coming year through the next annual  
479 organizational meeting. These meeting dates may be postponed after reasonable public  
480 notice as provided by ordinance.

481 (b) Special meetings of the city council of the City of Hoschton may be held on call of the  
482 mayor or any member of the city council. Notice of such special meetings shall be served  
483 on all other members personally or by telephone or by electronic mail, at least forty-eight  
484 hours in advance of the meeting. Such notice to councilmembers shall not be required if the  
485 mayor and all councilmembers are present when the special meeting is called. Such notice  
486 of any special meeting may be waived by a councilmember in writing before or after such  
487 a meeting, and attendance at the meeting shall also constitute a waiver of notice on any  
488 business transacted in such councilmember's presence. Only the business stated in the call  
489 may be transacted at the special meeting.

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

494 **SECTION 2.26.**

495 Rules of procedure.

496 (a) The city council of the City of Hoschton shall adopt its rules of procedure and order of  
497 business consistent with the provisions of this charter and shall provide for keeping a journal  
498 of its proceedings, which shall be a public record retained in the office of the city clerk of the  
499 City of Hoschton.

500 (b) All committees and committee chairs and officers of the city council shall be appointed  
501 as hereafter provided by ordinance.

502 **SECTION 2.27.**

503 Quorum; voting.

504 (a) A majority of the councilmembers shall constitute a quorum and shall be authorized to  
505 transact business of the city council. Voting on the adoption of ordinances shall be taken by  
506 a roll call vote, a show of hands, or by recorded vote and such vote shall be recorded in the  
507 journal. If less than all councilmembers are present, the affirmative vote of three  
508 councilmembers, or in the event of a tie broken by the mayor, the affirmative vote of two  
509 councilmembers and the mayor, shall be required for the adoption of any ordinance,  
510 resolution, or motion except as otherwise provided in this charter.

511 (b) No member of the city council shall abstain from voting on any matter properly brought  
512 before the council for official action except when such councilmember has a conflict of  
513 interest which is disclosed in writing prior to or at the meeting and made a part of the  
514 minutes. Any member of the city council present and eligible to vote on a matter and  
515 refusing to do so for any reason other than a properly disclosed and recorded conflict of  
516 interest shall be deemed to have acquiesced or concurred with the members of the majority  
517 who did vote on the question involved.

518

**SECTION 2.28.**

519

Ordinance form; procedure.

520 (a) Every proposed ordinance shall be introduced in writing and in the form required for  
 521 final adoption. No ordinance shall contain a subject which is not expressed in its title. The  
 522 enacting clause shall be "The Council of the City of Hoschton hereby ordains . . . ," and  
 523 every ordinance shall so begin.

524 (b) An ordinance may be introduced by any member of the council and be read at a regular  
 525 or special meeting of the city council. This reading may be accomplished by the reading of  
 526 the caption. Ordinances shall be considered and adopted or rejected by the city council in  
 527 accordance with the rules which it shall establish, except for emergency ordinances provided  
 528 in Section 2.30 of this charter. Subject to the provisions of this subsection, an ordinance may  
 529 be adopted at the same meeting that it is introduced. Either the mayor or any councilmember  
 530 or councilmembers may request that consideration of any proposed ordinance be delayed  
 531 until the next regularly scheduled meeting of the governing authority. Such request need not  
 532 be accompanied by any explanation or reason and shall automatically be delayed until the  
 533 next regularly scheduling meeting of the governing authority without the necessity of such  
 534 delay being approved or voted on by the governing authority. If any of the mayor or  
 535 councilmembers are absent, or if any changes (other than correction of clerical errors) are  
 536 proposed, an ordinance may not be adopted on the same day it is first introduced except for  
 537 emergency ordinances provided in Section 2.30 of this charter. If the ordinance is not  
 538 adopted, the introduction shall be a first reading. Upon introduction of any ordinance, the  
 539 clerk shall, as soon as reasonable, distribute a copy to the mayor and to each councilmember  
 540 and shall file a reasonable number of copies in the office of the clerk and at such other public  
 541 places as the city council may designate.

542

**SECTION 2.29.**

543

Action requiring an ordinance.

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

545

**SECTION 2.30.**

546

Emergencies.

547 (a) To meet a public emergency affecting life, health, property, or public peace, the city  
 548 council of Hoschton may convene on call of the mayor or any councilmember and promptly  
 549 adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or

550 extend a franchise; regulate the rate charged by any public utility for its services; or authorize  
 551 the borrowing of money except for loans to be repaid within thirty days. An emergency  
 552 ordinance shall be introduced in the form prescribed for ordinances generally except that it  
 553 shall be plainly designated as an emergency ordinance and shall contain, after the enacting  
 554 clause, a declaration stating that an emergency exists and describing the emergency in clear  
 555 and specific terms. An emergency ordinance may be adopted with or without amendment  
 556 or rejected at the meeting at which it is introduced, but the affirmative vote of at least three  
 557 councilmembers shall be required for adoption. It shall become effective upon adoption or  
 558 at such later time as it may specify. Every emergency ordinance shall automatically stand  
 559 repealed thirty days following the date upon which it was adopted, but this shall not prevent  
 560 reenactment of the ordinance in the manner specified in this section if the emergency still  
 561 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance  
 562 in the same manner specified in this section for adoption of emergency ordinances.

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

### 567 **SECTION 2.31.**

#### 568 Codes of technical regulations.

569 (a) The city council may adopt any standard code of technical regulations by reference  
 570 thereto in an adopting ordinance. The procedure and requirements governing such adopting  
 571 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements  
 572 of Section 2.28 of this charter for distribution and filing of copies of the ordinance shall be  
 573 construed to include copies of any code of technical regulations, as well as the adopting  
 574 ordinance; and (2) a copy of each adopted code of technical regulations, as well as the  
 575 adopting ordinance, shall be authenticated and recorded by the city clerk pursuant to  
 576 Section 2.32 of this charter.

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

579

**SECTION 2.32.**

580

Signing; authenticating; recording; codification; printing.

581 (a) The city clerk shall authenticate by his or her signature and record in full in a properly  
582 indexed book kept for that purpose all ordinances adopted by the city council of the City of  
583 Hoschton.

584 (b) The city council shall provide for the preparation of a general codification of all the  
585 ordinances of the City of Hoschton having the force and effect of law. The general  
586 codification shall be adopted by the city council by ordinance and shall be published  
587 promptly together with all amendments thereto and such codes of technical regulations and  
588 other rules and regulations as the city council may specify. This compilation shall be known  
589 and cited officially as the "Code of the City of Hoschton, Georgia." A copy of the code shall  
590 be furnished to each officer, department, and agency of the City of Hoschton and made  
591 available for purchase by the public at a reasonable price as fixed by the city council.

592 (c) The city council shall cause each ordinance and each amendment to this charter to be  
593 printed promptly following its adoption, and the printed ordinances and charter amendments  
594 shall be made available for purchase by the public at reasonable prices to be fixed by the city  
595 council. Following publication of the first code under this charter and at all times thereafter,  
596 the ordinances and charter amendments shall be printed in substantially the same style as the  
597 code currently in effect and shall be suitable in form for incorporation therein. The city  
598 council shall make such further arrangements as deemed desirable with reproduction and  
599 distribution of any current changes in or additions to codes of technical regulations and other  
600 rules and regulations included in the code.

601

**ARTICLE III**

602

**ADMINISTRATIVE AFFAIRS**

603

**SECTION 3.10.**

604

Administrative and service departments.

605 (a) Except as otherwise provided in this charter, the city council, by ordinance, shall  
606 prescribe the functions or duties, and establish, abolish, alter, consolidate, or leave vacant all  
607 nonelective offices, positions or employment, departments, and agencies of the city, as  
608 necessary for the proper administration of the affairs and government of the City of  
609 Hoschton.

