

House Bill 457

By: Representatives Braddock of the 19th, Maxwell of the 17th, Alexander of the 66th, and Gravley of the 67th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act incorporating the City of Hiram, approved February 27, 1956 (Ga. L. 1956,
2 p. 2620), as amended, so as to provide for reincorporation, corporate boundaries, municipal
3 powers, and exercise of powers; to provide for a government structure of such city including
4 creation, number, and election of a mayor and the city council; to provide for terms and
5 qualifications for the office of mayor and council member; to provide for oaths of office; to
6 provide for salaries; to provide for organizational meetings; to provide the power to adopt
7 ordinances, resolutions, and regulations; to provide for regular and special meetings; to
8 provide for rules of procedure; to provide for quorum and voting; to provide for ordinance
9 form and procedures; to provide procedures for the election of the mayor; to provide for the
10 powers and duties of the mayor; to provide for a mayor pro tempore; to provide for vacancies
11 in office and the filling of vacancies; to provide for a city manager and appointment and
12 qualifications; to provide for the powers and duties of the city manager; to provide for a
13 temporary city manager; to provide for a city clerk; to provide for a city attorney; to provide
14 for personnel policies; to provide for the establishment of boards, commissions, and
15 authorities; to provide for a judicial branch including a municipal court; to provide for
16 jurisdiction, power, and authority of the municipal court; to provide for municipal court
17 judges and qualifications; to provide for convening of the court; to establish certiorari; to
18 provide for rules of the court; to provide for timing of elections; to provide for nonpartisan
19 elections; to provide for election by plurality; to provide for removal from office; to provide
20 for the finance of the city; to provide for property taxes; to provide for a millage rate, due
21 dates, and payment methods; to provide for occupation and business taxes; to provide for
22 regulatory fees and permits; to provide for franchises; to provide for service fees; to provide
23 for special assessments; to provide for other taxes; to provide for collection of delinquent
24 taxes; to provide for borrowing; to provide for revenue bonds; to provide for loans; to
25 provide for lease-purchase contracts; to provide for accounting and budgeting procedures;
26 to provide for an operating budget; to provide for adoption of the budget; to provide for the
27 levy of taxes; to provide for changes in the budget; to provide for capital improvements; to
28 provide for audits; to provide for contracting procedures; to provide for purchasing; to

29 provide for sale and lease of property; to provide for bonds for officials; to provide for the
 30 validity of existing ordinances, resolutions, rules, and regulations of the city; to provide for
 31 the continuation of pending matters; to provide for definitions and construction; to provide
 32 for submission of this Act under the federal Voting Rights Act of 1965, as amended; to
 33 provide for related matters; to provide an effective date; to repeal conflicting laws; and for
 34 other purposes.

35 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

36 **SECTION 1.**

37 An Act incorporating the City of Hiram, approved February 27, 1956 (Ga. L. 1956, p. 2620),
 38 as amended, is amended by striking all matter following the enacting clause and inserting in
 39 lieu thereof the following:

40 "ARTICLE I
 41 INCORPORATION AND POWERS

42 **SECTION 1.1.**

43 Incorporation.

44 This Act shall constitute the charter of the City of Hiram, Georgia, and is intended to replace
 45 all prior charters of the City of Hiram, Georgia. The City of Hiram, Georgia, in Paulding
 46 County, and the inhabitants thereof, are reconstituted and reincorporated as a body politic
 47 and corporate under the same name and style of the 'City of Hiram' and by that name shall
 48 have perpetual succession. References in this charter to 'the city' or 'this city' refer to the City
 49 of Hiram, Georgia. With adoption of this Act and its corresponding charter, the City of
 50 Hiram is made responsible as a body politic and corporate for all legal undertakings,
 51 liabilities, and debts of the predecessor City of Hiram and is vested with any and all property
 52 interests possessed by the predecessor City of Hiram.

53 **SECTION 1.2.**

54 Corporate boundaries.

55 (a) The boundaries of the city shall be those existing on the effective date of the adoption
 56 of this charter with such alterations as may be made from time to time in the manner
 57 provided by law. The boundaries of the city at all times shall be shown on a map, a written
 58 description, or any combination thereof to be retained permanently in the office of the city
 59 clerk and to be designated as the case may be: 'Official Map (or Description) of the corporate

60 limits of the City of Hiram, Georgia.' Photographic, typed, or other copies of such map or
 61 description certified by the city clerk shall be admitted as evidence in all courts and shall
 62 have the same force and effect as with the original map or description.

63 (b) The city may provide by ordinance for the redrawing of any such map or for the revision
 64 of any written description to reflect lawful changes in the corporate boundaries. A redrawn
 65 map shall supersede for all purposes the entire map or maps which it is designated to replace.

66 **SECTION 1.3.**

67 Municipal powers.

68 (a) The city shall have all powers possible for a municipality to have under the present or
 69 future Constitution and laws of the State of Georgia as fully and completely as though they
 70 were specifically enumerated in this act and charter. The city shall have all the powers of
 71 self-government not otherwise prohibited by this act or by general law.

