

House Bill 916 (AS PASSED HOUSE AND SENATE)

By: Representative Powell of the 171<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

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

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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ARTICLE I  
INCORPORATION AND POWERS  
**SECTION 1.10.**

Name.

27 This city 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 City of Baconton, Georgia, and by that name shall have perpetual existence.

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**SECTION 1.11**  
Corporate boundaries.

32 (a) The boundaries of this city 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 this city at all times shall be shown on a map to be  
35 retained permanently in the City of Baconton City Hall and to be identified by the city  
36 clerk as Official Map of the Corporate Limits of the City of Baconton, Georgia. A  
37 photographic, typed, or other copy of such map or description certified by the City of  
38 Baconton shall be admitted as evidence in all courts and shall have the same force and  
39 effect as with the original map or description.

40 (b) The city council may provide for the redrawing of any such map by ordinance to reflect  
41 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.

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**SECTION 1.12.**  
Powers and construction.

45 (a) This city shall have all powers possible for a city 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. This city shall have all the powers of self-government not  
48 otherwise prohibited by this charter or by general law.

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

**SECTION 1.13.**

## Specific powers.

54 The city's powers shall include, but not be limited to, the following:

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

60 (2) Appropriations and Expenditures. To make appropriations for the support of the  
61 government of the city; to authorize the expenditure of money for any purposes  
62 authorized by this charter or for municipalities by the laws of the State of Georgia; and  
63 to provide for the payment of expenses of the city;

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

67 (4) Business Regulation and Taxation. To levy and to provide for the collection of  
68 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized  
69 by Title 48 of the Official Code of Georgia Annotated or other such applicable laws as  
70 are or may hereafter be enacted; to permit and regulate the same; to provide for the  
71 manner and method of payment of such regulatory fees and taxes; and to revoke such  
72 permits after due process for failure to pay any city taxes or fees;

73 (5) Condemnation. To condemn property inside or outside the corporate limits of the  
74 city for present or future use and for any corporate purpose deemed necessary by the  
75 governing authority, utilizing procedures as the same shall exist from time to time  
76 provided by the Official Code of Georgia Annotated;

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

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

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

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

- 125 (19) Municipal Property Protection. To provide for the preservation and protection of  
126 property and equipment of the city and the administration and use of same by the public,  
127 and to prescribe penalties and punishment for violations thereof;
- 128 (20) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell, and dispose  
129 of public utilities, including, but not limited to, a system of waterworks, sewers and  
130 drains, sewage disposal, gas works, electric light plants, cable television and other  
131 telecommunications, transportation facilities, public airports, and any other public utility;  
132 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 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or  
135 private property;
- 136 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to  
137 the authority of this charter and the laws of the State of Georgia;
- 138 (23) Planning and Zoning. To provide comprehensive city planning for development by  
139 zoning; and to provide subdivision regulation and the like as the city council deems  
140 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;
- 141 (24) Police and Fire Protection. To exercise the power of arrest through duly appointed  
142 police and to establish, operate, or contract for a police and a fire-fighting agency;
- 143 (25) Public Hazards: Removal. To provide for the destruction and removal of any  
144 building or other structure which is or may become dangerous or detrimental to the  
145 public;
- 146 (26) Public Improvements. To provide for the acquisition, construction, building,  
147 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,  
148 cemeteries, markets and market houses, public buildings, libraries, public housing,  
149 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,  
150 recreational, conservation, sport, curative, corrective, detention, penal, and medical  
151 institutions, agencies, and facilities; to provide any other public improvements, inside or  
152 outside the corporate limits of the city; to regulate the use of public improvements; and  
153 for such purposes, property may be acquired by condemnation under procedures provided  
154 by the Official Code of Georgia Annotated as the same shall exist from time to time;
- 155 (27) Public Peace. To provide for the prevention and punishment of drunkenness, riots,  
156 and public disturbances;
- 157 (28) Public Transportation. To organize and operate such public transportation systems  
158 as are deemed beneficial;
- 159 (29) Public Utilities and Services. To grant franchises or make contracts for or impose  
160 taxes on public utilities and public service companies; and to prescribe the rates, fares,  
161 regulations, standards, and conditions of service applicable to the service to be provided

