

House Bill 1129

By: Representative Pezold of the 133rd

A BILL TO BE ENTITLED
AN ACT

1 To provide for a new charter for the City of Hamilton; to provide for incorporation, corporate
2 boundaries, municipal powers, and exercise of powers; to provide for a government structure
3 of such city including creation, number, and election of the city council; to provide for
4 councilmembers' terms and qualifications for office; to provide procedures for elections,
5 vacancies in office, filling of vacancies, and nonpartisan elections; to provide for election by
6 majority; to provide for compensation and expenses; to provide rules regarding conflicts of
7 interest and the holding of other offices; to provide for inquiries and investigations; to
8 provide general powers and authority of the city council; to provide for eminent domain; to
9 provide for organizational meetings; to provide for regular and special meetings; to provide
10 for rules of procedure; to provide for quorum and voting; to provide for ordinance form and
11 procedures; to provide for action requiring an ordinance; to provide for emergencies; to
12 provide for codes of technical regulation; to provide for ordinance book, codification of
13 ordinances, and availability of laws; to provide for a city manager and appointment and
14 qualifications; to provide for an acting city manager; to provide for the powers and duties of
15 the city manager; to prohibit council interference with administration; to provide for
16 authority of the city manager in public emergencies; to provide compensation for the city
17 manager; to provide for the election of the mayor; to provide for a mayor pro tempore; to
18 provide for the powers and duties of the mayor; to define the position of mayor pro tempore;
19 to provide for the administrative affairs of the city; to create boards, commissions, and
20 authorities of the city; to provide for a city clerk; to provide for a city attorney; to provide for
21 personnel policies; to provide for a judicial branch including a municipal court and judges
22 of that court; to provide for the convening of court; to establish certiorari; to provide for rules
23 of the municipal court; to provide for the finance of the city; to provide for property taxes;
24 to provide for a millage rate; to provide for occupation taxes and regulatory fees; to provide
25 for licenses and permits; to provide for franchises; to provide for service fees; to provide for
26 other taxes; to provide for the collection of delinquent taxes; to provide for borrowing; to
27 provide for revenue bonds; to provide for loans; to provide for accounting and budgeting; to
28 provide for a budget ordinance; to provide for an operating budget; to provide for adoption

of the budget; to provide for the levy of taxes; to provide for changes in the budget; to provide for capital improvements; to provide for audits; to provide for procurement and property management; to provide for purchasing; to provide for sale of property; to provide for deposits; to provide for bonds for officials; to provide for the validity of existing ordinances, resolutions, rules, and regulations of the city; to provide for charter language on other general matters; to provide for definitions and construction; to provide for specific repealer; to provide an effective date; to provide a general repealer; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I

INCORPORATION AND POWERS

SECTION 1.10.

Name.

This city and the inhabitants thereof are reincorporated by the enactment of this charter and are hereby constituted and declared a body politic and corporate under the name and style City of Hamilton, Georgia, and by that name shall have perpetual succession.

SECTION 1.11.

Corporate boundaries.

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

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

SECTION 1.12.**Powers and construction.**

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

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

SECTION 1.13.**Exercise of powers.**

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

ARTICLE II**GOVERNMENT STRUCTURE****SECTION 2.10.****City council creation; number; election.**

The legislative authority of the government of this city, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of a mayor and councilmembers. The city council established shall in all respects be a successor to and continuation of the governing authority under prior law. The mayor and councilmembers shall be elected in the manner provided by general law and this charter.

SECTION 2.11.**City council terms and qualifications for office.**

The mayor and members of the city council shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or councilmember unless that person shall have been a resident of the city for 12 months prior to the date of election of mayor or members of the council; each shall continue to reside

87 therein during that member's period of service and to be registered and qualified to vote in
88 municipal elections of this city.