72 (b) The powers of the city shall be construed liberally in favor of the city. The specific
 73 mention or failure to mention particular powers shall not be construed as limiting in any way
 74 the powers of the city. Such powers shall include, but are not limited to, the following, and
 75 also include the power to provide punishment for violation of ordinances enacted under this
 76 subsection:

77 (1) Animal regulations. To regulate and license or to prohibit the keeping or running at
 78 large of animals and fowl and to provide for the impoundment if in violation of any
 79 ordinance or lawful order and to provide for the disposition by sale, gift, or humane
 80 destruction of animals and fowl when not redeemed as provided by ordinance;

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

85 (3) Building regulation. To regulate and to license the erection and construction of
 86 buildings and all other structures; to adopt building, housing, plumbing, fire safety,
 87 electrical, gas, and heating and air conditioning codes; and to regulate all housing, and
 88 building trades except as prohibited by general law;

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

- 95 (5) Condemnation. To condemn property, inside or outside the corporate limits of the city,
96 for present or future use and for any corporate purpose deemed necessary by the city
97 council, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such other
98 applicable laws as are or may hereafter be enacted;
- 99 (6) Contracts. To enter into contracts and agreements with other governmental entities and
100 with private persons, firms, and corporations;
- 101 (7) Emergencies. To establish procedures for determining and proclaiming that an
102 emergency situation exists within or without the city, and to make and carry out all
103 reasonable provisions deemed necessary to deal with or meet such an emergency for the
104 protection, safety, health or well-being of the citizens of the city;
- 105 (8) Environmental protection. To protect and preserve the natural resources, environment,
106 and vital areas of the city, the region, and the state through the preservation and
107 improvement of air quality, the restoration and maintenance of water resources, the control
108 of erosion and sedimentation, the management of storm water and establishment of a storm
109 water utility, the management of solid and hazardous waste, and other necessary actions
110 for the protection of the environment;
- 111 (9) Fire regulations. To fix and establish fire limits and from time to time to extend,
112 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
113 general law, relating to both fire prevention and detection and to fire fighting; and to
114 prescribe penalties and punishment for violations thereof;
- 115 (10) Garbage collection and disposal. To provide for the collection and disposal of
116 garbage, rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish,
117 and refuse by others; to levy, fix, assess, and collect a garbage, rubbish, refuse collection
118 and disposal, and other sanitary service charge, tax, or fee for such services as may be
119 necessary in the operation of the city from all individuals, firms, and corporations residing
120 in or doing business within the city and benefiting from such services; to enforce the
121 payment of such charges, taxes, or fees; and to provide for the manner and method of
122 collecting such service charges, taxes, or fees;
- 123 (11) General health, safety, and welfare. To define, regulate, or prohibit any act, practice,
124 conduct, or use of property which is detrimental to the health, sanitation, cleanliness,
125 welfare, or safety of the inhabitants of the city and to provide for the enforcement of such
126 standards;
- 127 (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
128 any purpose related to the powers and duties of the city and the general welfare of its
129 inhabitants on such terms and conditions as the donor or grantor may impose;
- 130 (13) Health and sanitation. To prescribe standards of health and sanitation within the city
131 and to provide for the enforcement of such standards;

- 132 (14) Jail sentences. To provide that persons given jail sentences in the municipal court
133 may work out such sentences in any public works or on the streets, roads, drains, and other
134 public property in the city; to provide for the commitment of such persons to any jail; to
135 provide for the use of pretrial diversion and any alternative sentencing allowed by law; and
136 to provide for the commitment of such persons to any county correctional institutions or
137 county jail or county detention center by agreement with the appropriate county officials;
- 138 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control over
139 all traffic, including parking upon or across the streets, roads, alleys, and walkways of the
140 city in accordance with general state law and any duly authorized ordinance of the city;
- 141 (16) Municipal agencies and delegation of power. To create, alter, or abolish departments,
142 boards, offices, commissions, and agencies of the city, and to confer upon such agencies
143 the necessary and appropriate authority for carrying out all the powers conferred upon or
144 delegated to the same;
- 145 (17) Municipal debts. To appropriate and borrow money for the payment of debts of the
146 city and to issue bonds for the purpose of raising revenue to carry out any project, program,
147 or venture authorized by this charter or the laws of the State of Georgia;
- 148 (18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
149 otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or
150 outside the property limits of the city;
- 151 (19) Municipal property protection. To provide for the preservation and protection of
152 property and equipment of the city, and the administration and use of the same by the
153 public; and to prescribe penalties and punishment for violations thereof;
- 154 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
155 of public utilities, including, but not limited to, a system of waterworks, sewers and drains,
156 sewage disposal, stormwater management, gas works, electric light plants, cable television
157 and other telecommunications, transportation facilities, public airports, and any other
158 public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and
159 penalties, and to provide for the withdrawal of service for refusal or failure to pay the same;
- 160 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or
161 private property;
- 162 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
163 the authority of this charter and the laws of the State of Georgia;
- 164 (23) Planning and zoning. To provide comprehensive city planning for development by
165 zoning; and to provide subdivision regulations and the like as the city council deems
166 necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community;
- 167 (24) Police and fire protection. To exercise the power of arrest through duly appointed
168 police officers, and to establish, operate, or contract for a police and a firefighting agency;