162 by the franchise grantee or contractor, insofar as the same are not in conflict with valid  
163 regulations of the Public Service Commission;

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

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

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

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

186 (34) Solid Waste Disposal. To provide for the collection and disposal of garbage,  
187 rubbish, and refuse, and to regulate the collection and disposal of garbage, rubbish, and  
188 refuse by others; and to provide for the separate collection of glass, tin, aluminum,  
189 cardboard, paper, and other recyclable materials, and to provide for the sale of such  
190 items;

191 (35) Special Areas of Public Regulation. To regulate or prohibit junk dealers, pawn  
192 shops, the manufacture, sale, or transportation of intoxicating liquors, and the use and  
193 sale of firearms; to regulate the transportation, storage, and use of combustible, explosive,  
194 and inflammable materials, the use of lighting and hearing equipment, and any other  
195 business or situation which the city may deem to be dangerous to persons or property; to  
196 regulate and control the conduct of peddlers and itinerant traders and theatrical  
197 performances, exhibitions, and shows of any kind, by taxation or otherwise; and to

198 license, tax, regulate, or prohibit professional fortunetelling, palmistry, adult bookstores,  
 199 and massage parlors;

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

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

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

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

210 (40) Urban Redevelopment. To organize and operate an urban redevelopment program;  
 211 and

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

223 **SECTION 1.14.**

224 Exercise of powers.

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





261 Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;  
262 provided, however, that the office of mayor or councilmember shall become vacant upon  
263 the unexcused absence of the holder of the office from four consecutive regularly  
264 scheduled meetings of the city council. Excused absences shall be granted by a majority  
265 vote of the remaining city councilmembers and the mayor as provided in Section 2.21 of  
266 this charter and shall be entered upon the minutes of the council meeting.

267 (b) Filling of Vacancies. A vacancy in the office of mayor or councilmember shall be filled  
268 for the remainder of the unexpired terms, if any, by appointment by the remaining  
269 councilmembers if less than six months remain in the unexpired term, otherwise by an  
270 election, as provided for in Section 5.14 of this charter and in accordance with Titles 21  
271 and 45 of the Official Code of Georgia Annotated or other such laws as are or may  
272 hereafter be enacted.

273 **SECTION 2.13.**

274 Compensation and expenses.

275 The mayor and councilmembers shall receive compensation and expenses for their services  
276 as provided by ordinance.

277 **SECTION 2.14.**

278 Conflicts of interest.

279 (a) Elected and appointed officers of the city are trustees and servants of the residents of  
280 the city and shall act in a fiduciary capacity for the benefit of such residents.

281 (b) Neither the mayor nor any member of the city council shall vote upon, sign, or veto  
282 any ordinance, resolution, contract, or other matter in which that person is financially  
283 interested.

284 **SECTION 2.15.**

285 Inquiries and investigations.

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

292 **SECTION 2.16.**

293 General power and authority of the city council.

294 Except as otherwise provided by law or this charter, the city council shall be vested with all  
295 the powers of government of this city as provided by Article I of this charter.

296 **SECTION 2.17.**

297 Eminent domain.

298 The city council is hereby empowered to acquire, construct, operate, and maintain public  
299 ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,  
300 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports,  
301 hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional,  
302 penal, and medical institutions, agencies, and facilities and any other public improvements  
303 inside or outside the city and to regulate the use thereof; and for such purposes, property may  
304 be condemned under procedures established under general law applicable now or as provided  
305 in the future.

306 **SECTION 2.18.**

307 Organizational meetings.

308 The city council shall hold an organizational meeting at the first meeting in January  
309 following the regular election, as provided in Section 5.11 of this charter. The meeting shall  
310 be called to order by the city clerk, and the oath of office shall be administered to the  
311 newly-elected members as follows:

312 "I \_\_\_\_\_ do solemnly swear or affirm that I will properly perform the duties of  
313 the office of \_\_\_\_\_ in and for the City of Baconton, to the best of my  
314 knowledge, skill, and ability; that I am not the holder of any unaccounted for public  
315 money due to the State of Georgia or any political subdivision or authority thereof; that  
316 I am not the holder of any office of trust under the government of the United States, any  
317 other state, or any foreign state, which I am by the laws of the State of Georgia  
318 prohibited from holding; that I am qualified to hold the office which I am about to enter  
319 according to the Constitution and laws of Georgia; that I will support the Constitutions  
320 of the United States and the State of Georgia; that I have been a resident of the post  
321 from which elected and the City of Baconton for the time required by the Constitution  
322 and laws of the State of Georgia and the charter of the City of Baconton, so help me  
323 God."

