

House Bill 467 (AS PASSED HOUSE AND SENATE)

By: Representative Epps of the 144th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the Town of Danville; to provide for incorporation, boundaries,
2 and powers of the town; to provide for a governing authority of such town 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 town 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
10 town attorney, a town clerk, and other personnel and matters relating thereto; to provide for
11 rules and regulations; to provide for a municipal court and the judge or judges thereof and
12 other matters relative to those judges; to provide for the court's jurisdiction, powers,
13 practices, and procedures; to provide for the right of certiorari; to provide for elections; to
14 provide for taxation, licenses, and fees; to provide for franchises, service charges, and
15 assessments; to provide for bonded and other indebtedness; to provide for auditing,
16 accounting, budgeting, and appropriations; to provide for town contracts and purchasing; to
17 provide for the conveyance of property and interests therein; to provide for bonds for
18 officials; to provide for prior ordinances and rules, pending matters, and existing personnel;
19 to provide for penalties; to provide for definitions and construction; to provide for related
20 matters; to repeal specific Acts; to provide for an effective date; to repeal conflicting laws;
21 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 This town and the inhabitants thereof are reincorporated by the enactment of this charter and
 28 are hereby constituted and declared a body politic and corporate under the name and style
 29 Town of Danville, Georgia, and by that name shall have perpetual succession.

30 SECTION 1.11.

31 Corporate boundaries.

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

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

43 SECTION 1.12.

44 Powers and construction.

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

49 (b) The powers of the town shall be construed liberally in the favor of the town. The
 50 specific mention or failure to mention particular powers shall not be construed as limiting in
 51 any way the powers of the town.

SECTION 1.13.

Examples of powers.

54 (a) Animal regulations. To regulate and license or to prohibit the keeping or running at large
55 of animals and fowl, and to provide for the impoundment of same if in violation of any
56 ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction
57 of animals and fowl when not redeemed as provided by ordinance; and to provide
58 punishment for violation of ordinances enacted hereunder.

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

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

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

72 (e) Condemnation. To condemn property, inside or outside the corporate limits of the town,
73 for present or future use and for any corporate purpose deemed necessary by the governing
74 authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such other
75 applicable laws as are or may hereafter be enacted.

76 (f) Contracts. To enter into contracts and agreements with other governmental entities and
77 with private persons, firms, and corporations.

78 (g) Emergencies. To establish procedures for determining and proclaiming that an
79 emergency situation exists within or without the town, and to make and carry out all
80 reasonable provisions deemed necessary to deal with or meet such an emergency for the
81 protection, safety, health, or well-being of the citizens of the town.

82 (h) Environmental protection. To protect and preserve the natural resources, environment,
83 and vital areas of the town, the region, and the state through the preservation and
84 improvement of air quality, the restoration and maintenance of water resources, the control
85 of erosion and sedimentation, the management of storm-water and establishment of a
86 storm-water utility, the management of solid and hazardous waste, and other necessary
87 actions for the protection of the environment.

- 88 (i) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge,
89 or restrict the same; to prescribe fire safety regulations not inconsistent with general law,
90 relating to both fire prevention and detection and to fire fighting; and to prescribe penalties
91 and punishment for violations thereof.
- 92 (j) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and
93 disposal, and other sanitary service charge, tax, or fee for such services as may be necessary
94 in the operation of the town from all individuals, firms, and corporations residing in or doing
95 business therein benefiting from such services; to enforce the payment of such charges, taxes,
96 or fees; and to provide for the manner and method of collecting such service charges.
- 97 (k) General health, safety, and welfare. To define, regulate, and prohibit any act, practice,
98 conduct, or use of property which is detrimental to the health, sanitation, cleanliness, welfare,
99 and safety of the inhabitants of the town, and to provide for the enforcement of such
100 standards.
- 101 (l) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any
102 purpose related to powers and duties of the town and the general welfare of its citizens, on
103 such terms and conditions as the donor or grantor may impose.
- 104 (m) Health and sanitation. To prescribe standards of health and sanitation and to provide
105 for the enforcement of such standards.
- 106 (n) Jail sentences. To provide that persons given jail sentences in the town's court may work
107 out such sentences in any public works or on the streets, roads, drains, and other public
108 property in the town, to provide for commitment of such persons to any jail, to provide for
109 the use of pretrial diversion and any alternative sentencing allowed by law, or to provide for
110 commitment of such persons to any county work camp or county jail by agreement with the
111 appropriate county officials.
- 112 (o) Motor vehicles. To regulate the operation of motor vehicles and exercise control over
113 all traffic, including parking upon or across the streets, roads, alleys, and walkways of the
114 town.
- 115 (p) Municipal agencies and delegation of power. To create, alter, or abolish departments,
116 boards, offices, commissions, and agencies of the town, and to confer upon such agencies the
117 necessary and appropriate authority for carrying out all of the powers conferred upon or
118 delegated to the same.
- 119 (q) Municipal debts. To appropriate and borrow money for the payment of debts of the town
120 and to issue bonds for the purpose of raising revenue to carry out any project, program, or
121 venture authorized by this charter or the laws of the State of Georgia.
- 122 (r) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
123 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
124 outside the property limits of the town.