- 169 (25) Public hazards; removal. To provide for the destruction and removal of any building
170 or other structure which is or may become dangerous or detrimental to the public;
- 171 (26) Public improvements. To provide for the acquisition, construction, building,
172 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
173 cemeteries, markets and market houses, public buildings, libraries, public housing, airports,
174 hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
175 recreational, conservation, sport, curative, corrective, detentional, penal and medical
176 institutions, agencies and facilities; and to provide any other public improvements, inside
177 or outside the corporate limits of the city; to regulate the use of public improvements; and
178 for such purposes, property may be acquired by condemnation under Title 22 of the
179 O.C.G.A., or such other applicable laws as are or may hereafter be enacted;
- 180 (27) Public peace. To provide for the prevention and punishment of loitering, disorderly
181 conduct, drunkenness, riots, and public disturbances;
- 182 (28) Public transportation. To organize and operate such public transportation systems as
183 are deemed beneficial;
- 184 (29) Public utilities and services. To grant franchises or make contracts for, or impose
185 taxes on public utilities and public service companies; and to prescribe the rates, fares,
186 regulations and standards and conditions of service applicable to the service to be provided
187 by the franchise grantee or contractor, insofar as not in conflict with valid regulations of
188 the Public Service Commission;
- 189 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,
190 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and
191 all other structures or obstructions upon or adjacent to the rights of way of streets and roads
192 or within view thereof, within or abutting the corporate limits of the city; and to prescribe
193 penalties and punishment for violation of such ordinances;
- 194 (31) Retirement. To provide and maintain a retirement plan and other employee benefit
195 plans and programs for officers and employees of the city;
- 196 (32) Roadways. To lay out, open, extend, widen, narrow, establish, change the grade of,
197 abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
198 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
199 walkways within the corporate limits of the city; and to grant franchises and rights of way
200 throughout the streets and roads, and over the bridges and viaducts for the use of public
201 utilities; and, to the extent not contrary to any state law, to require real property owners to
202 repair and maintain in a safe condition the sidewalks adjoining their lots or lands, and to
203 impose penalties for failure to do so;
- 204 (33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
205 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant

206 and sewerage system, and, to the extent not contrary to state law, to levy on those to whom
207 sewers and sewerage systems are made available a sewer service fee, charge or sewer tax
208 for the availability or use of the sewers; to provide for the manner and method of collecting
209 such service charges and for enforcing payment of the same; and to charge, impose, and
210 collect a sewer connection fee or fees to those connected with the system;

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

215 (35) Special areas of public regulation. To regulate or prohibit junk dealers, the
216 manufacture and sale of intoxicating liquors; to regulate the transportation, storage, and
217 use of combustible, explosive, and inflammable materials, the use of lighting and heating
218 equipment, and any other business or situation which may be dangerous to persons or
219 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical
220 performances, exhibitions, and shows of any kind, by taxation or otherwise; to license and
221 tax professional fortunetelling, palmistry, and massage parlors; and to restrict adult
222 bookstores to certain areas;

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

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

227 (38) Taxes; other. To levy and collect such other taxes as may be allowed by law;

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

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

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

242 to such powers unless expressly prohibited to municipalities under the Constitution or
 243 applicable laws of the State of Georgia.

244 **SECTION 1.4.**

245 Exercise of powers.

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

250 **ARTICLE II**

251 **GOVERNMENT STRUCTURE**

252 **SECTION 2.1.**

253 Establishment of city council; election and terms; oaths.

254 (a) The legislative authority of the government of the City of Hiram, Georgia, except as
 255 otherwise specifically provided in this charter, shall be vested in a city council to be
 256 composed of a mayor and five council members. The mayor and council members shall be
 257 elected in a manner as provided under state law. The mayor and council members shall be
 258 elected at large from council posts designated as Post 1, Post 2, Post 3, Post 4, and Post 5.
 259 The mayor shall be considered a council member for all purposes, except as his or her
 260 powers are restricted elsewhere in this charter. All references in city ordinances to the
 261 'mayor and council' or 'governing authority' shall be construed to mean the 'city council' as
 262 referred to in this charter.

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

265 (c) There shall be elected the mayor and two council members at one election and at every
 266 other election thereafter which shall be held according to the sequence presently in place in
 267 the city. The remaining council member seats shall be filled at the election alternating with
 268 the first election so that a continuing body is created.

269 (d) The members of the city council shall serve for terms of four years and until their
 270 respective successors are elected and qualified. The term of office of each member of the
 271 city council shall begin on the first day of January immediately following the election of such
 272 member unless general law authorizes or requires the term to begin at the first organizational
 273 meeting in January or upon some other date.

274 (e) No person shall be eligible to serve as mayor or council member unless that person shall
 275 have been a resident of the city for 12 months prior to the date of election, be at least
 276 twenty-one (21) years of age at the time of election, and be a qualified voter of the city. Each
 277 person elected shall continue to reside in the city during that member's period of service, and
 278 he or she shall continue to be registered and qualified to vote in municipal elections of the
 279 city throughout the term of office.

280 (f) The mayor and each council member shall be installed in office by taking and subscribing
 281 the following oath: 'I do solemnly swear that I will faithfully discharge the duties devolved
 282 upon me as mayor and/or council member of the City of Hiram, Georgia; that I will faithfully
 283 execute and enforce the laws of the City of Hiram to the best of my ability, skill, and
 284 knowledge; and that I will do all in my power to promote the general welfare of the
 285 inhabitants of the City of Hiram and common interest thereof.' The mayor and each council
 286 member shall also take all other oaths as required by the laws of the State of Georgia. All
 287 oaths of office or other oaths required to be taken by the mayor or a council member shall
 288 be administered by the mayor, city attorney, city clerk, the municipal judge or judges of the
 289 city, the judge of the probate court of Paulding County, Georgia, or any other person allowed
 290 by the laws of the State of Georgia to administer such oaths.

291 (g) The salary of the mayor and each council member shall be as established from time to
 292 time by home rule ordinance and in accordance with all other State law provisions.