89 **SECTION 2.12.**

90 Vacancy; filling of vacancies.

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

95 (b) Filling of vacancies - A vacancy in the office of mayor or councilmember shall be filled
96 for the remainder of the unexpired term, if any, by appointment by the city council or those
97 members remaining if less than 12 months remains in the unexpired term. If such vacancy
98 occurs 12 months or more prior to the expiration of the term of that office, it shall be filled
99 for the remainder of the unexpired term by a special election, as provided for in Section 5.14
100 of this charter and in accordance with Titles 21 and 45 of the O.C.G.A., or other such laws
101 as are or may hereafter be enacted.

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

104 **SECTION 2.13.**

105 Compensation and expenses.

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

108 **SECTION 2.14.**

109 Holding other office; voting when financially interested.

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

112 (b) Except as authorized by law, the mayor or any councilmember shall not hold any other
113 city office or city employment during the term for which that person was elected.

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

SECTION 2.15.

Inquiries and investigations.

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

SECTION 2.16.

General power and authority of the city council.

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

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

SECTION 2.17.

Eminent domain.

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

SECTION 2.18.**Meetings.**

The city council shall hold regular meetings on the second Monday of each calendar month as such times as may be determined by the city. The meeting shall be called to order by the mayor and the oath of office shall be administered to any newly elected members by a judicial officer authorized to administer oaths and shall, to the extent that it comports with federal and state law, be as follows:

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

I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the Constitution and laws of Georgia. I have been a resident of the City of Hamilton for the time required by the Constitution and laws of this state and by the municipal charter. I will perform the duties of my office in the best interest of the City of Hamilton to the best of my ability without fear, favor, affection, reward, or expectation thereof."

SECTION 2.19.**Regular and special meetings.**

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

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

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

182 **SECTION 2.20.**

183 Rules of procedure.

184 (a) The city council shall adopt its rules of procedure and order of business consistent with
185 the provisions of this charter and shall provide for keeping a journal of its proceedings, which
186 shall be a public record.
187 (b) All committees and committee chairs and officers of the city council shall be appointed
188 by the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power
189 to appoint new members to any committee at any time.

190 **SECTION 2.21.**

191 Quorum; voting.

192 (a) Three of the elected officials shall constitute a quorum and shall be authorized to transact
193 business of the city council. Voting on the adoption of ordinances shall be by voice vote and
194 the vote shall be recorded in the journal, but any member of the city council shall have the
195 right to request a roll call vote and such vote shall be recorded in the journal. Except as
196 otherwise provided in this charter, the affirmative vote of three councilmembers, including
197 the vote of the mayor, shall be required for the adoption of any ordinance, resolution, or
198 motion.
199 (b) No member of the city council shall abstain from voting on any matter properly brought
200 before the council for official action except when such councilmember has a conflict of
201 interest which is disclosed in writing prior to or at the meeting and made a part of the
202 minutes. Any member of the city council present and eligible to vote on a matter and
203 refusing to do so for any reason other than a properly disclosed and recorded conflict of
204 interest shall be deemed to have acquiesced or concurred with the members of the majority
205 who did vote on the question involved.

SECTION 2.22.

Ordinance form; procedures.

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

(b) An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided in Section 2.24 of this charter. Upon introduction of any ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

SECTION 2.23.

Action requiring an ordinance.

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

SECTION 2.24.

Emergencies.

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

reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

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

SECTION 2.25.

Codes of technical regulations.

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

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

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

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

SECTION 2.26.

Signing; authenticating; recording; codification; printing.

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

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

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

SECTION 2.27.

City manager; appointment; qualifications; compensation.

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

SECTION 2.28.

Removal of city manager.

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

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

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

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

302 (b) The manager may continue to receive a salary until the effective date of a final resolution
303 of removal.