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

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

615 (d) There shall be a director or head of each department or agency who shall be its principal  
616 officer. Each such director or head shall, subject to the direction and supervision of the  
617 mayor, be responsible for the administration and direction of the affairs and operations of  
618 that director's department or agency.

619 (e) All officers and department heads under the supervision of the mayor shall be nominated  
620 by the mayor with confirmation of appointment by the city council. All officers and  
621 department heads shall be employees at-will and subject to suspension at any time by the  
622 mayor unless otherwise provided by law or ordinance.

623 (f) The city council shall prepare a personnel ordinance to apply to all nonelective officers  
624 and employees of the City of Hoschton.

### 625 **SECTION 3.11.**

#### 626 **Boards, commissions, and authorities.**

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

631 (b) All members of such boards, commissions, or authorities of the City of Hoschton shall  
632 be appointed by the city council for such terms of office and in such manner as shall be  
633 provided by ordinance, except where other appointing authority, terms of office, or manner  
634 of appointment is prescribed by this charter or by laws.

635 (c) The city council may provide by ordinance for the compensation and reimbursement for  
636 actual and necessary expenses of members of boards, commissions, and authorities.

637 (d) Except as otherwise provided by charter or by law, no member of any board,  
638 commission, or authority shall hold any elective office in the City of Hoschton.

639 (e) Any vacancy on a board, commission, or authority of the City of Hoschton shall be filled  
640 for the unexpired term in the manner prescribed herein for original appointment, except as  
641 otherwise provided by this charter or general law of the State of Georgia.

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

646 (g) The members of all boards, commissions, or authorities may be removed at any time by  
647 a vote of a majority of the members of the city council, unless otherwise provided by law.

648 (h) Except as otherwise provided by this charter or by law, each board, commission, or  
649 authority of the City of Hoschton shall elect one of its members as chair, one member as  
650 vice-chair, and may elect as secretary one of its own members or, if authorized by ordinance,  
651 may appoint as secretary an employee of the city. Each board, commission, or authority of  
652 the city government may establish such bylaws, rules, and regulations not inconsistent with  
653 this charter, ordinances of the city, or law, as it deems appropriate and necessary for  
654 fulfillment of its duties or conduct of its affairs. Copies of such bylaws, rules, and  
655 regulations and a list of such officers shall be submitted to the mayor and city council and  
656 filed with the city clerk.

657 **SECTION 3.12.**

658 City attorney.

659 The city council shall appoint a city attorney and such assistant attorneys as necessary and  
660 shall provide for payment for services rendered to the city by such attorney or attorneys. The  
661 city attorney shall be responsible for representing and defending the city in all litigation in  
662 which the city is a party; may be prosecuting officer in the municipal court; shall attend  
663 meetings of the city council as directed; shall advise the mayor, city council, and other  
664 officers and employees of the city concerning the city's legal affairs; and shall perform such  
665 other duties as specified by the city council. The city attorney is not a public official of the  
666 city and does not take an oath of office. The city attorney shall at all times be an independent  
667 contractor. A law firm, rather than an individual, may be designated as the city attorney.

668 **SECTION 3.13.**

669 City clerk.

670 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk  
671 shall be custodian of the official city seal and city records; maintain city council records  
672 required by this charter; and perform such other duties as may be required by the city  
673 council.

674 **SECTION 3.14.**

675 Position classification and pay plans.

676 The mayor shall be responsible for the preparation of a position classification and pay plan  
677 which shall be submitted to the city council for approval. Such plan may apply to all  
678 employees of the city and any of its agencies, departments, boards, commissions, or

679 authorities. When a pay plan has been adopted, the city council shall not increase or decrease  
 680 the salary range applicable to any position except by amendment of such pay plan. For  
 681 purposes of this section, all elected officials are not city employees.

682 **SECTION 3.15.**

683 Personnel policies.

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

686 **ARTICLE IV**

687 **JUDICIAL BRANCH**

688 **SECTION 4.10.**

689 Creation of municipal court.

690 There shall be a court to be known as the Municipal Court of the City of Hoschton.

691 **SECTION 4.11.**

692 Judges.

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

695 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless  
 696 he or she shall have attained the age of 21 years, shall be a member of the State Bar of  
 697 Georgia, and shall possess all qualifications required by law. All judges shall be appointed  
 698 by the city council and shall serve until a successor is appointed and qualified. The city  
 699 council may require additional qualifications by ordinance at its discretion and in accordance  
 700 with the general laws and Constitution of the State of Georgia.

701 (c) Compensation of any judge or judges shall be fixed by ordinance.

702 (d) Judges serve at-will and may be removed from office at any time by a vote of a majority  
 703 of the members of the city council, unless otherwise provided by ordinance.

704 (e) Before entering on the duties of the office, each judge shall take an oath given by the  
 705 mayor that the judge will honestly and faithfully discharge the duties of the office to the best  
 706 of his or her ability without fear, favor, or partiality. The oath shall be entered upon the  
 707 minutes of the city council journal required in Section 2.26 of this charter.

708 **SECTION 4.12.**

709 Convening.

710 The municipal court may be convened at regular intervals as provided by ordinance.

711 **SECTION 4.13.**

712 Jurisdiction; powers.

713 (a) The municipal court shall have jurisdiction and authority to try and punish violations of  
714 this charter, all city ordinances, and such other violations as provided by law.715 (b) The municipal court shall have authority to punish those in its presence for contempt or  
716 malicious prosecution as for a misdemeanor, provided that such punishment shall not exceed  
717 \$200.00 or ten days in jail.718 (c) The municipal court may fix punishment for offenses within its jurisdiction not  
719 exceeding a fine of \$1,000.00 or imprisonment for 180 days or both such fine and  
720 imprisonment, or alternative sentencing as now or hereafter provided by law.721 (d) The municipal court shall have authority to establish a schedule of fees to defray the cost  
722 of operation, and shall be entitled to reimbursement of the cost of meals, transportation, and  
723 care taking of prisoners bound over to superior courts for violations of laws of the State of  
724 Georgia.725 (e) The municipal court shall have authority to establish bail and recognizance to insure the  
726 presence of those charged with violations before the court and shall have discretionary  
727 authority to accept cash or personal or real property as surety for the appearance of persons  
728 charged with violations. Whenever any person shall give bail for an appearance and shall  
729 fail to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at  
730 such time, and an execution issued thereon by serving the defendant and his or her sureties  
731 with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or  
732 property is accepted in lieu of bond for security for the appearance of a defendant at trial and  
733 if such defendant fails to appear at the time and place fixed for trial, the cash so deposited  
734 shall be declared forfeited to the city on order of the judge, or the property so deposited shall  
735 have a lien against it for the value forfeited, which lien shall be enforceable in the same  
736 manner and to the same extent as a lien for city property taxes.737 (f) The municipal court shall have the authority to bind prisoners over to the appropriate  
738 court when there appears to be probable cause that a law of the State of Georgia has been  
739 violated.

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

743 (h) The municipal court may compel the presence of all parties necessary to a proper  
 744 disposal of each case by the issuance of summons, subpoena, and warrants which may be  
 745 served as executed by any officer as authorized by this charter or by law.

746 (i) Each judge of the municipal court shall be authorized to issue warrants for the arrest of  
 747 persons charged with offenses against any ordinance of the city, and each judge of the  
 748 municipal court shall have the same authority as a magistrate of the state to issue warrants  
 749 for offenses against state laws committed within the city.

750 (j) The municipal court is specifically vested with all of the jurisdiction and powers  
 751 throughout the entire area of this city granted by general state laws to mayor's, recorder's, and  
 752 police courts, and in particular by such laws as authorize the abatement of nuisances and  
 753 prosecution of traffic violations.