- 125 (s) Municipal property protection. To provide for the preservation and protection of
126 property and equipment of the town, and the administration and use of the same by the
127 public; and to prescribe penalties and punishment for violations thereof.
- 128 (t) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of
129 public utilities, including, but not limited to, a system of waterworks, sewers and drains,
130 sewage disposal, storm-water management, gas works, electric light plants, cable television
131 and other telecommunications, transportation facilities, public airports, and any other public
132 utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties,
133 and to provide for the withdrawal of service for refusal or failure to pay the same.
- 134 (u) Nuisance. To define a nuisance and provide for its abatement whether on public or
135 private property.
- 136 (v) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the
137 authority of this charter and the laws of the State of Georgia.
- 138 (w) Planning and zoning. To provide comprehensive town planning for development by
139 zoning; and to provide subdivision regulation and the like as the town council deems
140 necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community.
- 141 (x) Police and fire protection. To exercise the power of arrest through duly appointed police
142 officers, and to establish, operate, or contract for a police and fire-fighting agency.
- 143 (y) Public hazards: removal. To provide for the destruction and removal of any building or
144 other structure which is or may become dangerous or detrimental to the public.
- 145 (z) Public improvements. To provide for the acquisition, construction, building, operation,
146 and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries,
147 markets and market houses, public buildings, libraries, public housing, airports, hospitals,
148 terminals, docks, parking facilities, or charitable, cultural, educational, recreational,
149 conservation, sport, curative, corrective, detentional, penal, and medical institutions,
150 agencies, and facilities; and to provide any other public improvements inside or outside the
151 corporate limits of the town; to regulate the use of public improvements; and for such
152 purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A. or such
153 other applicable laws as are or may hereafter be enacted.
- 154 (aa) Public peace. To provide for the prevention and punishment of loitering, disorderly
155 conduct, drunkenness, riots, and public disturbances.
- 156 (bb) Public transportation. To organize and operate such public transportation systems as
157 are deemed beneficial.
- 158 (cc) Public utilities and services. To grant franchises or to make contracts for or impose
159 taxes on public utilities and public service companies; and to prescribe the rates, fares,
160 regulations and standards, and conditions of service applicable to the service to be provided

161 by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the
162 Public Service Commission.

163 (dd) Regulation and roadside areas. To prohibit or regulate and control the erection,
164 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and
165 all structures or obstructions upon or adjacent to the rights of way of streets and roads or
166 within view thereof, within or abutting the corporate limits of the town; and to prescribe
167 penalties and punishment for violation of such ordinances.

168 (ee) Retirement. To provide and maintain a retirement plan and other employee benefit
169 plans and programs for officers and employees of the town.

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

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

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

188 (ii) Special areas of public regulation. To regulate or prohibit junk dealers; the manufacture
189 and sale of intoxicating liquors; to regulate the transportation, storage, and use of
190 combustible, explosive, and inflammable materials, the use of lighting and heating
191 equipment, and any other business or situation which may be dangerous to persons or
192 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical
193 performances, exhibitions, and shows of any kind, by taxation or otherwise; to license and
194 tax professional fortunetelling, palmistry, and massage parlors; and to restrict adult
195 bookstores to certain areas.

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

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

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

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

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

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

217 **SECTION 1.14.**

218 Exercise of powers.

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

223 **ARTICLE II**

224 **GOVERNMENT STRUCTURE**

225 **SECTION 2.10.**

226 Town council creation; number; election.

227 The legislative authority of the government of the town, except as otherwise specifically
 228 provided in this charter, shall be vested in a town council to be composed of a mayor and
 229 three councilmembers. The town council established shall in all respects be a successor to

230 and continuation of the governing authority under prior law. The mayor and councilmembers
 231 shall be elected in the manner provided by general law and this charter.

232 **SECTION 2.11.**

233 Town council terms and qualifications for office.

234 The mayor and members of the town council shall serve for terms of four years and until
 235 their respective successors are elected and qualified. No person shall be eligible to serve as
 236 mayor or councilmember unless that person shall have been a resident of the town for 12
 237 months prior to the date of election of mayor or members of the council; each shall continue
 238 to reside therein during that member's period of service and to be registered and qualified to
 239 vote in municipal elections of the town.

240 **SECTION 2.12.**

241 Vacancy; filling of vacancies.

242 (a) Vacancies. The office of mayor or councilmember shall become vacant upon the
 243 incumbent's death, resignation, forfeiture of office, or occurrence of any event specified by
 244 the Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such other applicable
 245 laws as are or may hereafter be enacted.

246 (b) Filling of Vacancies. A vacancy in the office of mayor or councilmember shall be filled
 247 for the remainder of the unexpired term, if any, by appointment by the town council or those
 248 members remaining if less than 12 months remains in the unexpired term. If such vacancy
 249 occurs 12 months or more prior to the expiration of the term of that office, it shall be filled
 250 for the remainder of the unexpired term by a special election, as provided for in Section 5.14
 251 of this charter and in accordance with Titles 21 and 45 of the O.C.G.A., or other such laws
 252 as are or may hereafter be enacted.

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

255 **SECTION 2.13.**

256 Compensation and expenses.

257 The mayor and council shall receive such salary or compensation as may be fixed by the
 258 mayor and council, which shall be subject to change at any time. The mayor and council
 259 shall be paid such sums as may be fixed by proper ordinances; but the sum to be paid the
 260 mayor as salary shall not be more than \$100.00 per month, and the sums to be paid to the

261 members of the council as salary shall not be more than \$25.00 per month. The latter
 262 specified restriction shall not apply to the combined salary of a member of the council and
 263 clerk and treasurer when one person fills both offices.

264 **SECTION 2.14.**

265 Conflicts of interest; holding other offices.

266 (a) Elected and appointed officers of the town are trustees and servants of the residents of
 267 the town and shall act in a fiduciary capacity for the benefit of such residents.