293 **SECTION 2.2.**

294 Meetings of the city council; quorum; procedures.

295 (a) The city council shall have full power to fix the time, place, and rules of procedure for
 296 their regular sessions and any other meetings called. The regular meetings shall be held at
 297 such time and place as prescribed by ordinance or resolution.

298 (b) The city council is hereby authorized and empowered to adopt such ordinances,
 299 resolutions, and regulations as it may deem proper not in conflict with the Constitution and
 300 laws of the United States and the State of Georgia.

301 (c) Three council members, excluding the mayor, shall constitute a quorum and shall be
 302 authorized to transact the business of the city council. Except as otherwise provided in this
 303 charter and so long as a quorum exists, the affirmative vote of a majority of the council
 304 members present shall be required for the adoption of any ordinance, resolution, or motion.

305 (d) No member of the city council shall abstain from voting on any matter properly brought
 306 before the city council for official action except when such council member has a conflict
 307 of interest which is disclosed in writing prior to or at the meeting and made a part of the
 308 minutes. Any member of the city council present and eligible to vote on a matter and refusing

309 to do so for any reason other than a properly disclosed and recorded conflict of interest shall
310 be deemed to have acquiesced or concurred with the members of the majority who did vote
311 on the question involved.

312 (e) Acts of the city council that will have the force and effect of law shall be enacted by
313 ordinance. Every proposed ordinance should be introduced in writing and in the form
314 required for final adoption. A copy of proposed ordinances shall be maintained for public
315 inspection by the city clerk.

316 (f) An ordinance may be introduced by any council member at a regular or special meeting
317 of the city council. An ordinance may be adopted at its meeting of introduction or may be
318 deferred for further consideration.

319 (g) Every ordinance adopted by the city council shall be presented promptly by the city clerk
320 to the mayor for signature.

321 (h) Except where in direct conflict with the provisions of this act, the charter, or the law, all
322 ordinances, resolutions, and regulations now in force in the city shall remain in full force and
323 effect unless and until repealed or superseded by other ordinances, resolutions, and
324 regulations adopted by the city council or as otherwise permitted by this act and the charter.

325 **SECTION 2.3.**

326 The office of mayor.

327 (a) The mayor shall be the chief elected officer of the city and as such shall have the
328 following powers and duties:

329 (1) To preside at all meetings of the city council and be recognized as the official head and
330 spokesperson of the city for service of process and ceremonial purposes;

331 (2) To vote on matters before the city council only in case of a tie;

332 (3) To sign timely, for and on behalf of the city, all contracts, ordinances, instruments, and
333 other documents authorized by the city council and which are required to be in writing,
334 unless otherwise directed or authorized by the city council;

335 (4) To administer oaths and to take affidavits; and

336 (5) To fulfill such other duties as authorized by the city council.

337 (b) Annually at the first meeting of the new calendar year, the city council shall elect one
338 of the council members to serve as the mayor pro tempore who shall, in the absence of the
339 mayor, perform the duties and exercise all the rights, power, and privileges of the office of
340 the mayor in accordance with this charter.

341

SECTION 2.4.

342

Vacancies; filling vacancies.

343 (a) The office of mayor or council member shall become vacant upon the death, resignation,
 344 removal from office, forfeiture of office, or occurrence of any event specified by the
 345 Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such other applicable laws
 346 as are or may hereafter be enacted.

347 (b) If less than 12 months remains in the unexpired term, a vacancy in the office of council
 348 member shall be filled for the remainder of the unexpired term by appointment of any citizen
 349 of the city eligible to hold such office by vote of the majority of the remaining members of
 350 the city council. The person appointed shall then serve until the next regular council member
 351 election at which time, as a part of that election, a person shall be elected to fill the vacated
 352 post. If such vacancy occurs 12 months or more prior to the expiration of the term of that
 353 office, it shall be filled for the remainder of the unexpired term by a special election, as
 354 provided for in accordance with Titles 21 and 45 of the O.C.G.A., or other such laws as are
 355 or may hereafter be enacted governing municipal elections. This provision shall also apply
 356 to a temporary vacancy created by the suspension from office of the council member as may
 357 be permitted now or hereafter by this charter or the laws of the city or the State of Georgia.

358 (c) Should a mayoral vacancy occur within 12 months preceding the expiration of the
 359 mayor's term of office, then the vacancy shall be filled by the mayor pro tempore or by any
 360 council member appointed for that purpose whereupon the position of mayor shall be filled
 361 until the next mayoral election at which time a person shall be elected to the office of mayor
 362 as generally provided by the charter and pursuant to all applicable law. If such a vacancy
 363 occurs 12 months or more prior to the expiration of the term of that office, it shall be filled
 364 for the remainder of the unexpired term by a special election in accordance with Titles 21 and
 365 45 of the O.C.G.A, or other such laws as are or may hereafter be enacted governing
 366 municipal elections. This provision shall also apply to a temporary vacancy created by the
 367 suspension from office of the mayor as may be permitted now or hereafter by this charter or
 368 the laws of the city or the State of Georgia.

369

SECTION 2.5.

370

City manager.

