

House Bill 334

By: Representatives Kelley of the 16<sup>th</sup> and Battles of the 15<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

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

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 ARTICLE I

24 INCORPORATION AND POWERS

25 SECTION 1.10.

26 Name.

27 The City of Euharlee, in Bartow County, Georgia, is reincorporated by the enactment of this  
 28 charter and is constituted and declared a body politic and corporate under the name and style  
 29 Euharlee, Georgia, and by that name shall have perpetual succession.

30 SECTION 1.11.

31 Corporate boundaries.

32 (a) The boundaries of the city shall be those existing on the earliest effective date in 1870  
 33 of the adoption of the original charter with such alterations as may have been made from time  
 34 to time in the manner provided by law. The boundaries of the city at all times shall be shown  
 35 on a map, a written description, or any combination thereof, to be retained permanently in  
 36 the office of the city clerk and to be designated, as the case may be: "Official Map (or  
 37 Description) of the corporate limits of the City of Euharlee, Georgia." Photographic, typed,  
 38 or other copies of such map or description certified by the city clerk shall be admitted as  
 39 evidence in all courts and shall have the same force and effect as with the original map or  
 40 description.

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

44 SECTION 1.12.

45 Powers and construction.

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

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

53 (1) Animal regulations. To regulate and license or to prohibit the keeping or running at  
 54 large of animals and fowl and to provide for the impoundment of same if in violation of

55 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane  
56 destruction of animals and fowl when not redeemed as provided by ordinance; and to  
57 provide punishment for violation of ordinances enacted under this charter;

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

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

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

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

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

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

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

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

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

92 in or doing business in the city benefiting from such services; to enforce the payment of  
93 such charges, taxes, or fees; and to provide for the manner and method of collecting such  
94 service charges;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

162 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,  
163 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and  
164 all other structures or obstructions upon or adjacent to the rights of way of streets and roads

165 or within view thereof, within the corporate limits of the city; and to prescribe penalties and  
166 punishment for violation of such ordinances;

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

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

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

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

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

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

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

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

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

207 (40) Urban redevelopment. To organize and operate an urban redevelopment program;  
 208 and

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

220 **SECTION 1.13.**

221 Exercise of powers.

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

226 **ARTICLE II**

227 **GOVERNMENT STRUCTURE**

228 **SECTION 2.10.**

229 City council creation; number; election.

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

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

235 **SECTION 2.11.**

236 City councilmembers;  
237 terms and qualifications for office.

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

247 **SECTION 2.12.**

248 Vacancy; filling of vacancies; suspensions.

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

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

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

262

**SECTION 2.13.**

263

Compensation and expenses.

264 The mayor and council members shall receive compensation and expenses for their services

265 as provided by ordinance.

266

**SECTION 2.14.**

267

Holding other office;

268

voting when personally interested.

269 (a) Elected and appointed officers of the city are trustees and servants of the residents of the

270 city and shall act in a fiduciary capacity for the benefit of such residents.

271 (b) Conflict of interest. No elected official, appointed officer, or employee of the city or any

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

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

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

275 duties or which would tend to impair the independence of that person's judgment or action

276 in the performance of that person's official duties;

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

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

279 official duties or would tend to impair the independence of that person's judgment or action

280 in the performance of that person's official duties;

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

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

283 government, or affairs of the governmental body by which that person is engaged without

284 proper legal authorization or use such information to advance the financial or other private

285 interest of that person or others;

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

287 any person, firm, or corporation which to that person's knowledge is interested, directly or

288 indirectly, in any manner whatsoever, in business dealings with the governmental body by

289 which that person is engaged; provided, however, that an elected official who is a candidate

290 for public office may accept campaign contributions and services in connection with any

291 such campaign;

292 (5) Represent other private interests in any action or proceeding against the city or any

293 portion of its government; or

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

295 any business or entity in which that person has a financial interest.

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

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

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

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

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

326 (h) Penalties for violation:

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

330 (2) Any officer or employee of the city who shall forfeit that person's office or position as  
331 described in paragraph (1) of this subsection shall be ineligible for appointment or election  
332 to or employment in a position in the city government for a period of three years thereafter.