754 **SECTION 4.14.**

755 **Appeal.**

756 Appeals from decisions of the municipal court shall be taken to the Superior Court of  
 757 Jackson County in the manner provided for appeals from probate court. The right of appeal  
 758 and any bond as may be required to secure the costs of appeal to the Superior Court of  
 759 Jackson County from the municipal court shall lie in the same manner and under the same  
 760 procedure as generally prescribed for appeals and appeal bonds from the probate court,  
 761 provided that any person who fails to file his or her appeal within ten days of the date of  
 762 conviction shall be deemed to have waived any such right. An appeal to the superior court  
 763 shall be a de novo proceeding.

764 **SECTION 4.15.**

765 **Rules for court.**

766 With the approval of the city council, the judge shall have full power and authority to make  
 767 reasonable rules and regulations necessary and proper to secure the efficient and successful  
 768 administration of the municipal court; provided, however, that the city council may adopt in  
 769 part or in whole the rules and regulations for procedure in the superior court under the  
 770 general laws of the State of Georgia. The rules and regulations made or adopted shall be  
 771 filed with the city clerk, shall be available for public inspection, and upon request, a copy

772 shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to  
773 said proceedings.

774 **ARTICLE V**  
775 **ELECTIONS AND REMOVAL**

776 **SECTION 5.10.**  
777 **Applicability of general law.**

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

780 **SECTION 5.11.**  
781 **Regular elections; time for holding.**

782 On the Tuesday next following the first Monday in November in each odd-numbered year  
783 beginning in November 2013, there shall be an election for mayor and city councilmembers'  
784 positions where those terms are about to expire. The terms of office shall begin at the time  
785 of taking the oath of office as provided elsewhere in this charter. Terms shall be for four  
786 years.

787 **SECTION 5.12.**  
788 **Special elections; vacancies.**

789 In the event that the office of mayor or councilmember shall become vacant as provided in  
790 Section 2.19 of this charter, the city council or those remaining shall order a special election  
791 to fill the balance of the unexpired term of such office; provided, however, that if such  
792 vacancy occurs within four months of the expiration of the term of that office, the city  
793 council or those remaining shall appoint a successor for the remainder of the term. In all  
794 other respects, the special election shall be held and conducted in accordance with the  
795 Georgia Election Code (Chapter 2 of Title 21 of the O.C.G.A.), as now or hereafter amended.

796 **SECTION 5.13.**  
797 **Other provisions.**

798 Except as otherwise provided by this charter, the city council shall prescribe by ordinance  
799 such rules and regulations it deems appropriate to fulfill any options and duties under the  
800 Georgia Election Code (Chapter 2 of Title 21 of the O.C.G.A.), as now or hereafter amended.

801 **SECTION 5.14.**

802 Nonpartisan elections.

803 Political parties shall not conduct primaries for city offices and all names of candidates for  
804 city offices shall be listed without party designations.

805 **SECTION 5.15.**

806 Election by plurality.

807 The person receiving a plurality of the votes cast for any city office shall be elected.

808 **SECTION 5.16.**

809 Procedure for removal.

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

813 (b) Removal of the mayor or councilmembers or other officers provided for in this charter  
814 may be accomplished by one of the following methods:

815 (1) By the vote of councilmembers after an investigative hearing. In the event an elected  
816 officer is sought to be removed by the action of the city council, such officer shall be  
817 entitled to a written notice specifying the ground for removal and to a public hearing  
818 which shall be held not less than ten days after the service of such written notice. The  
819 city council shall provide by ordinance for the manner in which such hearings shall be  
820 held. Any elected officer sought to be removed from office as herein provided shall have  
821 the right of appeal from the decision of the city council to the Superior Court of Jackson  
822 County. Such appeal shall be governed by the same rules as govern appeals to the  
823 superior court from the municipal court. Until December 2, 2013, removal shall require  
824 the votes of five councilmembers. From December 2, 2013, until December 7, 2015,  
825 removal shall require the votes of four councilmembers. After December 7, 2015,  
826 removal shall require the votes of three councilmembers; or

827 (2) By an order of the Superior Court of Jackson County following a hearing on a  
828 complaint seeking such removal brought by any resident of the City of Hoschton.

829                                   ARTICLE VI  
830                                   FINANCE.  
831                                   **SECTION 6.10.**  
832                                   Property tax.

833   The city council of the City of Hoschton may assess, levy, and collect an ad valorem tax on  
834   all real and personal property within the corporate limits of the city that is subject to such  
835   taxation by the State of Georgia and Jackson County. This tax is for the purpose of raising  
836   revenues to defray the costs of operating the city government; providing governmental  
837   services; for the repayment of principal and interest on general obligations; and for any other  
838   public purpose as determined by the city council of the City of Hoschton at its discretion.

839                                   **SECTION 6.11.**  
840                                   Millage rate, due dates, payment methods.

841   The city council by ordinance shall establish a millage rate for the city property tax; a due  
842   date; and in what length of time these taxes must be paid. The city council by ordinance may  
843   provide for the payment of these taxes by installments or in one lump sum as well as  
844   authorize the voluntary payment of taxes prior to the time when due.

845                                   **SECTION 6.12.**  
846                                   Occupation and business taxes.

847   The city council by ordinance shall have the power to levy occupation or business taxes not  
848   denied by the general law of the State of Georgia. Such taxes may be levied on any person  
849   or entity who transacts business in the city or who practices or offers to practice any  
850   profession or calling therein to the extent such persons or entities have a constitutionally  
851   sufficient nexus to the City of Hoschton to be so taxed. The city council may classify  
852   businesses, occupations, professions, or callings for the purpose of such taxes as provided  
853   elsewhere in this charter.

854                                   **SECTION 6.13.**  
855                                   Licenses, permits, fees.

856   The city council by ordinance shall have the power to require any person or entity who  
857   transacts business in the City of Hoschton or who practices or offers to practice any  
858   profession or calling in the city to obtain a license or permit for such activity from the city

859 and pay a reasonable regulatory fee for such license or permit where such activities are not  
860 now regulated by the general law of the State of Georgia in such a way as to preclude city  
861 regulation. Such fees may reflect the total cost to the city of regulating the activity and, if  
862 unpaid, shall be collected as provided in Section 6.18 of this charter. The city council by  
863 ordinance may establish reasonable requirements for obtaining or keeping such licenses as  
864 the public health, safety, and welfare necessitates.

#### 865 **SECTION 6.14.**

##### 866 Franchises.

867 (a) The city council shall have the power to grant franchises for the use of the city's streets  
868 and alleys for the purposes of railroads, street railways, telephone companies, electric  
869 companies, electric membership corporations, cable television, gas companies, transportation  
870 companies, solid waste disposal companies, and other similar organizations. The city council  
871 shall determine the duration, provisions, terms as to whether the same shall be exclusive or  
872 nonexclusive, and the consideration for such franchises; provided, however, that no franchise  
873 shall be granted for a period in excess of 35 years and no franchise shall be granted unless  
874 the city receives just and adequate compensation therefor. The city council shall provide for  
875 the registration of all franchises with the city clerk in a registration book to be kept by the  
876 clerk. The city council may provide by ordinance for the registration within a reasonable  
877 time of all franchises previously granted.

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

#### 883 **SECTION 6.15.**

##### 884 Service charges.

885 The city council by ordinance shall have the power to assess and collect fees, charges, and  
886 tolls for water, sewer, sanitary, health services, or any other services rendered within and  
887 without the corporate limits of the City of Hoschton for the cost to the city of providing such  
888 services. If unpaid, such charges shall be collected as provided in Section 6.18 of this  
889 charter.