304 **SECTION 2.29.**

305 Acting city manager.

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

312 **SECTION 2.30.**

313 Powers and duties of the city manager.

314 The city manager shall be responsible to the city council for the administration of all city
315 affairs placed in the manager's charge by or under this charter. The manager shall:

316 (1) Appoint and, when the manager deems it necessary for the good of the city, suspend
317 or remove all city employees and administrative officers the manager appoints, except
318 as otherwise provided by law or personnel ordinances adopted pursuant to this charter.
319 The manager may authorize any administrative officer who is subject to the manager's
320 direction and supervision to exercise the following powers with respect to subordinates
321 in that officer's department, office or agency;

322 (2) Direct and supervise the administration of all departments, offices and agencies of
323 the city, except as otherwise provided by this charter or by law;

324 (3) Attend all city council meetings except for closed meetings held for the purposes of
325 deliberating on the appointment, discipline or removal of the city manager and have the
326 right to take part in discussion but not vote;

327 (4) See that all laws, provisions of this charter, and acts of the city council, subject to
328 enforcement by the manager or by officers subject to the manager's direction and
329 supervision, are faithfully executed;

330 (5) Prepare and submit the annual operating budget and capital budget to the city
331 council;

332 (6) Submit to the city council and make available to the public a complete report on the
333 finances and administrative activities of the city as of the end of each fiscal year;

(7) Make such other reports as the city council may require concerning the operations of city departments, offices and agencies subject to the manager's direction and supervision;

(8) Keep the city council fully advised as to the financial condition and future needs of the city, and make such recommendations to the city council concerning the affairs of the city as the manager deems desirable; and

(9) Perform other such duties as are specified in this charter or as may be required by the city council.

SECTION 2.31.

Council interference with administration.

Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the city council or its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager initially, and if the officers or employee meets with a member or the city council, such interview shall include the manager so that both parties are represented at any such meeting. Neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately, without consultation with the city manager, and the authority of the city manager shall not be abrogated.

SECTION 2.32.

Selection of mayor and mayor pro tem.

At each regular election the voters of the city shall elect a mayor at large for a term of four years and until a successor is elected and qualified. The mayor shall be a qualified elector of this city and shall have been a resident of the city for 12 months prior to the election. The mayor shall continue to reside in this city during the period of service. The mayor shall forfeit the office on the same grounds and under the same procedure as for councilmembers. The compensation of the mayor shall be established in the same manner as for councilmembers. The council shall elect from among its members a mayor pro tem who shall act as mayor during the absence or disability of the mayor, but shall only vote once on matters before the council, and, if a vacancy occurs, shall become mayor for the remainder of the expired term.

SECTION 2.33.

Powers and duties of mayor.

The mayor shall:

- (1) Preside at all meetings of the city council;
- (2) Be the head of the city for the purpose of service of process and for ceremonial purposes, and be the official spokesperson for the city and the chief advocate of policy;
- (3) Have power to administer oaths and to take affidavits; and
- (4) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances and other instruments executed by the city which by law are required to be in writing.

SECTION 2.34.

Position of mayor pro tem.

During the absence or physical or mental disability of the mayor for any cause, the mayor pro tem, or in the mayor pro tem's absence or disability for any reason, any one of the councilmembers chosen by a majority vote of the city council, shall be clothed with all the rights and privileges of the mayor and shall perform the duties of the office of the mayor so long as such absence or disability shall continue. Any such absence or disability shall be declared by majority vote of all councilmembers. The mayor pro tem or selected councilmember shall sign all contracts and ordinances in which the mayor has a disqualifying financial interest as provided in Section 2.14 of this charter. When acting as mayor, the mayor pro tem shall continue to have only one vote as a member of the council.

SECTION 2.35.

Chief executive officer.

The mayor shall be the chief executive of this city. The mayor shall possess all of the executive and administrative power granted to the city under the constitution and laws of the State of Georgia, and all the executive and administrative powers contained in this charter excepting only the designated powers and responsibilities assigned heretofore.

SECTION 2.36.

Powers and duty of mayor.