333 **SECTION 2.15.**

334 Inquiries and investigations.

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

341 **SECTION 2.16.**

342 General power and authority of the city council.

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

345 **SECTION 2.17.**

346 Organizational meetings; oaths.

347 The oath of office shall be administered by the city clerk or other designee to the newly  
348 elected members as follows:

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

352 **SECTION 2.18.**

353 Meetings.

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

356 (b) Special meetings of the city council may be held on call of the mayor or two members  
357 of the city council. Notice of such special meeting shall be served on all other members  
358 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such  
359 notice to councilmembers shall not be required if the mayor and all councilmembers are  
360 present when the special meeting is called. Such notice of any special meeting may be  
361 waived by a councilmember in writing before or after such a meeting, and attendance at the  
362 meeting shall also constitute a waiver of notice on any business transacted in such

363 councilmember's presence. Only the business stated in the call shall be transacted at the  
364 special meeting.

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

369 **SECTION 2.19.**

370 Rules of procedure.

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

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

378 **SECTION 2.20.**

379 Quorum; voting.

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

388 **SECTION 2.21.**

389 Ordinance form; procedures.

390 (a) Every proposed ordinance shall be introduced in writing and in the form required for  
391 final adoption. No ordinance shall contain a subject which is not expressed in its title. The  
392 enacting clause shall be, "It is hereby ordained by the governing authority of the City of  
393 Euharlee ..." and every ordinance shall so begin.

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

402 **SECTION 2.22.**

403 Action requiring an ordinance.

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

405 **SECTION 2.23.**

406 Emergencies.

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

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

427

**SECTION 2.24.**

428

Codes of technical regulations.

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

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

439

**SECTION 2.25.**

440

Signing; authenticating;

441

recording; codification; printing.

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

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

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

461 **SECTION 2.26.**

462 City manager; appointment;  
463 qualifications; compensation.

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

467 **SECTION 2.27.**

468 Reserved.

469 **SECTION 2.28.**

470 Acting city manager.

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

477 **SECTION 2.29.**

478 Powers and duties of the city manager.

479 The position of city manager may or may not be deemed necessary by the city council for  
480 the administration of city affairs. If the city council elects to appoint a city manager, the  
481 duties of such city manager will be defined by the current city council. The city manager  
482 shall report directly to the members of the city council and shall operate solely at their  
483 discretion. The city manager shall:

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

487 (2) See that all laws, provisions of this charter, and acts of the city council, subject to  
488 enforcement by the city manager or by officers subject to the city manager's direction and  
489 supervision, are faithfully executed;

490 (3) Prepare and submit the annual operating budget and capital budget to the city council;

- 491 (4) Submit to the city council and make available to the public a complete report on the  
 492 finances and administrative activities of the city as of the end of each fiscal year;
- 493 (5) Make such other reports as the city council may require concerning the operations of  
 494 city departments, offices, and agencies subject to the city manager's direction and  
 495 supervision;
- 496 (6) Keep the city council fully advised as to the financial condition and future needs of the  
 497 city, and make such recommendations to the city council concerning the affairs of the city  
 498 as the city manager deems desirable; and
- 499 (7) Perform other such duties as are specified in this charter or as may be required by the  
 500 city council.

501 **SECTION 2.30.**

502 Council's interference with administration.

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

508 **SECTION 2.31.**

509 Election of mayor; forfeiture; compensation.

510 The mayor shall be elected and shall serve for a term of four years and until the mayor's  
 511 successor is elected and qualified. The mayor shall be a qualified elector of the city and shall  
 512 have been a resident of the city for 12 months prior to the election. The mayor shall continue  
 513 to reside in the city during the period of the mayor's service. The mayor shall forfeit the  
 514 office of mayor on the same grounds and under the same procedure as for councilmembers.  
 515 The compensation of the mayor shall be established in the same manner as for  
 516 councilmembers.