371 (a) The city council shall, by majority vote of its members, appoint a city manager for an
 372 indefinite term and shall set his or her compensation. The city manager shall be appointed
 373 solely on the basis of that person's executive and administrative qualifications, including
 374 relevant experience. In lieu of appointment for an indefinite term, the city council is

375 authorized, but not required, to enter into an employment contract with the city manager for
376 a term of no more than four years. Any such contract shall contain as an essential term the
377 express right of the city council to terminate the city manager's employment at any time for
378 any reason not prohibited by law or for no reason whatsoever. Such contract may provide
379 for payment of up to six months' severance pay at the city manager's then current rate of
380 compensation if termination is not made on the basis of grounds specified in the contract that
381 would void entitlement to severance. Under no circumstances shall any contractual
382 entitlement to severance pay be deemed a right to continued employment as city manager.

383 (b) The city manager shall be the chief executive and administrative officer of the city. The
384 city manager shall be responsible to the city council for the administration of all city affairs
385 entrusted to the position by or under this charter. The city manager shall have the following
386 powers and duties:

387 (1) To appoint all department heads, subject to the approval of the city council, and
388 otherwise to appoint and, when he or she deems it necessary for the good of the city,
389 suspend or remove all other city employees and administrative officers, except as otherwise
390 provided by law or personnel ordinances adopted pursuant to this charter. The city
391 manager may authorize any administrative officer who is subject to the city manager's
392 direction and supervision to exercise these powers with respect to subordinates in that
393 officer's department, office, or agency;

394 (2) To direct and supervise the administration of all departments, offices, and agencies of
395 the city, except as otherwise provided by this charter or by law;

396 (3) To attend all city council meetings and have the right to take part in discussion, but not
397 vote;

398 (4) To see that all laws, provisions of this charter, and acts of the city council, subject to
399 enforcement by the city manager or by officers subject to the city manager's direction and
400 supervision, are faithfully executed;

401 (5) To prepare and submit the annual operating budget and capital budget to the city
402 council. Once approved for the following fiscal year, any increase in the appropriations
403 for these budgets, whether accomplished through a change in anticipated revenues or
404 through a transfer of appropriations among departments, shall require the approval of the
405 city council. Such amendment shall be adopted by ordinance or resolution;

406 (6) To submit a quarterly summary of the finances and administrative activities of the city
407 to the city council, and to make available to the city council and public a complete report
408 on the finances and administrative activities of the city as of the end of each fiscal year;

409 (7) To prescribe, require, publish, and implement standards of administrative management
410 and operating procedures to be followed and adhered to by all offices, departments, boards,

411 commissions, authorities, and other agencies of the city which are subject to the city
412 manager's supervision;

413 (8) To act as the purchasing agent of the city;

414 (9) To make such other studies, reports, and investigations as the city council may require
415 concerning the operations of city departments, offices, and agencies subject to the city
416 manager's direction and supervision;

417 (10) To keep the city council fully advised as to the future needs of the city, and make
418 such recommendations to the city council concerning the affairs of the city as he or she
419 deems desirable; and

420 (11) To perform other such duties as are specified in this charter or as may be required by
421 the city council.

422 (c) The city manager shall have full authority to execute the city's annual operating budget
423 and capital budget. Establishment of all special funds and authorization of expenditures from
424 the special funds shall require approval of the city council. The city council shall also
425 approve any operating or capital budget amendments requiring use of funds from the
426 contingency special fund.

427 (d) Except for the purpose of inquiries and investigations, the mayor and council members
428 shall not give orders or directions to any city employees who are subject to the direction and
429 supervision of the city manager, either publicly or privately, directly or indirectly.

430 (e) The city council may remove the city manager from office in accordance with the
431 following procedures:

432 (1) Because the city manager serves at the will of the city council, the city council may
433 terminate or suspend the city manager at any time, with or without cause, through the
434 adoption of a preliminary resolution with the affirmative vote of a majority of its members.
435 A copy of the resolution shall be delivered promptly to the city manager;

436 (2) Within five days after a copy of the resolution is delivered to the city manager, he or
437 she may file a written request for a public hearing with the city council. This hearing shall
438 be held within 30 days after the request is filed. The city manager may file a written reply
439 not later than five days before the hearing with the city council;

440 (3) If the city manager has not requested a public hearing within the time specified in
441 paragraph (2) of this subsection, the city council may adopt a final resolution for removal,
442 which may be made effective immediately, by an affirmative vote of a majority of all its
443 members. If the city manager has requested a public hearing, the city council may adopt
444 a final resolution for removal, which may be made effective immediately, by an affirmative
445 vote of a majority of all its members at any time after the public hearing; and

446 (4) The city manager shall continue to receive his or her salary until the effective date of
447 a final resolution of removal. In those instances in which the city council has exercised its

448 discretion and entered into an employment contract with the city manager that provides for
449 severance pay under certain conditions, termination may result in payment of severance
450 pay in accordance with the contract terms.

451 (f) By letter filed with the city clerk, the city manager shall designate a qualified city
452 administrative officer to exercise the powers and perform the duties of city manager during
453 his or her temporary absence or disability. During such absence or disability, the city council
454 may revoke such designation at any time and appoint another officer of the city to serve until
455 the city manager shall return.

456 (g) Upon removal or vacancy or prior to the time the city council appoints a city manager
457 upon absence or disability, the city council shall appoint a temporary city manager by
458 majority vote of its members.

459 **SECTION 2.6.**

460 Other city officers; administrative personnel.

461 (a) The following positions are re-established by this charter to be filled by persons
462 appointed by the city council: city clerk and city attorney. The following positions are
463 re-established by this charter to be filled by persons appointed as provided in this charter by
464 the city manager: city operations director and police chief. Those selected for these positions
465 shall be appointed solely on the basis of their respective administrative and professional
466 qualifications, including relevant experience. The city council shall prescribe the
467 compensation to be provided for the services to be rendered by these positions. Those
468 selected to fill these positions shall execute the duties and responsibilities entrusted to them
469 by the position held and as required by this charter, any ordinance, resolution, or directive
470 of the city council or the city manager, and as required by applicable state and federal law.