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

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

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

278 (3) Disclose confidential information, including information obtained at meetings which
 279 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,
 280 government, or affairs of the governmental body by which the official is engaged without
 281 proper legal authorization; or use such information to advance the financial or other
 282 private interest of the official or others;

283 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,
 284 from any person, firm, or corporation which to the official's knowledge is interested,
 285 directly or indirectly, in any manner whatsoever, in business dealings with the
 286 governmental body by which the official is engaged; provided, however, that an elected
 287 official who is a candidate for public office may accept campaign contributions and
 288 services in connection with any such campaign.

289 (5) Represent other private interests in any action or proceeding against the town or any
 290 portion of its government; or

291 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
 292 any business or entity in which the official has a financial interest.

293 (c) Disclosure. Any elected official, appointed officer, or employee who shall have any
 294 financial interest, directly or indirectly, in any contract or matter pending before or within
 295 any department of the town shall disclose such interest to the town council. The mayor or

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

303 (d) Use of public property. No elected official, appointed officer, or employee of the town
304 or any agency or entity to which this charter applies shall use property owned by such
305 governmental entity for personal benefit or profit but shall use such property only in their
306 capacity as an officer or employee of the town.

307 (e) Contracts voidable and rescindable. Any violation of this section which occurs with the
308 knowledge, express or implied, of a party to a contract or sale shall render said contract or
309 sale voidable at the option of the town council.

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

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

323 (h) Penalties for violation:

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

327 (2) Any officer or employee of the town who shall forfeit an office or position as
328 described in paragraph (1) of this subsection shall be ineligible for appointment or
329 election to or employment in a position in the town government for a period of three
330 years thereafter.

331 **SECTION 2.15.**

332 Inquiries and investigations.

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

339 **SECTION 2.16.**

340 General power and authority of the town council.

341 (a) Except as otherwise provided by law or this charter, the town council shall be vested with
342 all the powers of government of the town.

343 (b) In addition to all other powers conferred upon it by the law, the council shall have the
344 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and
345 regulations, not inconsistent with this charter and the Constitution and the laws of the State
346 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,
347 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,
348 or well-being of the inhabitants of the Town of Danville and may enforce such ordinances
349 by imposing penalties for violation thereof.

350 **SECTION 2.17.**

351 Eminent domain.

352 The town council is hereby empowered to acquire, construct, operate, and maintain public
353 ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,
354 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports,
355 hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional,
356 penal, and medical institutions, agencies, and facilities, and any other public improvements
357 inside or outside the town, and to regulate the use thereof, and for such purposes, property
358 may be condemned under procedures established under general law applicable now or as
359 provided in the future.

360

SECTION 2.18.

361

Organizational meetings.

362 The town council shall hold an organizational meeting as prescribed by ordinance. The
 363 meeting shall be called to order by the town clerk, and the oath of office shall be
 364 administered to the newly elected members by a judicial officer authorized to administer
 365 oaths and shall, to the extent that it comports with federal and state law, be as follows:

366 "I do solemnly swear that I will faithfully perform the duties of (mayor)(councilmember)
 367 of this town and that I will support and defend the charter thereof as well as the
 368 Constitution and laws of the State of Georgia and of the United States of America. I am
 369 not the holder of any unaccounted for public money due this state or any political
 370 subdivision or authority thereof. I am not the holder of any office of trust under the
 371 government of the United States, any other state, or any foreign state which I by the laws
 372 of the State of Georgia am prohibited from holding. I am otherwise qualified to hold such
 373 office according to the Constitution and laws of Georgia. I have been a resident of the
 374 Town of Danville for the time required by the Constitution and laws of this state and by the
 375 municipal charter. I will perform the duties of my office in the best interest of the Town
 376 of Danville to the best of my ability without fear, favor, affection, reward, or expectation
 377 thereof."

378

SECTION 2.19.

379

Regular and special meetings.

380 (a) The town council shall hold regular meetings at such times and places as shall be
 381 prescribed by ordinance.

382 (b) Special meetings of the town council may be held on call by the mayor or any member
 383 of council. Notice of such special meetings shall be served on all other members personally,
 384 or by telephone personally, at least 48 hours in advance of the meeting. Such notice to
 385 councilmembers shall not be required if the mayor and all councilmembers are present when
 386 the special meeting is called. Such notice of any special meeting may be waived by a
 387 councilmember in writing before or after such a meeting, and attendance at the meeting shall
 388 also constitute a waiver of notice on any business transacted in such councilmember's
 389 presence. Only the business stated in the call may be transacted at the special meeting.

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

394 **SECTION 2.20.**

395 Rules of procedure.

396 (a) The town council shall adopt its rules or procedure and order of business consistent with
397 the provisions of this charter and shall provide for keeping a journal of its proceedings, which
398 shall be a public record.

399 (b) All committees and committee chairs and officers of the town council shall be appointed
400 by the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power
401 to appoint new members to any committee at any time.

402 **SECTION 2.21.**

403 Quorum; voting.

404 (a) Two councilmembers shall constitute a quorum and shall be authorized to transact
405 business of the town council. Voting on the adoption of ordinances shall be by voice vote
406 and the vote shall be recorded in the journal, but any member of the town council shall have
407 the right to request a roll call vote and such vote shall be recorded in the journal. Except as
408 otherwise provided in this charter, the affirmative vote of two councilmembers shall be
409 required for the adoption of any ordinance, resolution, or motion.