517 **SECTION 2.32.**

518 Mayor pro tempore.

519 By a majority vote, the councilmembers shall elect a councilmember to serve as mayor pro  
 520 tempore. The mayor pro tempore shall assume the duties and powers of the mayor during  
 521 the mayor's physical or mental disability or absence. The mayor pro tempore shall continue

522 to vote and otherwise participate as a councilmember. Any such disability or absence shall  
 523 be declared by a majority vote of the councilmembers. The mayor pro tempore shall sign all  
 524 contracts and ordinances in which the mayor has a disqualifying financial interest as  
 525 provided in Section 2.14 of this charter.

526 **SECTION 2.33.**

527 Powers and duties of mayor.

528 The mayor shall:

- 529 (1) Preside at all meetings of the city council;
- 530 (2) Be the head of the city for the purpose of service of process and for ceremonial  
 531 purposes and be the official spokesperson for the city and the chief advocate of policy;
- 532 (3) Have the power to administer oaths and to take affidavits;
- 533 (4) Sign as a matter of course on behalf of the city all written and approved contracts,  
 534 ordinances, and other instruments executed by the city which by law are required to be in  
 535 writing;
- 536 (5) Vote on matters before the city council and be counted toward a quorum as any other  
 537 councilmember;
- 538 (6) Submit to the city council a recommended annual operating budget and recommended  
 539 capital budget; and
- 540 (7) Fulfill such other executive and administrative duties as the city council shall by  
 541 ordinance establish.

542 **ARTICLE III**

543 **ADMINISTRATIVE AFFAIRS**

544 **SECTION 3.10.**

545 Administrative and service departments.

- 546 (a) Except as otherwise provided in this charter, the city council by ordinance shall prescribe  
 547 the functions or duties and establish, abolish, alter, consolidate, or leave vacant all  
 548 nonelective offices, positions of employment, departments, and agencies of the city as  
 549 necessary for the proper administration of the affairs and government of the city.
- 550 (b) Except as otherwise provided by this charter or by law, the directors of departments and  
 551 other appointed officers of the city shall be appointed solely on the basis of their respective  
 552 administrative and professional qualifications.
- 553 (c) All appointed officers and directors of departments shall receive performance evaluations  
 554 annually and such compensation as prescribed by ordinance.

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

559 (e) All directors shall be appointed by vote of the city council. All appointed officers and  
 560 directors shall be employees at will and subject to removal or suspension at any time unless  
 561 otherwise provided by law or ordinance.

### 562 **SECTION 3.11.**

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

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

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

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

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

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

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

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

585 (h) Except as otherwise provided by this charter or by law, each board, commission, or  
 586 authority of the city shall elect one of its members as chairperson and one member as vice  
 587 chairperson and may elect as its secretary one of its own members or may appoint as  
 588 secretary an employee of the city. Each board, commission, or authority of the city  
 589 government may establish such bylaws, rules, and regulations, not inconsistent with this

590 charter, ordinances of the city, or law, as it deems appropriate and necessary for the  
591 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and  
592 regulations shall be filed with the clerk of the city.

593 **SECTION 3.12.**

594 City attorney.

595 The city council shall appoint a city attorney and shall provide for the payment of such  
596 attorney for services rendered to the city. The city attorney shall be responsible for providing  
597 for the representation and defense of the city in all litigation in which the city is a party; may  
598 be the prosecuting officer in the municipal court; shall attend the meetings of the city council  
599 as directed; shall advise the councilmembers, mayor, and other officers and employees of the  
600 city concerning legal aspects of the city's affairs; and shall perform such other duties as may  
601 be required by virtue of such person's position as city attorney.

602 **SECTION 3.13.**

603 City clerk.

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

608 **SECTION 3.14.**

609 Position classification and pay plans.

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

616 **SECTION 3.15.**

617 Personnel policies.

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

620 **ARTICLE IV**  
621 **JUDICIAL BRANCH**

622 **SECTION 4.10.**

623 Creation; Name.

624 There shall be a court to be known as the Municipal Court of the City of Euharlee.

625 **SECTION 4.11.**

626 Chief judge; associate judge.

627 (a) The municipal court shall be presided over by a chief judge and such part time, full time,  
628 or standby judges as shall be provided by ordinance.