471 (b) Except as otherwise provided in this charter, the city council shall have the authority to
472 establish, abolish, alter, consolidate, or leave vacant all non-elective offices, positions of
473 employment, departments, and agencies of the city as deemed necessary for the proper
474 administration of the affairs and government of the city.

475 (c) Except as otherwise permitted by this charter and only pursuant to an agreement in
476 writing executed by the city, the persons appointed to non-elective positions pursuant to this
477 charter or otherwise employed by the city shall serve in an at-will capacity and are subject
478 to removal or suspension at any time unless otherwise provided by law, ordinance, or an
479 agreement in writing executed by the city.

480

SECTION 2.7.

481

Boards; commissions; authorities.

482 (a) The city council is empowered to establish by ordinance any boards, commissions, and
483 authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the city
484 council deems appropriate, and shall establish by ordinance the composition, period of
485 existence, and duties and powers thereof.

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

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

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

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

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

501 (g) All members of a board, commission, or authority serve at-will and may be removed at
502 any time by a vote of the city council unless otherwise provided by law.

503 (h) Except as otherwise provided by this charter or by law, each board, commission, or
504 authority of the city shall elect one of its members as chair and one member as vice-chair,
505 and may elect as its secretary one of its own members or may appoint as secretary an
506 employee of the city. As it deems appropriate and necessary for the fulfillment of its duties
507 or the conduct of its affairs, each board, commission, or authority of the city government may
508 establish such bylaws, rules, and regulations not inconsistent with this charter, ordinances
509 of the city, or law. Copies of such bylaws, rules, and regulations shall be filed with the city
510 clerk.

545 served as executed by any officer as authorized by this charter or by law. The municipal
546 court shall have the authority to issue search warrants as provided by law.

547 (h) The municipal court judge shall be authorized to issue warrants for the arrest of persons
548 charged with offenses against any ordinance of the city, and the municipal court judge shall
549 have the same authority as a magistrate of the state to issue warrants for offenses against state
550 laws committed within the city.

551 (i) The municipal court is specifically vested with all of the judicial jurisdiction and judicial
552 powers throughout the entire area of the city granted by state laws generally to municipal
553 courts, including such laws as authorize the abatement of nuisances.

554 **SECTION 3.3.**

555 Municipal court judge; associate judge; oath.

556 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,
557 or stand-by judges as deemed appropriate by the city council and provided for by ordinance.

558 (b) No person shall be qualified or eligible to serve as a municipal court judge unless that
559 person shall have attained the age of 21 years, shall be a member of the State Bar of Georgia,
560 and shall possess all qualifications required by law. All municipal court judges shall be
561 appointed by the city council annually and may be removed from office prior to the end of
562 annual appointment only for cause. All municipal court judges shall serve until a successor
563 is appointed and qualified.

564 (c) Compensation of the municipal court judges shall be fixed by ordinance.

565 (d) Before assuming office, each municipal court judge shall take an oath, given by the
566 mayor, attesting that the judge will honestly and faithfully discharge the duties of the office
567 to the best of that person's ability and without fear, favor, or partiality. The oath shall be
568 entered upon the minutes of the city council.

569 **SECTION 3.4.**

570 Convening.

571 The municipal court shall be convened at regular intervals as established and publicized by
572 the court.

573 **SECTION 3.5.**

574 Appeals.

575 The right of certiorari from the decisions and judgments of the municipal court shall exist in
 576 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
 577 the sanction of a judge of the Superior Court of Paulding County under the laws of the State
 578 of Georgia regulating the granting and issuance of writs of certiorari.

579 **SECTION 3.6.**

580 Rules of court.

581 With the approval of the city council, the municipal court judge shall have full power and
 582 authority to make reasonable rules and regulations necessary and proper to secure the
 583 efficient and successful administration of the municipal court; provided, such rules shall
 584 conform to the requirements of the Uniform Rules for Municipal Courts adopted by the
 585 Georgia Supreme Court. The rules and regulations made or adopted shall be filed with the
 586 city clerk, shall be available for public inspection, and, upon request, a copy shall be
 587 furnished to all defendants in municipal court proceedings at least 48 hours prior to said
 588 proceedings.

589

590 **ARTICLE IV**

591 **ELECTIONS**

592 **SECTION 4.1.**

593 Applicability of general law.

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

596 **SECTION 4.2.**

597 General elections; timing.

598 There shall be a municipal general election biennially in odd-numbered years on the Tuesday
 599 next following the first Monday in November.

600 **SECTION 4.3.**

601 Nonpartisan elections.

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

604 **SECTION 4.4.**

605 Election by plurality.

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

607 **SECTION 4.5.**

608 Other election provisions.

609 Except as otherwise provided by this charter, the city council shall, by ordinance or
610 resolution, prescribe such rules and regulations it deems appropriate to fulfill any options and
611 duties under the Georgia Election Code.

612 **SECTION 4.6.**

613 Removal from office.

614 (a) Removal of an elected official of the city shall be governed by this section except as
615 otherwise provided by this charter or required by state or federal law.