324

**SECTION 2.19.**

325

## Regular and special meetings.

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

328 (b) Special meetings of the city council may be held on call of the mayor or three members  
329 of the city council. Notice of such special meetings shall be served on all other members  
330 personally, or by telephone personally, at least 24 hours in advance of the meeting. Such  
331 notice to councilmembers shall not be required if the mayor and all councilmembers are  
332 present when the special meeting is called. Such notice of any special meeting may be  
333 waived by a councilmember in writing before or after such a meeting, and attendance at the  
334 meeting shall also constitute a waiver of notice on any business transacted in such  
335 councilmembers presence. Only the business stated in the call may be transacted at the  
336 special meeting.

337 (c) All meetings of the city council shall be public to the extent required by law, and notice  
338 to the public of special meetings shall be made fully as is reasonably possible as provided  
339 by Code Section 50-14-1 of the Official Code of Georgia Annotated or other such  
340 applicable laws as are or may hereafter be enacted.

341

**SECTION 2.20.**

342

## Rules of procedure.

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

346 (b) All committees and committee chairs and officers of the city council shall be appointed  
347 by the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power  
348 to appoint new members to any committee at any time.

349

**SECTION 2.21.**

350

## Quorum; voting.

351 Three councilmembers other than the mayor shall constitute a quorum and shall be  
352 authorized to transact business of the city council. Voting on the adoption of ordinances  
353 shall be by oral vote, and the vote shall be recorded in the journal; but any member of the city  
354 council shall have the right to request a roll-call vote, and such vote shall be recorded in the  
355 journal. Except as otherwise provided in this charter, the affirmative vote of three

356 councilmembers or two councilmembers and the mayor shall be required for the adoption of  
 357 any ordinance, resolution, or motion. The mayor shall vote only in the event of a tie. An  
 358 abstention shall not be counted as either an affirmative or negative vote.

359 **SECTION 2.22.**

360 Ordinance form; procedures.

361 (a) Except as herein provided, every official action of the city council which is to become  
 362 law shall be by ordinance. Each proposed ordinance shall be introduced in writing and in  
 363 the form required for final adoption. No ordinance shall contain a subject which is not  
 364 expressed in its title. The enacting clause shall be "It is hereby ordained by the governing  
 365 authority of the City of Baconton," and every ordinance shall so begin.

366 (b) An ordinance may be introduced by a councilmember and be read at a regular or  
 367 special meeting of the city council. Ordinances shall be considered and adopted or rejected  
 368 by the city council in accordance with the rules which it shall establish. All ordinances  
 369 shall have two separate readings; provided, however, that the city council may dispense  
 370 with the second reading with unanimous consent of the members present. Emergency  
 371 ordinances, as provided in Section 2.24 of this charter, may be adopted on the same day  
 372 that they are introduced without dispensing with the second reading. Upon introduction  
 373 of any ordinance, the city clerk shall as soon as possible distribute a copy to the mayor and  
 374 to each councilmember and shall file a reasonable number of copies in the office of the city  
 375 clerk and at such other public places as the city council may designate.

376 **SECTION 2.23.**

377 Action requiring an ordinance.

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

379 **SECTION 2.24.**

380 Emergencies.

381 (a) To meet a public emergency affecting life, health, property, or public peace, the city  
 382 council may convene on call of the mayor or three councilmembers and promptly adopt an  
 383 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a  
 384 franchise; regulate the rate charged by any public utility for its services; or authorize the  
 385 borrowing of money except for loans to be repaid within 30 days. An emergency  
 386 ordinance shall be introduced in the form prescribed for ordinances generally, except that

387 it shall be plainly designated as an emergency ordinance and shall contain, after the  
 388 enacting clause, a declaration stating that an emergency exists and describing the  
 389 emergency in clear and specific terms. An emergency ordinance may be adopted, with or  
 390 without amendment, or rejected at the meeting at which it is introduced, but the affirmative  
 391 vote of at least three councilmembers shall be required for adoption. It shall become  
 392 effective upon adoption or at such later time as it may specify. Every emergency ordinance  
 393 shall automatically stand repealed 30 days following the date upon which it was adopted,  
 394 but this shall not prevent re-enactment of the ordinance in the manner specified in this  
 395 section if the emergency still exists. An emergency ordinance may also be repealed by  
 396 adoption of a repealing ordinance in the same manner specified in this section for adoption  
 397 of emergency ordinances.