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

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

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

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

640 **SECTION 4.12.**

641 Convening.

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

643

**SECTION 4.13.**

644

Jurisdiction; powers.

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

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

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

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

656 (e) The municipal court shall have authority to establish bail and recognizances to ensure  
657 the presence of those charged with violations before such court and shall have discretionary  
658 authority to accept cash or personal or real property as surety for the appearance of persons  
659 charged with violations. Whenever any person shall give bail for his or her appearance and  
660 shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by the judge  
661 presiding at such time and an execution issued thereon by serving the defendant and the  
662 defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the  
663 event that cash or property is accepted in lieu of bond for security for the appearance of a  
664 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,  
665 the cash so deposited shall be on order of the judge declared forfeited to the city, or the  
666 property so deposited shall have a lien against it for the value forfeited which shall be  
667 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

678 **SECTION 4.14.**

679 Certiorari.

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

684 **SECTION 4.15.**

685 Rules for court.

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

693 **ARTICLE V**694 **ELECTIONS AND REMOVAL**695 **SECTION 5.10.**

696 Applicability of general law.

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

699 **SECTION 5.11.**

700 Regular elections; time for holding.

701 (a) There shall be a municipal general election biennially in odd-numbered years on the  
 702 Tuesday next following the first Monday in November.

703 (b) There shall be elected the mayor and two councilmembers at one election and at every  
 704 other election thereafter. The remaining councilmember seats shall be filled at the election  
 705 alternating with the first election so that a continuing body is created.

706 **SECTION 5.12.**

707 Nonpartisan elections.

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

710 **SECTION 5.13.**

711 Election by majority vote.

712 The mayor and councilmembers shall be elected by a majority vote of the votes cast for each  
713 position.

714 **SECTION 5.14.**

715 Special elections; vacancies.

716 In the event that the office of mayor or councilmember shall become vacant as provided in  
717 Section 2.12 of this charter, the city council or those members remaining shall order a special  
718 election to fill the balance of the unexpired term of such official; provided, however, that if  
719 such vacancy occurs within 12 months of the expiration of the term of that office, the city  
720 council or those members remaining shall appoint a successor for the remainder of the term.  
721 In all other respects, the special election shall be held and conducted in accordance with  
722 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter  
723 amended.

724 **SECTION 5.15.**

725 Other provisions.

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

729 **SECTION 5.16.**

730 Removal of officers.

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

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

- 736 (1) Following a hearing by an ethics commission, composed of residents of the city of  
737 Euharlee and appointed by a hearing officer, the commission shall render a decision. In  
738 the event an elected officer is sought to be removed by the action of the city council, such  
739 officer shall be entitled to a written notice specifying the ground or grounds for removal  
740 and to a public hearing which shall be held not less than ten days after the service of such  
741 written notice. The city council shall provide by ordinance for the manner in which such  
742 hearings shall be held. Any elected officer sought to be removed from office as provided  
743 in this section shall have the right of appeal from the decision of the city council to the  
744 Superior Court of Bartow County. Such appeal shall be governed by the same rules as  
745 govern appeals to the superior court from the probate court; or
- 746 (2) By an order of the Superior Court of Bartow County following a hearing on a  
747 complaint seeking such removal brought by any resident of the City of Euharlee.

748 **ARTICLE VI**  
749 **FINANCE**  
750 **SECTION 6.10.**  
751 **Property tax.**

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

758 **SECTION 6.11.**  
759 **Millage rate; due dates; payment methods.**

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

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**SECTION 6.12.**

765

Occupation and business taxes.

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

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**SECTION 6.13.**

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Licenses; permits; fees.

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

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**SECTION 6.14.**

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Franchises.