616 (b) Removal from office is required for any one or more of the causes provided in Title 45
617 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

618 (c) Removal of an officer pursuant to this section shall be accomplished by one of the
619 following methods:

620 (1) Following an evidentiary hearing by the city. In the event an elected officer is sought
621 to be removed by the action of the city council, such officer shall be entitled to a written
622 notice specifying the ground or grounds for removal and to a public hearing which shall
623 be held not less than ten days after the service of such written notice. The city council shall
624 provide by ordinance for the manner in which such hearings shall be held. Any elected
625 officer sought to be removed from office as herein provided shall have the right of appeal
626 from the decision of the city council to the Superior Court of Paulding County. Such
627 appeal shall be governed by the rules governing appeals to the superior court by writ of
628 certiorari; or

629 (2) By an order of the Superior Court of Paulding County following a hearing on a
630 complaint seeking such removal brought by any resident of the City of Hiram.

631 **ARTICLE V**

632 **FINANCE.**

633 **SECTION 5.1.**

634 Property tax.

635 The city council may assess, levy, and collect an ad valorem tax on all real and personal
636 property within the corporate limits of the city that is subject to such taxation by the state and
637 county. The purpose of such tax shall be to raise revenues to defray the costs of operating
638 the city government or of providing governmental services, for the repayment of principal
639 and interest on general obligations, and for any other public purpose as determined by the
640 city council in its discretion.

641 **SECTION 5.2.**

642 Millage rate; due dates; payment methods.

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

647 **SECTION 5.3.**

648 Occupation and business taxes.

649 By ordinance, the city council shall have the power to levy such occupation or business taxes
650 as are not prohibited by law. The city council may classify businesses, occupations, or
651 professions for the purpose of such taxation in any way which may be lawful and may
652 compel the payment of such taxes as provided in Section 5.9 of this charter.

653 **SECTION 5.4.**

654 Regulatory fees; permits.

655 By ordinance, the city council shall have the power to require businesses or practitioners
656 doing business within this city to obtain a permit for such activity from the city and pay a
657 reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect

658 the total cost to the city of regulating the activity, and if unpaid, shall be collected as
659 provided in Section 5.9 of this charter.

660 **SECTION 5.5.**

661 Franchises.

662 (a) The city council shall have the power to grant franchises for the use of this city's streets
663 and alleys to railroad companies, street railway companies, telephone companies, electric
664 companies, electric membership corporations, cable television and other telecommunications
665 companies, gas companies, transportation companies, solid waste disposal companies, and
666 other similar organizations. The city council shall determine the duration, terms, whether the
667 same shall be exclusive or nonexclusive, and the consideration for such franchises; provided,
668 however, no franchise shall be granted for a period in excess of 35 years and no franchise
669 shall be granted unless the city receives just and adequate compensation therefor. The city
670 council shall provide for the registration of all franchises with the city clerk in a registration
671 book kept by the city clerk. The city council may provide by ordinance for the registration
672 within a reasonable time of all franchises previously granted.

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

678 **SECTION 5.6.**

679 Service charges.

680 By ordinance, the city council shall have the power to assess and collect fees, charges,
681 assessments, and tolls for sewers, sanitary and health services, or any other services provided
682 or made available within and without the corporate limits of the city. If unpaid, such charges
683 shall be collected as provided in Section 5.9 of this charter.

684 **SECTION 5.7.**

685 Special assessments.

686 By ordinance, the city council shall have the power to assess and collect the cost of
687 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
688 curbing, gutters, sewers, storm sewers, drainage facilities, or other utility mains and

689 appurtenances from the abutting property owners. If unpaid, such charges shall be collected
690 as provided in Section 5.9 of this charter.

691 **SECTION 5.8.**

692 Construction; other taxes and fees.

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

696 **SECTION 5.9.**

697 Collection of delinquent taxes and fees.

698 By ordinance, the city council may provide generally for the collection of delinquent taxes,
699 fees, or other revenue due the city by whatever reasonable means as are not precluded by
700 law. All taxes and assessments levied pursuant to this charter shall constitute a lien on the
701 property subject to the tax or assessment, which lien shall rank with liens for property taxes.
702 The city council may provide by ordinance for the dates when the taxes or fees are due; late
703 penalties or interest; issuance and execution of fieri facias (fi. fas.); making delinquent taxes
704 and fees personal debts of the persons required to pay the taxes or fees imposed; revoking
705 city permits for failure to pay any city taxes or fees; and providing for the assignment or
706 transfer of tax executions.

707 **SECTION 5.10.**

708 General obligation bonds.

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

713 **SECTION 5.11.**

714 Revenue bonds.

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

718 **SECTION 5.12.**

719 Short-term loans.

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

722 **SECTION 5.13.**

723 Lease-purchase contracts.

724 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the
725 acquisition of goods, materials, real and personal property, services, and supplies provided
726 the contract terminates without further obligation on the part of the city at the close of the
727 calendar year in which it was executed and at the close of each succeeding calendar year for
728 which it may be renewed. Contracts must be executed in accordance with the requirements
729 of Code Section 36-60-13 of the O.C.G.A. or other such applicable laws as are or may
730 hereafter be enacted.

731 **SECTION 5.14.**

732 Fiscal year.

733 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
734 budget year and the year for financial accounting and reporting of each and every office,
735 department, agency, and activity of the city government unless otherwise provided by state
736 or federal law.

737 **SECTION 5.15.**

738 Preparation of budgets.

739 The city council may provide an ordinance on the procedures and requirements for the
740 preparation and execution of an annual operating budget, a capital improvement plan, and
741 a capital budget, including requirements as to the scope, content, and form of such budgets
742 and plans.