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

417 **SECTION 2.22.**

418 Ordinance form; procedures.

419 (a) Every proposed ordinance shall be introduced in writing and in the form required for
420 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
421 enacting clause shall be "It is hereby ordained by the governing authority of the Town of
422 Danville" and every ordinance shall so begin.

423 (b) An ordinance may be introduced by any councilmember and be read at a regular or
424 special meeting of the town council. Ordinances shall be considered and adopted or rejected
425 by the town council in accordance with the rules which it shall establish; provided, however,

426 an ordinance shall not be adopted the same day it is introduced, except for emergency
 427 ordinances as provided in Section 2.24 of this charter. Upon introduction of any ordinance,
 428 the clerk shall as soon as possible distribute a copy to the mayor and to each councilmember
 429 and shall file a reasonable number of copies in the office of the clerk and at such other public
 430 places as the town council may designate.

431 **SECTION 2.23.**

432 Action requiring an ordinance.

433 Acts of the town council which have the force and effect of law shall be enacted by
 434 ordinance.

435 **SECTION 2.24.**

436 Emergencies.

437 (a) To meet a public emergency affecting life, health, property, or public peace, the town
 438 council may convene on call of the mayor or two councilmembers and promptly adopt an
 439 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
 440 franchise; regulate the rate charged by any public utility for its services; or authorize the
 441 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
 442 shall be introduced in the form prescribed for ordinances generally, except that it shall be
 443 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
 444 a declaration stating that an emergency exists, and describing the emergency in clear and
 445 specific terms. An emergency ordinance may be adopted, with or without amendment, or
 446 rejected at the meeting at which it is introduced, but the affirmative vote of at least two
 447 councilmembers shall be required for adoption. It shall become effective upon adoption or
 448 at such later time as it may specify. Every emergency ordinance shall automatically stand
 449 repealed 30 days following the date upon which it was adopted, but this shall not prevent
 450 reenactment of the ordinance in the manner specified in this section if the emergency still
 451 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
 452 in the same manner specified in this section for adoption of emergency ordinances.

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

457

SECTION 2.25.

458

Codes of technical regulations.

459 (a) The town council may adopt any standard code of technical regulations by reference
 460 thereto in an adopting ordinance. The procedure and requirements governing such adopting
 461 ordinance shall be as prescribed for ordinances in general except that:

462 (1) The requirements of Section 2.22(b) of this charter for distribution and filing of
 463 copies of the ordinance shall be construed to include copies of any code of technical
 464 regulations, as well as the adopting ordinance; and

465 (2) A copy of each adopted code of technical regulations, as well as the adopting
 466 ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.26 of
 467 this charter.

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

470

SECTION 2.26.

471

Signing; authenticating; recording; codification; printing.

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

474 (b) The town council shall provide for the preparation of a general codification of all the
 475 ordinances of the town having the force and effect of law. The general codification shall be
 476 adopted by the town council by ordinance and shall be published promptly, together with all
 477 amendments thereto and such codes or technical regulations and other rules and regulations
 478 as the town council may specify. This compilation shall be known and cited officially as
 479 "The Code of the Town of Danville, Georgia." Copies of the code shall be furnished to all
 480 officers, departments, and agencies of the town, and made available for purchase by the
 481 public at a reasonable price as fixed by the town council.

482 (c) The town council shall cause each ordinance and each amendment to this charter to be
 483 printed promptly following its adoption, and the printed ordinances and charter amendments
 484 shall be made available for purchase by the public at reasonable prices to be fixed by the
 485 town council. Following publication of the first code under this charter and at all times
 486 thereafter, the ordinances and charter amendments shall be printed in substantially the same
 487 style as the code currently in effect and shall be suitable in form for incorporation therein.
 488 The town council shall make such further arrangements as deemed desirable with
 489 reproduction and distribution of any current changes in or additions to codes of technical
 490 regulations and other rules and regulations included in the code.

491 **SECTION 2.27.**

492 Town manager; appointment; qualifications; compensation.

493 The town council may appoint a town manager for an indefinite term and shall fix the
494 manager's compensation. The manager shall be appointed solely on the basis of executive
495 and administrative qualifications.

496 **SECTION 2.28.**

497 Removal of town manager.

498 (a) The town manager shall be employed at will and may be summarily removed from office
499 at any time by the town council.

500 (b) The town council may remove the town manager from office in accordance with the
501 following procedures:

502 (1) The town council shall adopt by affirmative vote of a majority of all its members a
503 preliminary resolution which shall state the reasons for removal and may suspend the
504 town manager from duty for a period not to exceed 45 days. A copy of the resolution
505 shall be delivered promptly to the town manager;

506 (2) Within five days after a copy of the resolution is delivered to the town manager, the
507 town manager may file with the town council a written request for a public hearing. This
508 hearing shall be held within 30 days after the request is filed. The town manager may file
509 with the council a written reply not later than five days before the hearing; and/or

510 (3) If the town manager has not requested a public hearing within the time specified in
511 paragraph (2) of this subsection, the town council may adopt a final resolution for
512 removal, which may be made effective immediately, by an affirmative vote of a majority
513 of all its members. If the town manager has requested a public hearing, the town council
514 may adopt a final resolution for removal, which may be made effective immediately, by
515 an affirmative vote of a majority of all its members at any time after the public hearing.

516 (c) The town manager may continue to receive a salary until the effective date of a final
517 resolution or removal.