890

**SECTION 6.16.**

891

## Special assessments.

892 The city council by ordinance shall have the power to assess and collect the cost of  
893 providing, including, but not limited to, constructing, reconstructing, widening, or improving  
894 any public way, street, sidewalk, curbing, gutters, sewers, water facilities, wastewater  
895 facilities, or other utility mains and appurtenances from the abutting property owners under  
896 such terms and conditions as are reasonable. The city council by ordinance shall have the  
897 power to assess and collect the cost of providing any such public improvements set forth in  
898 Section 2.23 of this charter, whether such cost has been or will be incurred, from those  
899 owners of property that are or will be benefited thereby, or to which the improvements are  
900 or will be available under such terms and conditions as are reasonable. If unpaid, such  
901 charges shall be collected as provided in Section 6.18 of this charter.

902

**SECTION 6.17.**

903

## Construction; other taxes and fees.

904 The City of Hoschton shall be empowered to levy any other tax or fee allowed now or  
905 hereafter by law, and the specific mention of any right, power, or authority in this charter  
906 shall not be construed as limiting in any way the general powers of this city to govern its  
907 local affairs.

908

**SECTION 6.18.**

909

## Collection of delinquent taxes and fees.

910 The city council by ordinance may provide generally for the collection of delinquent taxes,  
911 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by  
912 whatever reasonable means as are not precluded by law. This may include providing for the  
913 dates when the taxes or fees are due; late penalties or interest; issuance and execution of  
914 fi.fa's.; creation and priority of liens; making delinquent taxes and fees personal debts of the  
915 persons required to pay the taxes or fees imposed; revoking city licenses for failure to pay  
916 any city taxes or fees; allowing exceptions for hardship; and providing for the assignment or  
917 transfer of tax executions.

918 **SECTION 6.19.**

919 General obligation bonds.

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

924 **SECTION 6.20.**

925 Revenue bonds.

926 Revenue bonds may be issued by the city council as the present or future law of the State of  
 927 Georgia provides. Such bonds are to be paid out of any revenue produced by the project or  
 928 activity by the project, program, or venture for which they were issued.

929 **SECTION 6.21.**

930 Short-term loans.

931 The City of Hoschton must obtain and repay any short-term loans between January 1 and  
 932 December 31 of each year or as is otherwise provided by present or future law.

933 **SECTION 6.22.**

934 Lease-purchase contracts.

935 The City of Hoschton may enter into multi-year lease, purchase, or lease purchase contracts  
 936 for the acquisition of goods, materials, real and personal property, services, and supplies  
 937 provided the contract terminates without further obligation on the part of the municipality  
 938 at the close of the calendar year in which it was executed and at the close of each succeeding  
 939 calendar year for which it may be renewed. Contracts must be executed in accordance with  
 940 the requirements of Section 36-60-13 of the O.C.G.A., or such other applicable laws as are  
 941 or may hereafter be enacted.

942 **SECTION 6.23.**

943 Fiscal year.

944 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the  
 945 budget year and the year for financial accounting and reporting of each and every office,

946 department, agency, and activity of the city government, unless otherwise provided by state  
947 or federal law.

948 **SECTION 6.24.**

949 Preparation of budgets.

950 The city council shall provide an ordinance on the procedures and requirements for the  
951 preparation and execution of an annual operating budget and a capital improvement program  
952 and a capital budget including requirements as to the scope, content, and form of such  
953 budgets and programs.

954 **SECTION 6.25.**

955 Submission of operating budget to city council.

956 On or before a date fixed by the city council but not later than 45 days prior to the beginning  
957 of each fiscal year, the mayor shall submit to the city council a proposed operating budget  
958 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor  
959 containing a statement of the general fiscal policies of the city, the important features of the  
960 budget, explanations of major changes recommended for the next fiscal year, a general  
961 summary of the budget, and such other pertinent comments and information. The operating  
962 budget and the capital budget hereinafter provided for, the budget message, and all  
963 supporting documents shall be filed in the office of the city clerk and shall be open to public  
964 inspection.

965 **SECTION 6.26.**

966 Action by city council on budget.

967 (a) The city council may amend the operating budget except that the budget as finally  
968 amended and adopted must provide for all expenditures required by the law of the State of  
969 Georgia or by provisions of this charter and for all debt service requirements for the ensuing  
970 fiscal year and the total appropriations from any fund shall not exceed the estimated fund  
971 balance, reserves, and revenues.

972 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal  
973 year not later than the last day of each fiscal year. If the city council fails to adopt the budget  
974 by this date, the amounts appropriated for operation for the current fiscal year shall be  
975 deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items  
976 prorated accordingly until such time as the city council adopts a budget for the ensuing fiscal

977 year. Such adoption shall take the form of an appropriations ordinance setting out the  
 978 estimated revenues in detail by sources and making appropriations according to fund and by  
 979 organizational unit, purpose, or activity as set out in the budget preparation ordinance  
 980 pursuant to Section 6.25 of this charter.

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

985 **SECTION 6.27.**

986 Tax levies.

987 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates  
 988 set by such ordinance shall be such that reasonable estimates of revenues from such levy  
 989 shall at least be sufficient, together with other anticipated revenues, fund balances, and  
 990 applicable reserves, to equal the total amount appropriated for each of the several funds set  
 991 forth in the annual operating budget for defraying the expenses of the general government  
 992 of the City of Hoschton.

993 **SECTION 6.28.**

994 Changes in appropriations.

995 The city council by ordinance may make changes in the appropriations contained in the  
 996 current operating budget, at any regular meeting or special or emergency meeting called for  
 997 the purpose, but any additional appropriations may be made only from an existing  
 998 unappropriated surplus in the fund to which it applies or on a revised estimate of revenue.

999 **SECTION 6.29.**

1000 Capital improvements budget.

1001 (a) On or before the date fixed by the city council but no later than 45 days prior to the  
 1002 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital  
 1003 improvements plan with a recommended capital budget containing the means of financing  
 1004 the improvements proposed for the ensuing fiscal year. The city council shall have power  
 1005 to accept, with or without amendments, or reject the proposed plan and proposed budget.  
 1006 The city council shall not authorize an expenditure for the construction of any building,  
 1007 structure, work, or improvement unless the appropriations for such project are included in

1008 the capital budget, except to meet a public emergency as provided in Section 2.30 of this  
1009 charter.

1010 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal  
1011 year not later than the last day of each fiscal year. No appropriation provided for in a prior  
1012 capital budget shall lapse until the purpose for which the appropriation was made shall have  
1013 been accomplished or abandoned; provided, however, the mayor may submit amendments  
1014 to the capital budget at any time during the fiscal year, accompanied by recommendations.  
1015 Any such amendments to the capital budget shall become effective only upon adoption by  
1016 ordinance.

1017 **SECTION 6.30.**

1018 Independent audit.

1019 There shall be an annual independent audit of all city accounts, funds, and financial  
1020 transactions by a certified public accountant selected by the city council. The audit shall be  
1021 conducted according to generally accepted auditing principles. Any audit of any funds by  
1022 the state or federal governments may be accepted as satisfying the requirements of this  
1023 charter. Copies of all annual audit reports shall be available at printing cost to the public.

1024 **SECTION 6.31.**

1025 Contracting procedures.

1026 No contract with the City of Hoschton shall be binding upon the city unless:

1027 (1) It is in writing;

1028 (2) It is drawn by or submitted to and reviewed by the city attorney and as a matter of  
1029 course is signed by him or her to indicate such drafting or review;

1030 (3) If it involves the expenditure of more than \$2,500.00, it is made or authorized by the  
1031 city council and such approval is entered in the city council journal of minutes pursuant  
1032 to Section 2.26 of this charter; and

1033 (4) It is signed by the mayor and attested to by the city clerk.

1034 **SECTION 6.32.**

1035 Centralized purchasing.

1036 The city council shall by ordinance prescribe procedures for a system of centralized  
1037 purchasing for the City of Hoschton.