398 (b) Such meetings shall be open to the public to the extent required by law, and notice to  
 399 the public of emergency meetings shall be made as fully as is reasonably possible in  
 400 accordance with Code Section 50-14-1 of the Official Code of Georgia Annotated, or such  
 401 other applicable laws as are or may hereafter be enacted.

#### 402 **SECTION 2.25.**

403 Codes of technical regulations.

404 (a) The city council may adopt any standard code of technical regulations by reference  
 405 thereto in an adopting ordinance. The procedure and requirements governing such  
 406 adopting ordinance shall be as prescribed for ordinances generally except that: (1) the  
 407 requirements of Section 2.22(b) of this charter for distribution and filing of copies of the  
 408 ordinance shall be construed to include copies of any code of technical regulations, as well  
 409 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as  
 410 well as the adopting ordinance, shall be authenticated and recorded by the city clerk  
 411 pursuant to Section 2.26 of this charter.

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

#### 414 **SECTION 2.26.**

415 Signing; authenticating; recording;  
 416 codification; printing.

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

419 (b) The city council shall provide for the preparation of a general codification of all the  
 420 ordinances of the city having the force and effect of law. The general codification shall be  
 421 adopted by the city council by ordinance and shall be published promptly, together with  
 422 all amendments thereto and such codes of technical regulations and other rules and  
 423 regulations as the city council may specify. This compilation shall be known and cited  
 424 officially as "The Code of the City of Baconton, Georgia." Copies of the code shall be  
 425 furnished to all officers, departments, and agencies of the city and made available for  
 426 purchase by the public at a reasonable price as fixed by the city council.

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

436 **SECTION 2.27.**

437 Chief executive officer.

438 The mayor shall be the chief executive of this city. The mayor shall possess all of the  
 439 executive and administrative power granted to the city under the Constitution and laws of the  
 440 State of Georgia and all the executive powers contained in this charter.

441 **SECTION 2.28.**

442 Powers and duties of mayor.

443 As the chief executive of this city, the mayor shall:

- 444 (1) See that all laws and ordinances of the city are faithfully executed;
- 445 (2) Recommend to the city council such measures relative to the affairs of the city,  
 446 improvement of the government, and promotion of the welfare of its inhabitants as the  
 447 mayor may deem expedient;
- 448 (3) Call special meetings of the city council as provided for in Section 2.19(b) of this  
 449 charter;
- 450 (4) Preside at all meetings of the city council and vote only in the event of a tie or when  
 451 an affirmative or negative vote by the mayor constitutes a majority of three votes;

- 452 (5) Provide for an annual audit of all accounts of the city;
- 453 (6) Require any department or agency of the city to submit written reports whenever the
- 454 mayor and council deems it expedient; and
- 455 (7) Perform such other duties as may be required by law, this charter, or by ordinance.

456 **SECTION 2.29.**

457 Mayor pro tempore; selection; duties.

458 At the first meeting in January of each year, the city council shall elect a councilmember to

459 serve as mayor pro tempore. In the mayor's absence, the mayor pro tempore shall preside

460 at meetings of the city council and shall assume the duties and powers of the mayor upon the

461 mayor's physical or mental disability, provided that the mayor pro tempore shall vote as a

462 member of the city council at all times when serving as herein provided.