518 **SECTION 2.29.**

519 Acting town manager.

520 By letter filed with the town clerk, the town manager shall designate, subject to approval of
521 the town council, a qualified town administrative officer to exercise the powers and perform
522 the duties of town manager during the town manager's temporary absence or physical or

523 mental disability. During such absence or disability, the town council may revoke such
 524 designation at any time and appoint another officer of the town to serve until the town
 525 manager shall return or the town manager's disability shall cease.

526 **SECTION 2.30.**

527 Powers and duties of the town manager.

528 The town manager shall be the chief executive and administrative officer of the town. The
 529 manager shall be responsible to the town council for the administration of all town affairs
 530 placed in the town manager's charge by or under this charter. As the chief executive and
 531 administrative officer, the town manager shall:

- 532 (1) Appoint and, when the town manager deems it necessary for the good of the town,
 533 suspend or remove all town employees and administrative officers the town manager
 534 appoints, except as otherwise provided by law or personnel ordinances adopted pursuant
 535 to this charter. The town manager may authorize any administrative officer who is
 536 subject to the town manager's direction and supervision to exercise these powers with
 537 respect to subordinates in that officer's department, office, or agency;
- 538 (2) Direct and supervise the administration of all departments, offices, and agencies of
 539 the town, except as otherwise provided by this charter or by law;
- 540 (3) Attend all town council meetings except for closed meetings held for the purposes
 541 of deliberating on the appointment, discipline, or removal of the town manager and have
 542 the right to take part in discussion but not vote;
- 543 (4) See that all laws, provisions of this charter, and acts of the town council, subject to
 544 enforcement by the town manager or by officers subject to the town manager's direction
 545 and supervision, are faithfully executed;
- 546 (5) Prepare and submit the annual operating budget and capital budget to the town
 547 council;
- 548 (6) Submit to the town council and make available to the public a complete report on the
 549 finances and administrative activities of the town as of the end of each fiscal year;
- 550 (7) Make such other reports as the town council may require concerning the operations
 551 of town departments, offices, and agencies subject to the town manager's direction and
 552 supervision;
- 553 (8) Keep the town council fully advised as to the financial condition and future needs of
 554 the town, and make such recommendations to the town council concerning the affairs of
 555 the town as the town manager deems desirable; and
- 556 (9) Perform other such duties as are specified in this charter or as may be required by the
 557 town council.

558 **SECTION 2.31.**

559 Council interference with administration.

560 Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the
 561 town council or its members shall deal with town officers and employees who are subject to
 562 the direction and supervision of the town manager solely through the town manager, and
 563 neither the town council nor its members shall give orders to any such officer or employee,
 564 either publicly or privately.

565 **SECTION 2.32.**

566 Selection of mayor and mayor pro tem.

567 At each regular election, the voters of the town shall elect a mayor at large for a term of four
 568 years. The council shall elect from among its members a mayor pro tem who shall act as
 569 mayor during the absence or disability of the mayor, but shall only vote once on matters
 570 before the council, and if a vacancy occurs, shall become mayor for the remainder of the
 571 expired term.

572 **SECTION 2.33.**

573 Powers and duties of mayor.

574 The mayor shall:

- 575 (1) Preside at all meetings of the town council;
- 576 (2) Be the head of the town for the purpose of service of process and for ceremonial
 577 purposes, and be the official spokesperson for the town and the chief advocate of policy;
- 578 (3) Have power to administer oaths and to take affidavits;
- 579 (4) Sign as a matter of course on behalf of the town all written and approved contracts,
 580 ordinances, and other instruments executed by the town which by law are required to be
 581 in writing; and
- 582 (5) Serve in any administrative or official capacity as deemed necessary by the town
 583 council.

584 **SECTION 2.34.**

585 Position of mayor pro tem.

586 During the absence or physical or mental disability of the mayor for any cause, the mayor
 587 pro tem, or in the mayor pro tem's absence or disability for any reason, any one of the

588 councilmembers chosen by a majority vote of the town council, shall be clothed with all the
 589 rights and privileges of the mayor and shall perform the duties of the office of the mayor so
 590 long as such absence or disability shall continue. Any such absence or disability shall be
 591 declared by majority vote of all councilmembers. The mayor pro tem or selected
 592 councilmember shall sign all contracts and ordinances in which the mayor has a disqualifying
 593 financial interest as provided in Section 2.14 of this charter. When acting as mayor, the
 594 mayor pro tem shall continue to have only one vote as a member of the council.

595 **ARTICLE III**

596 **ADMINISTRATIVE AFFAIRS**

597 **SECTION 3.10.**

598 Administrative and service departments.

599 (a) Except as otherwise provided in this charter, the town council, by ordinance, shall
 600 prescribe the functions or duties, and establish, abolish, alter, consolidate, or leave vacant all
 601 nonelective offices, positions of employment, departments, and agencies of the town, as
 602 necessary for the proper administration of the affairs and government of the town.

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

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

608 (d) There may be a director of each department or agency who shall be its principal officer.
 609 Each director shall, subject to the direction and supervision of the appointing authority, be
 610 responsible for the administration and direction of the affairs and operations of that director's
 611 department or agency.

612 (e) All appointive officers and directors under the supervision of the appointing authority
 613 shall be nominated by the mayor or any member of the town council with confirmation of
 614 appointment by the town council. All appointive officers and directors shall be employees
 615 at will and subject to removal or suspension at any time by the appointing authority unless
 616 otherwise provided by law or ordinance.