1038 **SECTION 6.33.**

1039 Sale and lease of city property.

1040 (a) The city council may sell and convey or lease any real or personal property owned or  
1041 held by the city for governmental or any other purposes as now or hereafter provided by law.

1042 (b) The city council may quitclaim any rights it may have in property not needed for public  
1043 or other purposes upon report by the mayor and adoption of a resolution, both finding that  
1044 the property is not needed for public or other purposes and that the interest of the city has no  
1045 readily ascertainable monetary value.

1046 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place  
1047 of the city, a small parcel or tract of land is cut off or separated by such work from a larger  
1048 tract or boundary of land owned by the city, the city council may authorize the mayor to sell  
1049 and convey said cut off or separated parcel or tract of land to an abutting or adjoining  
1050 property owner or owners where such sale and conveyance facilitates the enjoyment of the  
1051 highest and best use of the abutting owner's property. Included in the sales contract shall be  
1052 a provision for the rights-of-way of such street, avenue, alley, or public place. Each abutting  
1053 property owner shall be notified of the availability of the property and given the opportunity  
1054 to purchase said property under such terms and conditions as set out by ordinance. All deeds  
1055 and conveyances heretofore and hereafter so executed and delivered shall convey all title and  
1056 interest the city has in such property, notwithstanding the fact that no public sale after  
1057 advertisement was or is hereafter made.

1058 **ARTICLE VII**

1059 **GENERAL PROVISIONS.**

1060 **SECTION 7.10.**

1061 Bonds for officials.

1062 The officers and employees of the City of Hoschton, both elective and appointive, shall  
1063 execute such surety or fidelity bonds in such amounts and upon such terms and conditions  
1064 as the city council shall from time to time require by ordinance or as may be provided by  
1065 law.

1066 **SECTION 7.11.**

1067 Land development code.

1068 The city council of Hoschton may adopt ordinances and regulations related to land use and  
1069 development.

**SECTION 7.12.**

Prior ordinances.

1072 All ordinances, resolutions, rules, and regulations now in force in the City of Hoschton not  
1073 inconsistent with this charter are hereby declared valid and in full effect and force until  
1074 amended or repealed by the city council.

**SECTION 7.13.**

Existing personnel and officers.

1077 Except as specifically provided otherwise by this charter, all personnel and officers of the  
1078 City of Hoschton and their rights, privileges, and powers shall continue beyond the time this  
1079 charter takes effect and until the existing city council passes a transition ordinance detailing  
1080 the changes in personnel and appointive officers required or desired and arranging such titles,  
1081 rights, privileges, and powers as may be required or desired to allow a reasonable transition,  
1082 which ordinance the city council shall pass as soon as practicable after adoption of this  
1083 charter into law.

**SECTION 7.14.**

Pending matters.

1086 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,  
1087 contracts, and legal or administrative proceedings shall continue, and any ongoing work or  
1088 cases shall be dealt with by any city agencies, personnel, or office as may be provided by the  
1089 city council.

**SECTION 7.15.**

Construction.

1092 (a) Section captions in this charter are informative only and are not to be considered as a part  
1093 of the charter.

1094 (b) The word "shall" is intended to be mandatory, and the word "may" is permissive.

1095 (c) The singular shall include the plural and the masculine the feminine and vice versa.

1096 **SECTION 7.16.**

1097 Penalties.

1098 The violation of any provisions of this charter, for which penalty is not specifically provided  
 1099 for herein or by applicable laws of the State of Georgia, is hereby declared to be an offense  
 1100 punishable by a fine of not more than \$1,000.00 or by imprisonment not to exceed 30 days.

1101 **SECTION 7.17.**

1102 Severability.

1103 If any section, subsection, paragraph, sentence, or part of this charter shall be held to be  
 1104 invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair  
 1105 other parts of this charter unless it clearly appears that such other parts are wholly and  
 1106 necessarily dependent upon the part held to be invalid or unconstitutional, it being the  
 1107 legislative intent in enacting this charter that each section, subsection, paragraph, sentence,  
 1108 or part of the charter be enacted separately and independent of each other.

1109 **SECTION 7.18.**

1110 Repealer.

1111 (a) An Act incorporating the City of Hoschton, in the County of Jackson, approved  
 1112 August 19, 1919 (Ga. L. 1919, p. 1028), is hereby repealed in its entirety, and all amendatory  
 1113 acts thereto are likewise repealed in their entirety. All Acts of the General Assembly  
 1114 heretofore passed incorporating the City of Hoschton are hereby consolidated and superseded  
 1115 by this Act. All local Acts of the General Assembly in conflict with or at variance with this  
 1116 Act are hereby expressly repealed, and all local laws or parts of local laws in conflict with  
 1117 this Act are hereby repealed.

1118 (b) All ordinances passed by the mayor and council of the City of Hoschton under a former  
 1119 charter or any amendment thereof which are now in force and which are in conflict with this  
 1120 Act are expressly repealed, but all ordinances now in force which are not in conflict with this  
 1121 Act are continued as ordinances of the City of Hoschton, in full force and effect until the  
 1122 same have been repealed by ordinance or resolution of the mayor and council, as provided  
 1123 elsewhere in this charter.

1124 (c) All laws and parts of laws in conflict with this Act are hereby repealed.

1125 **SECTION 7.19.**

1126 Effective date.

1127 This charter shall become effective on July 1, 2013.

1128 **APPENDIX A**

1129 **BOUNDARIES**

1130 The boundaries of the City of Hoschton shall be those existing on the effective date of the  
 1131 adoption of this charter. The corporate limits of the City of Hoschton shall extend 3/4 of a  
 1132 mile in every direction from the center of the depot as provided in the original charter by  
 1133 legislative enactment dated September 19, 1891, and by amending the territorial boundaries  
 1134 by legislative Act on August 16, 1916, providing that the northern limits of said corporation  
 1135 shall extend north 12 1/2 degrees west, 383 feet beyond the land line known as the "Parks  
 1136 and Braselton Line," being a land line running north of said line parallel to "Parks and  
 1137 Braselton land line" shall no longer be included within the corporate limits of said City of  
 1138 Hoschton, and amending the corporate limits of the City of Hoschton by legislative Act dated  
 1139 March 6, 1962, by providing that the following described land shall be excluded from the  
 1140 corporate limits of the City of Hoschton.

1141 "BEGINNING at an iron pin located in the northeast corner of this tract of land, said pin  
 1142 being 30 feet west of the center of Georgia Highway No. 53, where this tract corners with  
 1143 lands of Braselton Improvement Company; thence running along State Highway No. 53  
 1144 south 13 degrees 30 minutes east 319 feet to a stake; thence south five degrees  
 1145 30 minutes east 309 feet to a stake; thence south 81 degrees 40 minutes west 377 feet to  
 1146 an iron pin; thence north 13 degrees no minutes west 560 feet to an iron pin on the  
 1147 boundary which is adjacent to Braselton Improvement Company land; thence running  
 1148 along the city limits north 67 degrees 30 minutes east 411 feet to the beginning iron pin."

1149 In addition to the above, the boundaries shall encompass the following property that has been  
 1150 properly annexed.

1151 1. The following described property was annexed into the City of Hoschton upon the  
 1152 application of Ralph Freeman and said property is described more fully as follows:

1153 ALL THAT TRACT or parcel of land lying and being in the 1407th District G.M.,  
 1154 Jackson County Georgia, and being described as that part of the land deeded to Ralph  
 1155 Freeman Jr., by Mrs. Ralph Freeman, Sr., on the 14th day of October, 1950, and recorded  
 1156 in the Jackson County Clerk's office on October 18th, 1950, Book 3-M, Folio 186-187  
 1157 and deeded to Ralph Freeman, Jr., by Sam H. Freeman on the 15th day of January, 1963,  
 1158 and recorded in the Jackson County Superior Court Clerks Office on January 22, 1963,

1159 in Book 4-0, Page 45, that is not already included in the original City limits of Hoschton,  
1160 Georgia.