463 **ARTICLE III**

464 **ADMINISTRATIVE AFFAIRS**

465 **SECTION 3.10.**

466 Administrative and service departments.

- 467 (a) Except as otherwise provided in this charter, the city council, by ordinance, shall
- 468 prescribe the functions and duties of and establish, abolish, alter, consolidate, or leave
- 469 vacant all nonelective offices, positions of employment, departments, and agencies of the
- 470 city, as necessary for the proper administration of the affairs and government of this city.
- 471 (b) Except as otherwise provided by this charter or by law, the directors of city
- 472 departments and other appointed officers of the city shall be appointed solely on the basis
- 473 of their respective administrative and professional qualifications.
- 474 (c) All appointed officers and directors of departments shall receive such compensation
- 475 as prescribed by ordinance.
- 476 (d) All appointed officers, directors, and department heads under the supervision of the
- 477 mayor and council shall be nominated by the mayor with confirmation of appointment by
- 478 the city council. All appointed officers, directors, and department heads shall be
- 479 employees-at-will and subject to removal or suspension at any time by the mayor and
- 480 council unless otherwise provided by law or ordinance.

481

**SECTION 3.11.**

482

## Boards, commissions, and authorities.

483

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

487

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

491

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

493

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

495

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

498

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

502

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

504

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

511



512 **SECTION 3.12.**

513 City attorney.

514 The city council shall appoint a city attorney, together with such assistant city attorneys as  
 515 may be authorized, and shall provide for the payment of such attorney or attorneys for  
 516 services rendered to the city. The city attorney shall be responsible for providing for the  
 517 representation and defense of the city in all litigation in which the city is a party; may be the  
 518 prosecuting officer in the municipal court; shall attend the meetings of the council as  
 519 directed; shall advise the city council, mayor, and other officers and employees of the city  
 520 concerning legal aspects of the city's affairs; and shall perform such other duties as may be  
 521 required by virtue of the person's position as city attorney.

522 **SECTION 3.13.**

523 City clerk.

524 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk  
 525 shall be custodian of the official city seal and city records; maintain city council records  
 526 required by this charter; and perform such other duties as may be required by the city  
 527 council.

528 **SECTION 3.14.**

529 Personnel policies.

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

532 **ARTICLE IV**

533 **JUDICIAL BRANCH**

534 **SECTION 4.10.**

535 Municipal court creation.

536 There shall be a court to be known as the Municipal Court of the City of Baconton.

537

**SECTION 4.11.**

538

Chief judge; associate judge.

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

541 (b) No person shall be qualified or eligible to serve as a judge on the municipal court  
542 unless that person shall have attained the age of 21 years and shall possess all qualifications  
543 required by law. All judges shall be appointed by the city council and shall serve until a  
544 successor is appointed and qualified.

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

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

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

552

**SECTION 4.12.**

553

Convening.

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

555

**SECTION 4.13.**

556

Jurisdiction; powers.

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

559 (b) The municipal court shall have authority to punish those in its presence for contempt,  
560 provided that such punishment shall not exceed \$500.00 or ten days in jail.

561 (c) The municipal court may fix punishment for offenses within its jurisdiction not  
562 exceeding a fine of \$1,000.00 or imprisonment for 180 days, or other such fine and  
563 imprisonment, or may fix punishment by fine, imprisonment, or alternative sentencing as  
564 now or hereafter provided by law.

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

- 568 (e) The municipal court shall have authority to establish bail and recognizance to ensure  
 569 the presence of those charged with violations before said court, and shall have discretionary  
 570 authority to accept cash or personal or real property as surety for the appearance of persons  
 571 charged with violations. Whenever any person shall give bail for that person's appearance  
 572 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge  
 573 presiding at such time, and an execution issued thereon by serving the defendant and the  
 574 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In  
 575 the event that cash or property is accepted in lieu of bond for security for the appearance  
 576 of a defendant at trial, and if such defendant fails to appear at the time and place fixed for  
 577 trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or  
 578 the property so deposited shall have a lien against it for the value forfeited which lien shall  
 579 be enforceable in the same manner and to the same extent as a lien for city property taxes.
- 580 (f) The municipal court shall have the same authority as superior courts to compel the  
 581 production of evidence in the possession of any party; to enforce obedience to its orders,  
 582 judgments, and sentences; and to administer such oaths as are necessary.
- 583 (g) The municipal court may compel the presence of all parties necessary to a proper  
 584 disposal of each case by the issuance of summonses, subpoenas, and warrants which may  
 585 be served as executed by any officer as authorized by this charter or by law.
- 586 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest  
 587 of persons charged with offenses against any ordinance of the city, and each judge of the  
 588 municipal court shall have the same authority as a magistrate of the state to issue warrants  
 589 for offenses against state laws committed within the city.