743

SECTION 5.16.

744

Submission of operating budget to city council.

745 On or before a date fixed by the city council but not later than 90 days prior to the beginning
746 of each fiscal year, the city manager shall submit to the city council a proposed operating
747 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
748 city manager containing a statement of the general fiscal policies of the city, the important
749 features of the budget, explanations of major changes recommended for the next fiscal year,
750 a general summary of the budget, and such other pertinent comments and information. The
751 operating budget and the capital budget hereinafter provided for, the budget message, and
752 all supporting documents shall be filed in the office of the city clerk and shall be open to
753 public inspection.

754

SECTION 5.17.

755

Action by city council on budget.

756 (a) The city council may amend the operating budget proposed by the city manager;
757 provided, however, that the budget as finally amended and adopted must provide for all
758 expenditures required by state law or by other provisions of this charter and for all debt
759 service requirements for the ensuing fiscal year, and the total appropriations from any fund
760 shall not exceed the estimated fund balance, reserves, and revenues.

761 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
762 year not later than the first day of each fiscal year. If the city council fails to adopt the
763 budget by this date, the amounts appropriated for operation for the current fiscal year shall
764 be deemed adopted for the ensuing fiscal year on a month to month basis, with all items
765 prorated accordingly until such time as the city council adopts a budget for the ensuing fiscal
766 year. Adoption of the budget shall take the form of an appropriations ordinance setting out
767 the estimated revenues in detail by source and making appropriations according to fund and
768 by organizational unit, purpose, or activity as set out in the budget preparation ordinance
769 adopted pursuant to this charter.

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

774 **SECTION 5.18.**

775 Tax levies.

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

782 **SECTION 5.19.**

783 Changes in appropriations.

784 By ordinance, the city council may make changes in the appropriations contained in the
 785 current operating budget, at any regular meeting or special or emergency meeting called for
 786 such purpose, but any additional appropriations may be made only from an existing
 787 unexpended surplus.

788 **SECTION 5.20.**

789 Capital budget.

790 (a) On or before the date fixed by the city council but no later than 90 days prior to the
 791 beginning of each fiscal year, the city manager shall submit to the city council a proposed
 792 capital improvements plan with a recommended capital budget containing the means of
 793 financing the improvements proposed for the ensuing fiscal year. The city council shall have
 794 power to accept or reject the proposed plan and proposed budget, with or without
 795 amendments. The city council shall not authorize an expenditure for the construction of any
 796 building, structure, work, or improvement unless the appropriations for such project are
 797 included in the capital budget or the expenditure is necessary to meet needs in a public
 798 emergency as provided in this charter.

799 (b) By ordinance, the city council shall adopt the final capital budget for the ensuing fiscal
 800 year not later than the first day of each fiscal year. No appropriation provided for in a prior
 801 capital budget shall lapse until the purpose for which the appropriation was made shall have
 802 been accomplished or abandoned; provided, however, the city manager may submit
 803 amendments to the capital budget at any time during the fiscal year, accompanied by
 804 recommendations. Any such amendments to the capital budget shall become effective only
 805 upon adoption by ordinance.

806 **SECTION 5.21.**

807 Independent audit.

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

813 **SECTION 5.22.**

814 Contracting procedures.

815 No contract with the city shall be binding on the city unless it is in writing and:

816 (1) Signed by the mayor after being authorized by the city council and such authorization
 817 entered in the city council journal of proceedings; or

818 (2) Is a contract wherein the value of the city's obligation does not exceed \$5,000.00, is
 819 for an authorized budgeted expenditure, and is signed by the city manager in compliance
 820 with such other restrictions upon his or her authority as the city council shall impose by
 821 ordinance.

822 **SECTION 5.23.**

823 Purchasing.

824 By ordinance, the city council may prescribe procedures for a system of centralized
 825 purchasing for the city.

826 **SECTION 5.24.**

827 Sale and lease of property.

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

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

834 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
 835 of the city a small parcel or tract of land is cut off or separated by such work from a larger

836 tract or boundary of land owned by the city, the city council may authorize the mayor to sell
 837 and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
 838 property owner or owners where such sale and conveyance facilitates the enjoyment of the
 839 highest and best use of the abutting owner's property. Included in the sales contract shall be
 840 a provision for the rights of way of said street, avenue, alley, or public place. Each abutting
 841 property owner shall be notified of the availability of the property and given the opportunity
 842 to purchase said property under such terms and conditions as set out by ordinance. All deeds
 843 and conveyances heretofore and hereafter so executed and delivered shall convey all title and
 844 interest the city has in such property, notwithstanding the fact that no public sale after
 845 advertisement was or is hereafter made.

846

847

ARTICLE VI

848

GENERAL PROVISIONS

849

SECTION 6.1.

850

Bonds for officials.

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

854

SECTION 6.2.

855

Prior ordinances.

856 All ordinances, resolutions, rules, and regulations in force in the city on the effective date of
 857 this charter and not inconsistent with this charter are declared valid and of full effect and
 858 force until amended or repealed by the city council.

859

SECTION 6.3.

860

Pending matters.

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

865 **SECTION 6.4.**

866 Construction.

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

869 (b) The word 'shall' is mandatory and the word 'may' is permissive.

870 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
871 versa."

872 **SECTION 2.**

873 It shall be the duty of the governing authority of the city to require submission of this Act for
874 approval pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended.

875 **SECTION 3.**

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

878 **SECTION 4.**

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