1161 2. The following described property was annexed into the City of Hoschton upon the  
1162 application of the sole owner John C. Buchanan and said property is described more fully  
1163 as follows:

1164 All that certain tract or parcel of land lying and being in the 1407th G.M. District of  
1165 Jackson County, Georgia containing One Hundred Seventy-Five (175) acres more or less  
1166 as shown on a certain plat of survey made by W.T. Dunahoo & Associates, Winder,  
1167 Georgia Registered Surveyor No. 1577, and recorded in the office of the Clerk of  
1168 Superior Court for Jackson County, Georgia on the 30th day of December, 1986, in Plat  
1169 Book 22, Page 232.

1170 3. The following described property was annexed into the City of Hoschton the application  
1171 of Aaron Thal, President, Jopenea, Inc., and said property is described more fully as  
1172 follows:

1173 ALL THAT TRACT OR PARCEL of land lying and being in the 1407th District, G.M.,  
1174 Jackson County, Georgia and being described as part of Tract 1 and all of Tract 2 as  
1175 shown on that certain Plat for Discolex N.V. prepared by W.T. Dunahoo & Associates,  
1176 Georgia Registered Land Surveyor, dated October 7, 1980, and recorded at Plat Book 12,  
1177 Page 207, Jackson County records.

1178 4. The following described property was annexed into the City of Hoschton upon the  
1179 application of the sole owner James Isiaiah Mann, and said property is described more fully  
1180 as follows:

1181 ALL THAT TRACT OR PARCEL of land lying and being in GMD No. 1407, Jackson  
1182 County, Georgia, and being a portion of Tract No. 16 as shown on plat of survey prepared  
1183 for Discolex, N.V. by W.T. Dunahoo & Associates, Georgia Registered Land Surveyors,  
1184 dated October 7, 1980, and recorded at Plat Book 12, page 207, Jackson County, Georgia,  
1185 records and being more particularly described as follows:

1186 Beginning at a point marked by the intersection of the centerline of the Mulberry River  
1187 and the centerline of Hog Mountain Road (having an 80 foot wide right-of-way at said  
1188 point), thence running along the centerline of the Mulberry River North 36 degrees  
1189 45 minutes West a distance of two hundred thirty feet to a point at the intersection of  
1190 said river and a branch; thence running along the centerline of said branch North  
1191 29 degrees 27 minutes East a distance of 166.1 feet to a point marked by a birch tree;  
1192 thence running North 81 degrees 14 minutes East a distance of 554.5 feet to a point on  
1193 the centerline of Hog Mountain Road (a 30 foot easement at said point); thence running  
1194 along the centerline of Hog Mountain Road in a generally southwesterly direction a

1195 distance of 660 feet, more or less, to the point of beginning; said tract containing  
1196 2.2 acres, more or less, as estimated by W.T. Dunahoo.

1197 LESS AND EXCEPT, such portions of the above-described property located within the  
1198 right-of-way of any road including such portions as may be located within the 80 foot  
1199 right-of-way obtained by Jackson County to build the bridge over the Mulberry river  
1200 adjacent to the above described property.

1201 5. The following described property was annexed into the City of Hoschton upon the  
1202 application of the sole owner John C. Buchanan, and said property is described more fully  
1203 as follows:

1204 All that tract or parcel of land lying and being in the 1407th District, G.M., Jackson  
1205 County, Georgia, comprised of one hundred twenty-seven and 29/100 acres and being the  
1206 property of John C. Buchanan, as shown on a plat entitled "Survey for John C.  
1207 Buchanan," dated April 25, 1984, and prepared and certified by Owen Patton, Georgia  
1208 Registered Surveyor No. 1324, recorded at Plat Book 29, pages 73 and 164, Office of the  
1209 Clerk, Superior Court, Jackson County, Georgia.

1210 6. The following described property was annexed into the City of Hoschton upon the  
1211 application of the owner, Hoyt Bell Family Limited Partnership, and said property is  
1212 described more fully as follows:

1213 Beginning at a stake located 210 feet from the Hoschton Road and Northeast of said road  
1214 along the right-of-way of paved road, running thence North 28 W 468 to stake corner,  
1215 thence South 58 W 468 to a stake corner, thence S 28 E 468 to a stake corner located  
1216 along the right-of-way of paved county road, thence along the right-of-way of said paved  
1217 county road N 58 E 468 feet to the beginning corner, being bounded as follows: South  
1218 by paved county road, North, East and West by other lands of grantor, and containing  
1219 thereon one residence known as the Blaylock Home Place, a barn and well. Life estate  
1220 was granted to Florine Bell on September 6, 1957, by Hoyt Bell in Deed Book 4-A,  
1221 page 73. The remainder conveying herein shall follow the above life estate.

1222 (Adopted 7/6/1992)

1223 7. The following described property was annexed into the City of Hoschton upon the  
1224 application of the sole owner, John Buchanan, and said property is described more fully as  
1225 follows:

1226 Property has 746.11 feet frontage along Hog Mountain Road; acreage depth is 1368 feet;  
1227 rear property line is 850 feet. A copy of said plat is attached hereto and made a part  
1228 hereof.

1229 (Adopted 7/6/1992)

1230 8. The following described property was annexed into the City of Hoschton upon the  
 1231 application of the sole owner, Damon C. Boyd, and said property is described more fully  
 1232 as follows:

1233 All that portion of a tract or parcel of land lying and being in the 1407th District, G.M.,  
 1234 Jackson County, Georgia just outside of the incorporated limits of the City of Hoschton  
 1235 made up of two tracts, Tract No. 1 containing 12.45 acres, more or less; Tract No. 2  
 1236 containing 25.70 acres, more or less, for a total of 38.15 acres, more or less, as shown by  
 1237 plat and survey of W.T. Dunahoo and Associates, Surveyors, dated December 28, 1971,  
 1238 said plat being recorded in the office of the Clerk of the Superior Court of Jackson  
 1239 County, Georgia, in Plat Book 7, page 164. Total acreage of land to be annexed into the  
 1240 incorporated limits of the City of Hoschton will be 7.5 acres.

1241 A copy of said plat is attached hereto and made a part hereof.

1242 (Adopted 12/7/1998)

1243 9. ALL THAT TRACT OR PARCEL OF LAND lying and being in GMD 1407, of  
 1244 Jackson County, Georgia, and being more particularly described as follows:

1245 BEGINNING at an iron pin found on the northwesterly side of the 50 foot right-of-way  
 1246 of Hog Mountain Road, 32510.22 feet northeasterly, as measured along the-northwesterly  
 1247 side of the 50 foot right-of-way of Hog Mountain Road from the center line of Mulberry  
 1248 River, said Iron pin found being within a Georgia Power Company easement and be at  
 1249 the southeast corner of property conveyed by grantor herein to J. C. Buchanan by  
 1250 Warranty Deed dated May 8, 1984, as recorded in the deed records of Jackson County,  
 1251 Georgia; thence North 05 degrees 04 minutes West along the easterly line of said  
 1252 Buchanan property, 277 feet to an iron pin found; thence North 01 degrees 11 minutes  
 1253 15 seconds West, and continuing along the easterly line of said Buchanan property,  
 1254 287.62 feet to an iron pin found; thence North 04 degrees 23 minutes 39 seconds West,  
 1255 and continuing along the easterly line said Buchanan property, 741.47 feet to an iron pin  
 1256 found; thence North 04 degrees 45 minutes 35 seconds West, and continuing along the  
 1257 easterly line of said Buchanan property, 302.34 feet to an iron pin found; thence North  
 1258 00 degrees 43 minutes 24 seconds West and continuing along the easterly line of said  
 1259 Buchanan property, 755.70 feet to an iron pin found at a rock; thence South 82 degrees  
 1260 25 minutes 17, seconds East, 289.25 feet to an iron pin at a creek; thence South  
 1261 37 degrees 50 minutes 23 seconds West, 153.23 feet to an iron pin found; thence South  
 1262 77 degrees 17 minutes 06 seconds East along the southwesterly line of property now or  
 1263 formerly belonging to the L. C. Alien estate, 304.05 feet to an iron pin at the northwest  
 1264 corner of-property conveyed by grantor herein to S. R. Vaughn and Terry Vaughn by  
 1265 Warranty Deed dated June 8, 1984, as recorded at Deed Book 8Q, Page 469, Jackson  
 1266 County, Georgia records; thence South 14 degrees 11 minutes 40 seconds East, along the