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

- 394 (1) See that all laws and ordinances of the city are faithfully executed;
395 (2) Recommend to the city council such measures relative to the affairs of the city,
396 improvement of the government, and promotion of the welfare of its inhabitants as the
397 mayor may deem expedient;
398 (3) Call special meeting of the city council as provided for in subsection (b) of
399 Section 2.19 of this charter;
400 (4) Approve or disapprove ordinances as provided for in Section 2.37 of this charter;
401 (5) Provide for an annual audit of all accounts of the city;
402 (6) Require any department or agency of the city to submit written reports whenever the
403 mayor deems it expedient; and
404 (7) Perform such other duties as may be required by law, this charter, or by ordinance.

405 **SECTION 2.37.**

406 Submission of ordinances to the mayor; veto power.

- 407 (a) Every ordinance adopted by the city council shall be presented promptly by the clerk to
408 the mayor.
409 (b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the clerk
410 with or without the mayor's approval, or with the mayor's disapproval. If the ordinance has
411 been approved by the mayor, it shall become law upon its return to the clerk; if the ordinance
412 is neither approved nor disapproved, it shall become law at twelve o'clock noon on the tenth
413 calendar day after its adoption; if the ordinance is disapproved, the mayor shall submit to the
414 city council through the clerk a written statement of reasons for the veto. The clerk shall
415 record upon the ordinance the date of its delivery to and receipt from the mayor.
416 (c) Ordinances vetoed by the mayor shall be presented by the clerk to the city council at its
417 next meeting. If the city council then or at its next meeting adopts the ordinance by an
418 affirmative vote of three members, it shall become law.
419 (d) The mayor may disapprove or reduce any item or items of appropriation in any
420 ordinance. The approved part or parts of any ordinance making appropriations shall become
421 law, and the part or parts disapproved shall not become law unless subsequently passed by
422 the city council over the mayor's veto as provided herein. The reduced part or parts shall be
423 presented to the city council as though disapproved and shall not become law unless
424 overridden by the council as provided in subsection (c) of this section.

ARTICLE III**ADMINISTRATIVE AFFAIRS****SECTION 3.10.**

Administrative and service departments.

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

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

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

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

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

SECTION 3.11.

Boards, commissions and authorities.

(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.

(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.

(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.

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

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

463 (f) No member of a board, commission or authority shall assume office until that person has
464 executed and filed with the clerk of the city an oath obligating himself to faithfully and
465 impartially perform the duties of that agency.

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

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

476 **SECTION 3.12.**

477 City attorney.

478 The city council and mayor shall appoint a city attorney, together with such assistant city
479 attorneys as may be authorized, and shall provide for the payment of such attorney or
480 attorneys for services rendered to the city. The city attorney shall be responsible for
481 providing for the representation and defense of the city in all litigation in which the city is
482 a party; may be the prosecuting officer in the municipal court; shall attend the meetings of
483 the council as directed; shall advise the city council, mayor, and other officers and employees
484 of the city concerning legal aspects of the city's affairs; and shall perform such other duties
485 as may be required by virtue of the person's position as city attorney. The city attorney is not
486 a public official of the city and does not take an oath of office. The city attorney shall at all
487 times be an independent contractor. A law firm, rather than an individual, may be designated
488 as the city attorney.

489 **SECTION 3.13.**

490 City clerk.

491 The city council and mayor shall appoint a city clerk who shall not be a councilmember. The
492 city clerk shall be custodian of the official city seal and city records; maintain city council
493 records required by this charter; and perform such other duties as may be required by the city
494 council.

495 **SECTION 3.14.**

496 Position classification and pay plans.

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

504 **SECTION 3.15.**

505 Personnel policies.

506 All employees serve at-will and may be removed from office at any time unless otherwise
507 provided by ordinance or in this charter.

508 **ARTICLE IV**

509 **JUDICIAL BRANCH**

510 **SECTION 4.10.**

511 Creation; name.

512 There shall be a court to be known as the Municipal Court of Hamilton for the City of
513 Hamilton.

SECTION 4.11.

Chief judge; associate judge.

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

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

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

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

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

SECTION 4.12.