590 **SECTION 4.14.**

591 Certiorari.

592 The right of certiorari from the decision and judgment of the municipal court shall exist in  
 593 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under  
 594 the sanction of a judge of the Superior Court of Mitchell County under the laws of the State  
 595 of Georgia regulating the granting and issuance of writs of certiorari.

596 **SECTION 4.15.**

597 Rules for court.

598 With the approval of the city council, the judge of municipal court shall have full power and  
 599 authority to make reasonable rules and regulations necessary and proper to secure the  
 600 efficient and successful administration of the municipal court; provided, however, that the

601 city council may adopt in part or in total the rules and regulations applicable to municipal  
 602 courts. The rules and regulations made or adopted shall be filed with the city clerk, shall be  
 603 available for public inspection, and, upon request, a copy shall be furnished to all defendants  
 604 in municipal court proceedings at least 48 hours prior to said proceedings.

605 **SECTION 4.16.**

606 Indigent defense and prosecutor.

607 The mayor and council shall have the power to provide for a system of defense for indigent  
 608 persons charged in the municipal court of the City of Baconton with violations of ordinances  
 609 or state laws, and for the prosecution of such cases by a prosecutor. The city council is  
 610 further authorized to provide for the expense of indigent defense and prosecution by  
 611 prorating the estimated cost over all criminal cases disposed of by the court and bond  
 612 forfeitures in the criminal cases. A bond amount shall be imposed by the municipal court  
 613 judge and collected in all criminal cases. Bond forfeitures in such cases shall be collected  
 614 as costs in addition to fines, penalties, and all other costs.

615 **ARTICLE V**

616 **ELECTIONS AND REMOVAL**

617 **SECTION 5.10.**

618 Applicability of general law.

619 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title  
 620 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as now or  
 621 hereafter amended.

622 **SECTION 5.11.**

623 Regular elections; time for holding.

624 Beginning in 2015, and every four years thereafter, on the Tuesday following the first  
 625 Monday in November, there shall be an election for mayor and city councilmembers for  
 626 Council Districts 2 and 4. Beginning in 2017, and every four years thereafter, on the  
 627 Tuesday following the first Monday in November, there shall be an election for city  
 628 councilmembers for Council Districts 1, 3 and 5. The terms of office shall begin at the  
 629 organizational meeting as provided for in Section 2.18 of this charter.

630 **SECTION 5.12.**

631 Nonpartisan elections.

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

634 **SECTION 5.13.**

635 Election by majority.

636 The person receiving a majority of the votes cast in the city election for the office of mayor  
637 shall be elected. The person receiving a majority of the votes cast in the city election for  
638 each of the city council districts shall be elected to the position of councilmember from their  
639 respective district.

640 **SECTION 5.14.**

641 Special elections; vacancies.

642 In the event that the office of mayor or councilmember shall become vacant as provided in  
643 Section 2.12 of this charter, the city council or those remaining shall appoint a successor for  
644 the remainder of the term if less than six months remain in the term. In all other respects, the  
645 special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the  
646 Official Code of Georgia Annotated, the "Georgia Election Code," as now or hereafter  
647 amended.

648 **SECTION 5.15.**

649 Other provisions.

650 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe  
651 such rules and regulations it deems appropriate to fulfill any obligations and duties under the  
652 Georgia Election Code.

653 **SECTION 5.16.**

654 Removal of officers.

655 (a) The mayor, councilmembers, or other appointed officers provided for in this charter  
656 shall be removed from office for any one or more of the causes provided in Title 45 of the

657 Official Code of Georgia Annotated or such other applicable laws as are or may hereafter  
658 be enacted.

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

661 (1) Following a hearing at which an impartial panel shall render a decision. In the event  
662 an elected officer is sought to be removed by the action of the city council, such officer  
663 shall be entitled to a written notice specifying the ground or grounds for removal and to  
664 a public hearing which shall be held not less than ten days after the service of such  
665 written notice. The city council shall provide by ordinance for the manner in which such  
666 hearings shall be held. Any elected officer sought to be removed from office as provided  
667 in this paragraph shall have the right of appeal from the decision of the city council to the  
668 Superior Court of Mitchell County. Such appeal shall be governed by the same rules as  
669 govern appeals to the superior court from the probate court; or

670 (2) By an order of the Superior Court of Mitchell County following a hearing on a  
671 complaint seeking such removal brought by any resident of the City of Baconton.