1267 southwesterly line of said Vaughn property, 1,286.04 feet to an iron pin on the northerly  
 1268 line of property now or formerly belonging to Hoyt Bell; thence South 58 degrees  
 1269 29 minutes 48 seconds West along the northwesterly line of said Hoyt Bell property,  
 1270 237.00 feet to an iron pin; thence South 27 degrees 12 minutes 14 seconds East along the  
 1271 southwesterly line of said Hoyt Bell property, 474.00 feet to an iron pin on the  
 1272 northwesterly side of the 50 foot right-of-way of Hog Mountain Road; thence in a  
 1273 southwesterly direction along the northwesterly side of the 50 foot right-of-way of Hog  
 1274 Mountain the following courses and distances: South 52 degrees 12 minutes 39 seconds  
 1275 West, 17.89 feet; South 50 degrees 15 minutes 17 seconds West, 98.96 feet; South  
 1276 48 degrees 11 minutes 48 seconds West, 99.00 feet; South 49 degrees 27 minutes  
 1277 22 seconds West, 65.77 feet; South 58 degrees 23 minutes 06 seconds West, 51.10 feet;  
 1278 South 65 degrees 47 minutes 54 seconds West, 43.03 feet; South 72 degrees 15 minutes  
 1279 56 seconds West, 65.16 feet; South 74 degrees 53 minutes 53 seconds West, 167.18 feet;  
 1280 South 73 degrees 47 minutes 16 seconds West, 118.95 feet and South 74 degrees  
 1281 03 minutes 37 seconds West, 65.52 feet to the pin found at the point of beginning, being  
 1282 30.50 acres as shown on plat for Dr. Q. R. Pirkle, by Owen Patton, Registered Land  
 1283 Surveyor, dated 6/15/84.

1284 (Adopted 5/3/04)

1285 10. The following described property was annexed into the City of Hoschton upon the  
 1286 application of the sole owner, Gary & Olsson Properties, and said property is described  
 1287 more fully as follows:

1288 ALL THAT TRACT OR PARCEL OF LAND lying and being GMD 1407, of Jackson  
 1289 County, Georgia; and being more particularly described as follows:

1290 Beginning at an iron pin found on the northwesterly side of the 50 foot right-of-way of  
 1291 Hog Mountain Road, 3250.22 feet northeasterly, as measured along the northwesterly  
 1292 side of the 50 foot right-of-way of Hog Mountain Road from the center line of  
 1293 Mulberry River, said iron pin found being within a Georgia Power Company easement  
 1294 and being at the southeast corner of property conveyed by grantor herein to J.C.  
 1295 Buchanan by Warranty Deed dated May 8, 1884, as recorded in the deed records of  
 1296 Jackson County, Georgia; thence North 05 degrees 04 minutes West along the easterly  
 1297 line of said Buchanan property, 277.66 feet to an iron pin found; thence North  
 1298 01 degrees 11 minutes 15 seconds West, and continuing along the easterly line of said  
 1299 Buchanan property, 287.62 feet to an iron pin found; thence North 04 degrees  
 1300 23 minutes 39 seconds West, and continuing along the easterly line of said Buchanan  
 1301 property, 741.47 feet to an iron pin found; thence North 04 degrees 45 minutes  
 1302 35 seconds West, and continuing along the easterly line of said Buchanan property,  
 1303 302.34 feet to an iron pin found; thence North 00 degrees 43 minutes 24 seconds West

1304 and continuing along the easterly line of said Buchanan property, 755.70 feet to an iron  
 1305 pin found at a rock; thence South 82 degrees 25 minutes 17 seconds East, 289.25 feet  
 1306 to an iron pin at a creek; thence South 37 degrees 50 minutes 23 seconds West,  
 1307 153.23 feet to an iron pin found; thence South 77 degrees 17 minutes 06 seconds East  
 1308 along the southwesterly line of property now or formerly belonging to the L.C. Allen  
 1309 estate, 304.05 feet to an iron pin at the northwest corner of property conveyed by  
 1310 grantor herein to S.R. Vaughn and Terry Vaughn by Warranty Deed dated June 8, 1984,  
 1311 as recorded at Deed Book 8Q, Page 469, Jackson County, Georgia, records; thence  
 1312 South 14 degrees 11 minutes 40 seconds East, along the southwesterly line of said  
 1313 Vaughn property, 1,286.04 feet to an iron pin on the northerly line of property now or  
 1314 formerly belonging to Hoyt Bell; thence South 58 degrees 29 minutes 48 seconds West  
 1315 along the northwesterly line of said Hoyt Bell property, 237.00 feet to an iron pin;  
 1316 thence South 27 degrees 12 minutes 14 seconds East along the southwesterly line of  
 1317 said Hoyt Bell property, 474.00 feet to an iron pin on the northwesterly side of the  
 1318 50 foot right-of-way of Hog Mountain Road: thence in a southwesterly direction along  
 1319 the northwesterly side of the 50 foot right-of-way of Hog Mountain Road, the following  
 1320 courses and distances; South 52 degrees 12 minutes 39 seconds West, 17.89 feet; South  
 1321 50 degrees 15 minutes 17 seconds West 98.96 feet; South 48 degrees 11 minutes  
 1322 48 seconds West, 99.00 feet; South 49 degrees 27 minutes 22 seconds West, 65.77 feet;  
 1323 South 58 degrees 23 minutes 06 seconds West, 51.10 feet; South 65 degrees  
 1324 47 minutes 54 seconds West, 43.03 feet; South 72 degrees 15 minutes 56 seconds West,  
 1325 65.16 feet; South 74 degrees 53 minutes 53 seconds West, 167.18 feet; South  
 1326 73 degrees 47 minutes 16 seconds West, 118.95 feet; and South 74 degrees 03 minutes  
 1327 37 seconds West, 65.52 feet to the iron pin found at the point beginning, being  
 1328 30.50 acres as shown on plat for Dr. Q.R. Pirkle, by Owen Patton, Registered Land  
 1329 Surveyor, dated June 15, 1984.