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

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

795 **SECTION 6.15.**

796 Service charges.

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

802 **SECTION 6.16.**

803 Special assessments.

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

809 **SECTION 6.17.**

810 Construction; other taxes.

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

814 **SECTION 6.18.**

815 Collection of delinquent taxes and fees.

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

823 **SECTION 6.19.**

824 General obligation bonds.

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

829 **SECTION 6.20.**

830 Revenue bonds.

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

834 **SECTION 6.21.**

835 Short-term loans.

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

838 **SECTION 6.22.**

839 Lease-purchase contracts.

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

847 **SECTION 6.23.**

848 Fiscal year.

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

852 **SECTION 6.24.**

853 Budget ordinance.

854 The city council shall provide direction to the city manager on requirements for the  
855 preparation and execution of an annual operating budget, a capital improvement plan, and  
856 a capital budget, including requirements as to the scope, content, and form of such budgets  
857 and plans.

858 **SECTION 6.25.**

859 Operating budget.

860 On or before a date fixed by the city council but not later than 30 days prior to the beginning  
861 of each fiscal year, the city manager shall submit to the city council a proposed operating  
862 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the  
863 city manager containing a statement of the general fiscal policies of the city, the important  
864 features of the budget, explanations of major changes recommended for the next fiscal year,  
865 a general summary of the budget, and other pertinent comments and information. The  
866 operating budget and the capital budget provided for in Section 6.29 of this charter, the  
867 budget message, and all supporting documents shall be filed in the office of the city clerk and  
868 shall be open to public inspection.

869 **SECTION 6.26.**

870 Action by city council on budget.

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

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

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

889 **SECTION 6.27.**

890 Levy of taxes.

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

897 **SECTION 6.28.**

898 Changes in appropriations.

899 The city council by ordinance may make changes in the appropriations contained in the  
 900 current operating budget at any regular meeting or special or emergency meeting called for  
 901 such purpose, but any additional appropriations shall be made only from an existing  
 902 unexpended surplus.

903 **SECTION 6.29.**

904 Capital improvements.

905 (a) On or before the date fixed by the city council, but not later than 30 days prior to the  
 906 beginning of each fiscal year, the city manager shall submit to the city council a proposed

907 capital improvements plan with a recommended capital budget containing the means of  
 908 financing the improvements proposed for the ensuing fiscal year. The city council shall have  
 909 power to accept, with or without amendments, or reject the proposed plan and budget. The  
 910 city council shall not authorize an expenditure for the construction of any building, structure,  
 911 work, or improvement unless the appropriations for such project are included in the capital  
 912 budget, except to meet a public emergency as provided in Section 2.23 of this charter.

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

920 **SECTION 6.30.**

921 Audits.

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

927 **SECTION 6.31.**

928 Procurement and property management.

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

- 930 (1) It is in writing;
- 931 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of  
 932 course, is signed by the city attorney to indicate such drafting or review; and
- 933 (3) It is made or authorized by the city council and such approval is entered in the city  
 934 council journal of proceedings pursuant to Section 2.19 of this charter.

935 **SECTION 6.32.**

936 Purchasing.

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

939 **SECTION 6.33.**

940 Sale and lease of property.

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

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

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

959 **ARTICLE VII**

960 **GENERAL PROVISIONS**

961 **SECTION 7.10.**

962 Bonds for officials.

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

966 **SECTION 7.11.**  
 967 Existing ordinances,  
 968 resolutions, rules, and regulations.

969 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent  
 970 with this charter are hereby declared valid and of full effect and force until amended or  
 971 repealed by the city council. The city council may readopt, repeal, or amend each so that a  
 972 codification as provided by subsection (b) of Section 2.25 of this charter is accomplished.

973 **SECTION 7.12.**  
 974 Pending matters.

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

979 **SECTION 7.13.**  
 980 Construction and definitions.

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

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

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

986 (d) Except as specifically provided otherwise by this charter, the term:

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

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

989 **SECTION 7.14.**  
 990 Specific repealer.

991 An Act to provide a new charter for the Town of Euharlee, Georgia, in the county of Bartow,  
 992 approved April 7, 1976 (Ga. L. 1976, p. 4090), and all amendatory Acts thereto are hereby  
 993 repealed.

994 **SECTION 7.15.**

995 Effective date.

996 This Act shall become effective upon the approval of this Act by the Governor or upon its  
997 otherwise becoming law without such approval.

998 **SECTION 7.16.**

999 General repealer.

1000 All laws and parts of laws in conflict with this Act are repealed.