Convening.

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

SECTION 4.13.

Jurisdiction; powers.

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

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

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

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

545 (e) The municipal court shall have authority to establish bail and recognizances to ensure
546 the presence of those charged with violations before said court, and shall have discretionary
547 authority to accept cash or personal or real property as surety for the appearance of persons
548 charged with violations. Whenever any person shall give bail for that person's appearance
549 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
550 presiding at such time, and an execution issued thereon by serving the defendant and the
551 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the
552 event that cash or property is accepted in lieu of bond for security for the appearance of a
553 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
554 the cash so deposited shall be on order of the judge declared forfeited to the city, or the
555 property so deposited shall have a lien against it for the value forfeited which lien shall be
556 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

567 **SECTION 4.14.**

568 Certiorari.

569 The right of certiorari from the decision and judgment of the municipal court shall exist in
570 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
571 the sanction of a judge of the Superior Court of Harris County under the laws of the State of
572 Georgia regulating the granting and issuance of writs of certiorari.

573 **SECTION 4.15.**

574 Rules for court.

575 With the approval of the city council, the judge shall have full power and authority to make
576 reasonable rules and regulations necessary and proper to secure the efficient and successful
577 administration of the municipal court; provided, however, that the city council may adopt in

578 part or in toto the rules and regulations applicable to municipal courts. The rules and
579 regulations made or adopted shall be filed with the city clerk, shall be available for public
580 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court
581 proceedings at least 48 hours prior to said proceedings.

582 **ARTICLE V**
583 **ELECTIONS AND REMOVAL**
584 **SECTION 5.10.**
585 **Applicability of general law.**

586 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title
587 21 of the O.C.G.A., the "Georgia Election Code" as now or hereafter amended.

588 **SECTION 5.11.**
589 **Election of the city council and mayor.**

590 (a) There shall be a municipal general election biennially in the odd years on the Tuesday
591 next following the first Monday in November.
592 (b) There shall be elected the mayor and two councilmembers at one election and at every
593 other regular election thereafter. The remaining city council seats shall be filled at the
594 election alternating with the first election so that a continuing body is created. Terms shall
595 be for four years.

596 **SECTION 5.12.**
597 **Nonpartisan elections.**

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

600 **SECTION 5.13.**
601 **Election by plurality.**

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

603

SECTION 5.14.

604

Special elections; vacancies.

605

606

607

In the event that the office of mayor or councilmember shall become vacant as provided in Section 2.12 of this charter, the city council or those remaining shall appoint a successor for the remainder of the officer's term or until the next general election, whichever comes first.

608

SECTION 5.15.

609

Other provisions.

610

611

612

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

613

SECTION 5.16.

614

Removal of officers.

615

616

617

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

618

619

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

620

621

622

623

624

625

626

627

628

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

629

630

(2) By an order of the Superior Court of Harris County following a hearing on a complaint seeking such removal brought by any resident of the city of Hamilton, Georgia.

631 ARTICLE VI
632 FINANCE
633 **SECTION 6.10.**
634 Property tax.

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

641 **SECTION 6.11.**
642 Millage rate; due dates; payment methods.

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

647 **SECTION 6.12.**
648 Occupation and business taxes.

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

653 **SECTION 6.13.**
654 Regulatory fees; permits.

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

SECTION 6.14.

Franchises.

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

(b) If no franchise agreement is in effect, the city council has the authority to impose a tax on gross receipts for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies and other similar organizations franchises; provided, however, no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city receives just and adequate compensation therefor. The city council shall provide for the registration of all franchises with the city clerk in a registration book kept by the clerk. The city council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

SECTION 6.15.

Service charges.

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

689 **SECTION 6.16.**

690 Special assessments.

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

695 **SECTION 6.17.**

696 Construction; other taxes and fees.

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

700 **SECTION 6.18.**

701 Collection of delinquent taxes and fees.

702 The city council, by ordinance, may provide generally for the collection of delinquent taxes,
703 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
704 whatever reasonable means as are not precluded by law. This shall include providing for the
705 dates when the taxes or fees are due; late penalties or interest; issuance and execution of
706 fi.fa.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the
707 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any
708 city taxes or fees; and providing for the assignment or transfer of tax executions.