1330 (Adopted 8/1/05)

1331 11. The following described property was annexed into the City of Hoschton upon the  
 1332 application of the sole owner, Balata Development Corporation, and said property is  
 1333 described more fully as follows:

1334 ALL THAT TRACT OR PARCEL OF LAND lying and being in G.M.D. 1407 of  
 1335 Jackson County, Georgia and being more particularly described as follows:

1336 Commencing at a railroad spike found at the intersection formed by the centerline of  
 1337 Maddox Road (aka Cr. 171 E - 60' R/W) and the centerline of E.G. Barnett Road (aka  
 1338 CR #172 - 30' Easement); thence South 05 degrees 54 minutes 28 seconds West a  
 1339 distance of 37.90 feet to a point on the southerly right-of-way line of Maddox Road,  
 1340 said point being the POINT OF BEGINNING; thence following said southerly

1341 right-of-way line of Maddox Road North 57 degrees 27 minutes 56 seconds East a  
1342 distance of 17.00 feet to a point in the centerline of E.G. Barnett Road; thence  
1343 following the centerline of E.G. Barnett Road the following courses and distances:  
1344 South 09 degrees 55 minutes 38 seconds West a distance of 87.77 feet to a point South  
1345 08 degrees 32 minutes 51 seconds West a distance of 42.45 feet to a point; South  
1346 00 degrees 13 minutes 53 seconds East a distance of 82.15 feet to a point; thence  
1347 leaving said centerline and running South 73 degrees 50 minutes 52 seconds East a  
1348 distance of 12.65 feet to a 1/2" open top pipe found; thence North 61 degrees  
1349 05 minutes 16 seconds East a distance of 338.66 feet to a 1/2" open top pipe found;  
1350 thence North 78 degrees 51 minutes 32 seconds East a distance of 247.02 feet to a  
1351 1/2" open pipe found; thence North 02 degrees 12 minutes 15 seconds East a distance  
1352 of 302.89 feet to a 1/2" open top pipe found on the southerly right-of-way line of  
1353 Maddox Road; thence following said southerly right-of-way line of Maddox Road the  
1354 following courses and distances: North 70 degrees 30 minutes 34 seconds East a  
1355 distance of 59.56 feet to a point; North 80 degrees 59 minutes 05 seconds East a  
1356 distance of 47.63 feet to a point; North 88 degrees 51 minutes 58 seconds East a  
1357 distance of 34.83 feet to a point; South 83 degrees 06 minutes 02 seconds East a  
1358 distance of 37.22 feet to a point; South 75 degrees 28 minutes 56 seconds East a  
1359 distance of 56.83 feet to a point; South 71 degrees 58 minutes 55 seconds East a  
1360 distance of 67.82 feet to a point; South 77 degrees 27 minutes 32 seconds East a  
1361 distance of 50.79 feet to a point; South 85 degrees 25 minutes 52 seconds East a  
1362 distance of 40.96 feet to a point; North 87 degrees 04 minutes 55 seconds East a  
1363 distance of 33.95 feet to a point; North 79 degrees 13 minutes 07 seconds East a  
1364 distance of 40.19 feet to a point; North 74 degrees 07 minutes 20 seconds East a  
1365 distance of 36.07 feet to a point; North 71 degrees 19 minutes 13 seconds East a  
1366 distance of 117.80 feet to a point; North 73 degrees 44 minutes 04 seconds East a  
1367 distance of 50.27 feet to a point; North 77 degrees 42 minutes 32 seconds East a  
1368 distance of 54.55 feet to a point; North 80 degrees 18 minutes 56 seconds East a  
1369 distance of 60.79 feet to a point; North 82 degrees 14 minutes 45 seconds East a  
1370 distance of 88.53 feet to a point; North 83 degrees 00 minutes 48 seconds East a  
1371 distance of 363.52 feet to a point; North 83 degrees 22 minutes 25 seconds East a  
1372 distance of 178.74 feet to a point; North 86 degrees 55 minutes 52 seconds East a  
1373 distance of 50.08 feet to a point; South 87 degrees 59 minutes 43 seconds East a  
1374 distance of 16.46 feet to an iron pin set; thence leaving said right-of-way line and  
1375 running South 22 degrees 52 minutes 54 seconds West a distance of 468.90 feet to a  
1376 1/2" open top pipe found; thence South 71 degrees 01 minutes 37 seconds East a  
1377 distance of 1,089.00 feet to a 1/2" open top pipe found; thence South 18 degrees

1378 09 minutes 53 seconds West a distance of 693.00 feet to a 1/2" open pipe found; thence  
 1379 south 17 degrees 50 minutes 00 seconds West a distance of 370.50 feet to an oak stump;  
 1380 thence North 74 degrees 31 minutes 50 seconds West a distance of 658.16 feet to an  
 1381 oak stump; thence North 72 degrees 35 minutes 58 seconds West a distance of  
 1382 1,347.39 feet to a point in the centerline of EG. Barnett Road; thence North 72 degrees  
 1383 35 minutes 58 seconds West a distance of 607.78 feet to a rock found; thence North  
 1384 10 degrees 11 minutes 21 seconds West a distance of 395.85 feet to a 1/2" open top  
 1385 pipe found; thence North 11 degrees 03 minutes 18 seconds East a distance of  
 1386 196.15 feet to the POINT OF BEGINNING.

1387 Said tract containing 69.338 acres of land.

1388 (Adopted 10/02/06)

1389 12. The following area contiguous to the City of Hoschton, Georgia was annexed into and is  
 1390 made part of said city:

1391 Beginning at a point located at the intersection of the northeasterly right of way of GA  
 1392 Highway 53 with the northerly right of way of Jackson Trail Road, then proceeding a distance  
 1393 of 1973.06 feet on a heading of N 14d 23m 18s E to an iron pin and the true point of beginning;  
 1394 then going a distance of 538.67 feet on a heading of S 50d 56m 51s W to an iron pin, then  
 1395 going a distance of 743.01 feet on a heading of N 47d 03m 17s W to an iron pin, then going a  
 1396 distance of 105.00 feet on a heading of S 71d 26m 44s W to an iron pin, then going a distance  
 1397 of 507.21 feet on a heading of N 18d 33m 15s W to an iron pin, then going a distance of  
 1398 12.00 feet on a heading of N 18d 33m 15s W to the centerline of a creek, then going a distance  
 1399 of 85.41 feet on a heading of S 77d 42m 18s E to a point in the center of the creek, then going  
 1400 a distance of 180.96 feet on a heading of N 67d 07m 45s E to a point in the center of the creek,  
 1401 then going a distance of 92.54 feet on a heading of N 88d 55m 20s E to a point in the center of  
 1402 the creek, then going a distance of 114.84 feet on a heading of N 81d 30m 56s E to a point in  
 1403 the center of the creek, then going a distance of 105.60 feet on a heading of N 88d 19m 59s E  
 1404 to a point in the center of the creek, then going a distance of 102.94 feet on a heading of S 89d  
 1405 24m 16s E to a point in the center of the creek, then going a distance of 86.82 feet on a heading  
 1406 of S 65d 56m 19s E to a point in the center of the creek, then going a distance of 37.12 feet on  
 1407 a heading of S 22d 14m 57s E to a point in the center of the creek, then going a distance of  
 1408 57.28 feet on a heading of S 63d 19m 06s E to a point in the center of the creek, then going a  
 1409 distance of 30.41 feet on a heading of S 08d 09m 02s E to a point in the center of the creek,  
 1410 then going a distance of 50.25 feet on a heading of S 23d 19m 21s E to a point in the center of  
 1411 the creek, then going a distance of 228.25 feet on a heading of S 46d 25m 20s E to a point in  
 1412 the center of the creek, then going a distance of 87.10 feet on a heading of S 30d 12m 42s E to  
 1413 a point in the center of the creek, then going a distance of 61.85 feet on a heading of N 86d 25m  
 1414 31s E to a point in the center of the creek, then going a distance of 65.00 feet on a heading of

1415 S 17d 36m 45s E to a point in the center of the creek, then going a distance of 23.85 feet on a  
1416 heading of N 71d 32m 48s E to a point now or formerly marked by a poplar stump, then going  
1417 a distance of 184.48 feet on a heading of S 18d 06m 50s E to an iron pin and the true point of  
1418 beginning, as shown on a survey signed by Edwin R. Cowherd and dated September 19, 1980,  
1419 and entitled "Boundary Survey For City of Hoschton, Georgia Wastewater Treatment Site" and  
1420 encompassing 14.95 acres.

1421 (Adopted 3/5/07)