617 **SECTION 3.11.**

618 Boards, commissions, and authorities.

619 (a) The town council may create by ordinance such boards, commissions, and authorities to
 620 fulfill any investigative, quasi-judicial, or quasi-legislative function the town council deems

621 necessary, and shall by ordinance establish the composition, period of existence, duties, and
622 powers thereof.

623 (b) All members of boards, commissions, and authorities of the town shall be appointed by
624 the town council for such terms of office and in such manner as shall be provided by
625 ordinance, except where other appointing authority, terms of office, or manner of
626 appointment is prescribed by this charter or by law.

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

629 (d) Except as otherwise provided by charter or by law, no member of any board,
630 commission, or authority shall hold an elective office in the town.

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

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

638 (g) All board members serve at will and may be removed at any time by a vote of two
639 members of the town council unless otherwise provided by law.

640 (h) Except as otherwise provided by this charter or by law, each board, commission, or
641 authority of the town shall elect one of its members as chair and one member as vice chair,
642 and may elect as its secretary one of its own members or may appoint as secretary an
643 employee of the town. Each board, commission, or authority of the town government may
644 establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances
645 of the town, or law, as it deems appropriate and necessary for the fulfillment of its duties or
646 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with
647 the clerk of the town.

648 **SECTION 3.12.**

649 Town attorney.

650 (a) The town council shall appoint a town attorney, together with such assistant town
651 attorneys as may be authorized, and shall provide for the payment of such attorney or
652 attorneys for services rendered to the town. The town attorney shall be responsible for
653 providing for the representation and defense of the town in all litigation in which the town
654 is a party; may be the prosecuting officer in the municipal court; shall attend the meetings
655 of the council as directed; shall advise the town council, mayor, and other officers and

656 employees of the town concerning legal aspects of the town's affairs; and shall perform such
657 other duties as may be required by virtue of the person's position as town attorney.

658 (b) The town attorney is not a public official of the town and does not take an oath of office.
659 The town attorney shall at all times be an independent contractor. A law firm, rather than
660 an individual, may be designated as the town attorney.

661 **SECTION 3.13.**

662 Town clerk.

663 The town council shall appoint a town clerk who shall not be a councilmember. The town
664 clerk shall be custodian of the official town seal and town records; maintain town council
665 records required by this charter; and perform such other duties as may be required by the
666 town council.

667 **SECTION 3.14.**

668 Position classification and pay plans.

669 The town manager or town clerk shall be responsible for the preparation of a position
670 classification and pay plan which shall be submitted to the town council for approval. Such
671 plan may apply to all employees of the town and any of its agencies, departments, boards,
672 commissions, or authorities. When a pay plan has been adopted, the town council shall not
673 increase or decrease the salary range applicable to any position except by amendment of such
674 pay plan. For purposes of this section, all elected and appointed town officials are not town
675 employees.

676 **SECTION 3.15.**

677 Personnel policies.

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

680 **ARTICLE IV**

681 **JUDICIAL BRANCH**

682 **SECTION 4.10.**

683 Creation; name.

684 (a) There shall be a court to be known as the Municipal Court of the Town of Danville.

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

687 (c) No person shall be qualified or eligible to serve as a judge on the municipal court unless
688 that person shall have attained the age of 21 years, shall be a member of the State Bar of
689 Georgia, and shall possess all qualifications required by law. All judges shall be appointed
690 by the town council and shall serve until a successor is appointed and qualified.

691 (d) Compensation of the judges shall be fixed by ordinance.

692 (e) Judges shall serve at will and may be removed from office at any time by the town
693 council unless otherwise provided by ordinance.

694 (f) Before assuming office, each judge shall take an oath, given by the mayor, that the judge
695 will honestly and faithfully discharge the duties of the office to the best of that person's
696 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of
697 the town council journal required in Section 2.20 of this charter.

698 **SECTION 4.11.**

699 Convening.

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

701 **SECTION 4.12.**

702 Jurisdiction; powers.

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

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

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

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

714 (e) The municipal court shall have authority to establish bail and recognizance to ensure the
715 presence of those charged with violations before such court, and shall have discretionary
716 authority to accept cash or personal or real property as surety for the appearance of persons
717 charged with violations. Whenever any person shall give bail for his or her appearance and

718 shall fail to appear at that time fixed for trial, the bond shall be forfeited by the judge
 719 presiding at such time, and an execution issued thereon by serving the defendant and the
 720 defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the
 721 event that cash or property is accepted in lieu of bond for security for the appearance of a
 722 defendant at trial, and such defendant fails to appear at the time and place fixed for trial, the
 723 cash so deposited shall be on order of the judge declared forfeited to the town, or the property
 724 so deposited shall have a lien against it for the value forfeited which lien shall be enforceable
 725 in the same manner and to the same extent as a lien for town property taxes.

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

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

732 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of
 733 persons charged with offenses against any ordinance of the town, and each judge of the
 734 municipal court shall have the same authority as a magistrate of the state to issue warrants
 735 for offenses against state laws committed with the town.

736 **SECTION 4.13.**

737 Certiorari.

738 The right of certiorari from the decision and judgment of the municipal court shall exist in
 739 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
 740 the sanction of a judge of the Superior Court of Twiggs County under the laws of the State
 741 of Georgia regulating the granting and issuance of writs of certiorari.

742 **SECTION 4.14.**

743 Rules for court.

744 With the approval of the town council, the judge shall have full power and authority to make
 745 reasonable rules and regulations necessary and proper to secure the efficient and successful
 746 administration of the municipal court; provided, however, that the town council may adopt
 747 in part or in whole the rules and regulations applicable to municipal courts. The rules and
 748 regulations made or adopted shall be filed with the town clerk, shall be available for public
 749 inspection, and upon request, a copy shall be furnished to all defendants in municipal court
 750 proceedings at least 48 hours prior to said proceedings.