672 **ARTICLE VI**  
673 **FINANCE**  
674 **SECTION 6.10.**  
675 **Property tax.**

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

682 **SECTION 6.11.**  
683 **Millage rate; due dates; payment methods.**

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

688

**SECTION 6.12.**

689

Occupation and business taxes.

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

694

**SECTION 6.13.**

695

Regulatory fees; permits.

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

701

**SECTION 6.14.**

702

Franchises.

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

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

719 **SECTION 6.15.**

720 Service charges.

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

726 **SECTION 6.16.**

727 Special assessments.

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

733 **SECTION 6.17.**

734 Construction; other taxes and fees.

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

738 **SECTION 6.18.**

739 Collection of delinquent taxes and fees.

740 (a) The city council shall have the power and authority to provide by ordinance for the  
 741 collection from delinquent taxpayers, in addition to all other sums, of the costs of collection  
 742 and the costs of levy preparation and execution procedures, and to add such sums to the  
 743 amounts due on tax executions. The costs of levy preparation and execution procedures  
 744 shall include, but without limitation, the cost of title searches, name and address  
 745 verifications, legal fees, and all other levy and enforcement costs of every kind.

746 (b) The city council shall have the power and authority to provide by ordinance for the  
 747 employment by the city clerk of agencies to assist in the collection of delinquent taxes and  
 748 in tax execution levy preparation and enforcement procedures, to provide for the payment



749 of the costs of such agencies by the delinquent taxpayer, and to provide for the costs of  
750 such agencies to be added to the amounts due on tax executions.

751 (c) Executions for any and all taxes or licenses, or demands of any sort due the city or its  
752 corporate authorities by any person, firm, or corporation, or against any property subject  
753 thereto, shall be issued by the clerk, be signed by him or her, bear teste in the name of the  
754 mayor, and be directed to the chief of police of the city and his or her deputies and all and  
755 singular the sheriffs, deputy sheriffs, and constables of this state, commanding them that  
756 of any property belonging to the defendant against whom said execution is issued, or of  
757 certain property described in the execution, they make by levy and sale the amount due on  
758 the execution with all costs.

759 (d) Except as otherwise provided by this charter, all executions issued by the city clerk for  
760 taxes, license fees, special assessments, fines, or forfeitures due the city shall be governed  
761 by the laws governing executions for state and county taxes, and shall be subject to all  
762 presumptions of law and fact which apply to executions for state and county taxes.

763 **SECTION 6.19.**

764 General obligation bonds.

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

769 **SECTION 6.20.**

770 Revenue bonds.

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

774 **SECTION 6.21.**

775 Short-term loans.

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

778 **SECTION 6.22.**

779 Lease-purchase contracts.

780 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the  
 781 acquisition of goods, materials, real and personal property, services, and supplies, provided  
 782 that the contract terminates without further obligation on the part of the municipality at the  
 783 close of the calendar year in which it was executed and at the close of each succeeding  
 784 calendar year for which it may be renewed. Contracts must be executed in accordance with  
 785 the requirements of Code Section 36-60-13 of the Official Code of Georgia Annotated or  
 786 other such applicable laws as are or may hereafter be enacted.

787 **SECTION 6.23.**

788 Fiscal year.

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

792 **SECTION 6.24.**

793 Preparation of budgets.

794 The city council shall provide an ordinance on the procedures and requirements for the  
 795 preparation and execution of an annual operating budget, a capital improvement plan, and  
 796 a capital budget, including requirements as to the scope, content, and form of such budgets  
 797 and plans.

798 **SECTION 6.25.**

799 Submission of operating budget to city council.

800 On or before a date fixed by the city council, but not later than 60 days prior to the beginning  
 801 of each fiscal year, the mayor shall submit to the city council a proposed operating budget  
 802 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor  
 803 containing a statement of the general fiscal policies of the city, the important features of the  
 804 budget, explanations of major changes recommended for the next fiscal year, a general  
 805 summary of the budget, and such other pertinent comments and information. The operating  
 806 budget and the capital budget required by this article, the budget message, and all supporting  
 807 documents shall be filed in the office of the city clerk and shall be open to public inspection.