709 **SECTION 6.19.**

710 General obligation bonds.

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

715 **SECTION 6.20.**

716 Revenue bonds.

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

720 **SECTION 6.21.**

721 Short-term loans.

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

724 **SECTION 6.22.**

725 Lease-purchase contracts.

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

733 **SECTION 6.23.**

734 Fiscal year.

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

739 **SECTION 6.24.**

740 Preparation of budgets.

741 The city council shall provide an ordinance on the procedures and requirements for the
742 preparation and execution of an annual operating budget, a capital improvement plan and a

743 capital budget, including requirements as to the scope, content and form of such budgets and
744 plans.

745 **SECTION 6.25.**

746 Submission of operating budget to city council.

747 On or before a date fixed by the city council but not later than 45 days prior to the beginning
748 of each fiscal year, the city manager shall submit to the city council a proposed operating
749 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
750 mayor and city manager containing a statement of the general fiscal policies of the city, the
751 important features of the budget, explanations of major changes recommended for the next
752 fiscal year, a general summary of the budget, and such other pertinent comments and
753 information. The operating budget and the capital budget hereinafter provided for, the
754 budget message, and all supporting documents shall be filed in the office of the city clerk and
755 shall be open to public inspection.

756 **SECTION 6.26.**

757 Action by city council on budget.

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

763 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
764 year not later than the eighth day of December of each year. If the city council fails to adopt
765 the budget by this date, the amounts appropriated for operation for the current fiscal year
766 shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items
767 prorated accordingly until such time as the city council adopts a budget for the ensuing fiscal
768 year. Adoption of the budget shall take the form of an appropriations ordinance setting out
769 the estimated revenues in detail by sources and making appropriations according to fund and
770 by organizational unit, purpose, or activity as set out in the budget preparation ordinance
771 adopted pursuant to Section 6.24 of this charter.

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

776 **SECTION 6.27.**

777 Tax levies.

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

784 **SECTION 6.28.**

785 Changes in appropriations.

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

790 **SECTION 6.29.**

791 Capital budget.

792 (a) On or before the date fixed by the city council but no later than 45 days prior to the
793 beginning of each fiscal year, the city manager shall submit to the city council a proposed
794 capital improvements plan with a recommended capital budget containing the means of
795 financing the improvements proposed for the ensuing fiscal year. The city council shall have
796 power to accept, with or without amendments, or reject the proposed plan and proposed
797 budget. The city council shall not authorize an expenditure for the construction of any
798 building, structure, work or improvement, unless the appropriations for such project are
799 included in the capital budget, except to meet a public emergency as provided in Section 2.24
800 of this charter.

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

808 **SECTION 6.30.**

809 Independent audit.

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

815 **SECTION 6.31.**

816 Contracting procedures.

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

- 818 (1) It is in writing;
- 819 (2) It is drawn by or submitted to and reviewed by the city attorney, and as a matter of
820 course, is signed by the city attorney to indicate such drafting or review; and
- 821 (3) It is made or authorized by the city council and such approval is entered in the city
822 council journal of proceedings pursuant to Section 2.21 of this charter.

823 **SECTION 6.32.**

824 Centralized purchasing.

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

827 **SECTION 6.33.**

828 Sale and lease of city property.

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

831 **ARTICLE VII**
832 **SECTION 7.10.**
833 Bonds for officials.

834 The officers and employees of this city, both elective and appointive, shall execute such
835 surety or fidelity bonds in such amounts and upon such terms and conditions as the city
836 council shall from time to time require by ordinance or as may be provided by law.

837 **SECTION 7.11.**
838 Existing ordinances, resolutions, rules and regulations.