779 **SECTION 5.15.**

780 Other provisions.

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

784 **SECTION 5.16.**

785 Removal of officers.

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

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

791 (1) Following hearing at which an impartial panel shall render a decision. In the event
 792 an elected officer is sought to be removed by the action of the town council, such officer
 793 shall be entitled to a written notice specifying the ground or grounds for removal and to
 794 a public hearing which shall be held not less than ten days after the service of such
 795 written notice. The town council shall provide by ordinance for the manner in which
 796 such hearings shall be held. Any elected officer sought to be removed from office as
 797 herein provided shall have the right of appeal from the decision of the town council to the
 798 Superior Court of Twiggs County. Such appeal shall be governed by the same rules as
 799 govern appeals to the superior court from the probate court; and/or

800 (2) By an order of the Superior Court of Twiggs County following a hearing on a
 801 complaint seeking such removal brought by any resident of the Town of Danville.

802 **ARTICLE VI**803 **FINANCE**804 **SECTION 6.10.**

805 Property tax.

806 The town council may assess, levy, and collect an ad valorem tax on all real and personal
 807 property within the corporate limits of the town that is subject to such taxation by the state
 808 and county. This tax is for the purpose of raising revenues to defray the costs of operating
 809 the town government, of providing governmental services, for the repayment of principal and

810 interest on general obligations, and for any other public purpose as determined by the town
811 council in its discretion.

812 **SECTION 6.11.**

813 Millage rate; due dates; payment methods.

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

818 **SECTION 6.12.**

819 Occupation and business taxes.

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

824 **SECTION 6.13.**

825 Regulatory fees; permits.

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

831 **SECTION 6.14.**

832 Franchises.

833 (a) The town council shall have the power to grant franchises for the use of the town's streets
834 and alleys for the purposes of railroads, street railways, telephone companies, electric
835 companies, electric membership corporations, cable television and other telecommunications
836 companies, gas companies, transportation companies, and other similar organizations. The
837 town council shall determine the duration, terms, whether the same shall be exclusive or
838 nonexclusive, and the consideration for such franchises; provided, however, no franchise

839 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
 840 the town receives just and adequate compensation therefor. The town council shall provide
 841 for the registration of all franchises with the town clerk in a registration book kept by the
 842 clerk. The town council may provide by ordinance for the registration within a reasonable
 843 time of all franchises previously granted.

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

849 **SECTION 6.15.**

850 Service charges.

851 The town council by ordinance shall have the power to assess and collect fees, charges,
 852 assessments, and tolls for sewers, sanitary and health services, or any other services provided
 853 or made available within and without the corporate limits of the town. If unpaid, such
 854 charges shall be collected as provided in Section 6.18 of this charter.

855 **SECTION 6.16.**

856 Special assessments.

857 The town council by ordinance shall have the power to assess and collect the cost of
 858 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
 859 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
 860 owners. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

861 **SECTION 6.17.**

862 Construction; other taxes and fees.

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

866 **SECTION 6.18.**

867 Collection of delinquent taxes and fees.

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

875 **SECTION 6.19.**

876 General obligation bonds.

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

881 **SECTION 6.20.**

882 Revenue bonds.

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

886 **SECTION 6.21.**

887 Short-term loans.

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

890 **SECTION 6.22.**

891 Lease-purchase contracts.

892 The town may enter into multiyear lease, purchase, or lease purchase contracts for the
 893 acquisition of goods, materials, real and personal property, services, and supplies provided

894 the contract terminates without further obligation on the part of the municipality at the close
895 of the calendar year in which it was executed and at the close of each succeeding calendar
896 year for which it may be renewed. Contracts must be executed in accordance with the
897 requirements of Code Section 36-60-13 of the O.C.G.A. or other such applicable laws as are
898 or may hereafter be enacted.

899 **SECTION 6.23.**

900 Fiscal year.

901 The town council shall set the fiscal year by ordinance. This fiscal year shall constitute the
902 budget year and the year for financial accounting and reporting of each and every office,
903 department, agency, and activity of the town government unless otherwise provided by state
904 or federal law.

905 **Section 6.24.**

906 Preparation of budgets.

907 The town council shall provide an ordinance on the procedures and requirements for the
908 preparation and execution of an annual operating budget, a capital improvement plan, and
909 a capital budget, including requirements as to the scope, content, and form of such budgets
910 and plans.

911 **SECTION 6.25.**

912 Submission of operating budget to town council.

913 On or before a date fixed by the town council but not later than 30 days prior to the
914 beginning of each fiscal year, the mayor shall submit to the town council a proposed
915 operating budget for the ensuing fiscal year. The budget shall be accompanied by a message
916 from the mayor containing a statement of the general fiscal policies of the town, the
917 important features of the budget, explanations of major changes recommended for the next
918 fiscal year, a general summary of the budget, and other pertinent comments and information.
919 The operating budget and the capital budget hereinafter provided for, the budget message,
920 and all supporting documents shall be filed in the office of the town clerk and shall be open
921 to public inspection.

922

SECTION 6.26.

923

Action by town council on budget.

924 (a) The town council may amend the operating budget proposed by the mayor; provided that,
 925 the budget as finally amended and adopted must provide for all expenditures required by
 926 state law or by other provisions of this charter and for all debt service requirements for the
 927 ensuing fiscal year, and the total appropriations from any fund shall not exceed the estimated
 928 fund balance, reserves, and revenues.