808

**SECTION 6.26.**

809

Action by city council on budget.

810 (a) The city council may amend the operating budget proposed by the mayor, except that  
811 the budget as finally amended and adopted must provide for all expenditures required by  
812 state law or by other provisions of this charter and for all debt service requirements for the  
813 ensuing fiscal year, and the total appropriations from any fund shall not exceed the  
814 estimated fund balance, reserves, and revenues.

815 (b) The city council, by ordinance, shall adopt the final operating budget for the ensuing  
816 fiscal year not later than the first day of fiscal year. If the city council fails to adopt the  
817 budget by this date, the amounts appropriated for operation for the past fiscal year shall be  
818 deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items  
819 prorated accordingly until such time as the city council adopts a budget for the ensuing  
820 fiscal year. Adoption of the budget shall take the form of an appropriations ordinance  
821 setting out the estimated revenues in detail by sources and making appropriations according  
822 to fund and by organizational unit, purpose, or activity as set out in the budget preparation  
823 ordinance adopted pursuant to Section 6.24 of this charter.

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

828

**SECTION 6.27.**

829

Tax levies.

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

836

**SECTION 6.28.**

837

Changes in appropriations.

838 The city council, by ordinance, may make changes in the appropriations contained in the  
839 current operating budget, at any regular meeting or special or emergency meeting called for

840 such purpose, but any additional appropriations may be made only from an existing  
841 unexpended surplus.

842 **SECTION 6.29.**

843 Independent audit.

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

849 **SECTION 6.30.**

850 Contracting procedures.

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

852 (1) It is in writing;

853 (2) It is drawn by or submitted and reviewed by the city attorney, and as a matter of  
854 course, is signed by the city attorney to indicate such drafting or review; and

855 (3) It is made or authorized by the city council, and such approval is entered in the city  
856 council journal of proceedings pursuant to Section 2.21 of this charter.

857 **SECTION 6.31.**

858 Centralized purchasing.

859 The city council, by ordinance, shall prescribe procedures for a system of centralized  
860 purchasing for the city.

861 **SECTION 6.32.**

862 Sale and lease of city property.

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

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

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

881 **ARTICLE VII**

882 **GENERAL PROVISIONS**

883 **SECTION 7.10.**

884 Bonds for officials.

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

888 **SECTION 7.11.**

889 Prior ordinances.

890 All ordinances, resolutions, rules, and regulations now in force in the city and not  
 891 inconsistent with this charter are hereby declared valid and of full effect and force until  
 892 amended or repealed by the city council.

893 **SECTION 7.12.**

894 Existing personnel and officers.

895 Except as specifically provided otherwise by this charter, all personnel and officers of the  
 896 city and their rights, privileges, and powers shall continue beyond the time this charter takes  
 897 effect for a period of 180 days before or during which the existing city council shall pass a  
 898 transition ordinance detailing the changes in personnel and appointed officers required or

899 desired and arranging such titles, rights, privileges, and powers as may be required or desired  
900 to allow a reasonable transition.

901 **SECTION 7.13.**

902 Pending matters.

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

907 **SECTION 7.14.**

908 Construction.

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

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

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

914 **SECTION 7.15.**

915 Severability.

916 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be  
917 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect  
918 nor impair other parts of this charter unless it clearly appears that such other parts are wholly  
919 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the  
920 legislative intent in enacting this charter that each article, section, subsection, paragraph,  
921 sentence, or part thereof be enacted separately and independent of each other.

922 **SECTION 7.16.**

923 Specific repealer.

924 An Act incorporating the City of Baconton in the County of Mitchell, State of Georgia,  
925 approved February 13, 1976 (Ga. L. 1976, p. 2552), is hereby repealed in its entirety; and all  
926 amendatory acts thereto are likewise repealed in their entirety.

927 **SECTION 7.17.**

928 Effective date.

929 This charter shall become effective on July 1, 2014.

930 **SECTION 7.18.**

931 General repealer.

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