929 (b) The town council by ordinance shall adopt the final operating budget by a time each
 930 fiscal year as enumerated in such ordinance. If the town council fails to adopt the budget by
 931 this date, the amounts appropriated for operation for the current fiscal year shall be deemed
 932 adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated
 933 accordingly until such time as the town council adopts a budget for the ensuing fiscal year.
 934 Adoption of the budget shall take the form of an appropriations ordinance setting out the
 935 estimated revenues in detail by sources and making appropriations according to fund and by
 936 organizational unit, purpose, or activity as set out in the budget preparation ordinance
 937 adopted pursuant to Section 6.24 of this charter.

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

942

SECTION 6.27.

943

Tax levies.

944 The town council shall levy by ordinance such taxes as are necessary. The taxes and tax
 945 rates set by such ordinances shall be such that reasonable estimates of revenues from such
 946 levy shall at least be sufficient, together with other anticipated revenues, fund balances, and
 947 applicable reserves, to equal the total amount appropriated for each of the several funds set
 948 forth in the annual operating budget for defraying the expenses of the general government
 949 of the town.

950

SECTION 6.28.

951

Changes in appropriations.

952 The town council by ordinance may make changes in the appropriations contained in the
 953 current operating budget at any regular, special, or emergency meeting called for such

954 purpose, but any additional appropriations may be made only from an existing unexpended
955 surplus.

956 **SECTION 6.29.**

957 Capital budget.

958 (a) On or before the date fixed by the town council but no later than 30 days prior to the
959 beginning of each fiscal year, the mayor shall submit to the town council a proposed capital
960 improvements plan with a recommended capital budget containing the means of financing
961 the improvements proposed for the ensuing fiscal year. The town council shall have power
962 to accept, with or without amendments, or reject the proposed plan and proposed budget.
963 The town council shall not authorize an expenditure for the construction of any building,
964 structure, work, or improvement, unless the appropriations for such project are included in
965 the capital budget, except to meet a public emergency as provided in Section 2.24 of this
966 charter.

967 (b) The town council shall adopt by ordinance the final capital budget for the ensuing fiscal
968 year not later than a time set by the town council by ordinance. No appropriations provided
969 for in a prior capital budget shall lapse until the purpose for which the appropriation was
970 made shall have been accomplished or abandoned; provided, however, the town council may
971 submit amendments to the capital budget at any time during the fiscal year, accompanied by
972 recommendations. Any such amendments to the capital budget shall become effective only
973 upon adoption by ordinance.

974 **SECTION 6.30.**

975 Independent audit.

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

981 **SECTION 6.31.**

982 Contracting procedures.

983 No contract with the town shall be binding on the town unless:

984 (1) It is in writing;

- 985 (2) It is drawn by or submitted to and reviewed by the town attorney, and as a matter of
 986 course, is signed by the town attorney to indicate such drafting or review; and
 987 (3) It is made or authorized by the town council and such approval is entered in the town
 988 council journal of proceedings pursuant to Section 2.21 of this charter.

989 **SECTION 6.32.**

990 Centralized purchasing.

991 The town council shall by ordinance prescribe procedures for a system of centralized
 992 purchasing for the town.

993 **SECTION 6.33.**

994 Sale and lease of town property.

- 995 (a) The town council may sell and convey or lease any real or personal property owned or
 996 held by the town for governmental or other purposes as now or hereafter provided by law.
 997 (b) The town council may quitclaim any rights it may have in property not needed for public
 998 purposes upon report by the town council and adoption of a resolution, both finding that the
 999 property is not needed for public or other purposes and that the interest of the town has no
 1000 readily ascertainable monetary value.
 1001 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
 1002 of the town, a small parcel or tract of land is cut off or separated by such work from a larger
 1003 tract or boundary of land owned by the town, the town council may authorize the mayor to
 1004 sell and convey such cut-off or separated parcel or tract of land to an abutting or adjoining
 1005 property owner or owners where such sale and conveyance facilitates the enjoyment of the
 1006 highest and best use of the abutting owner's property. Included in the sales contract shall be
 1007 a provision for the rights of way of such street, avenue, alley, or public place. Each abutting
 1008 property owner shall be notified of the availability of the property and given the opportunity
 1009 to purchase such property under such terms and conditions as set out by ordinance. All deeds
 1010 and conveyances heretofore and hereafter so executed and delivered shall convey all title and
 1011 interest the town has in such property, notwithstanding the fact that no public sale after
 1012 advertisement was or is hereafter made.

1041 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1042 versa.

1043 **SECTION 7.15.**

1044 Severability.

1045 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
1046 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
1047 or impair other parts of this charter unless it clearly appears that such other parts are wholly
1048 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
1049 legislative intent in enacting this charter that each article, section, subsection, paragraph,
1050 sentence, or part thereof be enacted separately and independent of each other.

1051 **SECTION 7.16.**

1052 Repealer.

1053 An Act incorporating the Town of Danville in the County of Twiggs, approved
1054 August 19, 1922 (Ga. L. 1922, p. 725), is hereby repealed in its entirety and all amendatory
1055 acts thereof are likewise repealed in their entirety. All other laws and parts of laws in
1056 conflict with this charter are hereby repealed.

1057 **SECTION 7.17.**

1058 Effective Date.

1059 This charter shall become effective upon its approval by the Governor or upon its becoming
1060 law without such approval.