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

842 **SECTION 7.12.**
843 Existing personnel and officers.

844 Except as specifically provided otherwise by this charter, all personnel and officers of the
845 city and their rights, privileges and powers shall continue beyond the time this charter takes
846 effect for a period of 45 days before or during which the existing city council shall pass a
847 transition ordinance detailing the changes in personnel and appointive officers required or
848 desired and arranging such titles, rights, privileges and powers as may be required or desired
849 to allow a reasonable transition.

850 **SECTION 7.13.**
851 Pending matters.

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

856 **SECTION 7.14.**

857 Construction.

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

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

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

863 **SECTION 7.15.**

864 Severability.

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

871 **SECTION 7.16.**

872 Repealer.

873 An Act incorporating the City of Hamilton in the County of Harris, approved March 6, 1964
874 (Ga. L. 1964, p. 2601), is repealed in its entirety and all amendatory acts thereto are likewise
875 repealed in their entirety. All other laws and parts of laws in conflict with this charter are
876 hereby repealed.

877

APPENDIX

878

Examples of powers from Section 1.12.

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

884 (b) Appropriations and expenditures. To make appropriations for the support of the
885 government of the city; to authorize the expenditure of money for any purposes authorized
886 by this charter and for any purpose for which a municipality is authorized by the laws of the
887 State of Georgia; and to provide for the payment of expenses of the city;

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

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

897 (e) Condemnation. To condemn property, inside or outside the corporate limits of the city,
898 for present or future use and for any corporate purpose deemed necessary by the governing
899 authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. 41, 77 S.E.2d 740
900 (1953). 67 City of Sandy Springs Charter Art. 1, Para. 3.18 Annotated, or such other
901 applicable laws as are or may hereafter be enacted;

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

904 (g) Emergencies. To establish procedures for determining and proclaiming that an
905 emergency situation exists within or without the city, and to make and carry out all
906 reasonable provisions deemed necessary to deal with or meet such an emergency for the
907 protection, safety, health or well-being of the citizens of the city;

908 (h) Environmental protection. To protect and preserve the natural resources, environment
909 and vital areas of the city, the region, and the state through the preservation and improvement
910 of air quality, the restoration and maintenance of water resources, the control of erosion and
911 sedimentation, the management of stormwater and establishment of a stormwater utility, the

912 management of solid and hazardous waste, and other necessary actions for the protection of
913 the environment;

914 (i) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge
915 or restrict the same; to prescribe fire safety regulations not inconsistent with general law,
916 relating to both fire prevention and detection and to fire fighting; and to prescribe penalties
917 and punishment for violations thereof;

918 (j) Garbage fees. To levy, fix, assess, and collect a garbage, refuse and trash collection and
919 disposal, and other sanitary service charge, tax, or fee for such services as may be necessary
920 in the operation of the city from all individuals, firms, and corporations residing in or doing
921 business therein benefiting from such services; to enforce the payment of such charges, taxes
922 or fees; and to provide for the manner and method of collecting such service charges;

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

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

929 (m) Health and sanitation. To prescribe standards of health and sanitation and to provide
930 for the enforcement of such standards;

931 (n) Jail sentences. To provide that persons given jail sentences in the city's court may work
932 out such sentences in any public works or on the streets, roads, drains and other public
933 property in the city, to provide for commitment of such persons to any jail, to provide for the
934 use of pretrial diversion and any alternative sentencing allowed by law, or to provide for
935 commitment of such persons to any county work camp or county jail by agreement with the
936 appropriate county officials;

937 (o) Motor vehicles. To regulate the operation of motor vehicles and exercise control over
938 all traffic, including parking upon or across the streets, roads, alleys and walkways of the
939 city;

940 (p) Municipal agencies and delegation of power. To create, alter or abolish departments,
941 boards, offices, commissions and agencies of the city, and to confer upon such agencies the
942 necessary and appropriate authority for carrying out all the powers conferred upon or
943 delegated to the same;

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

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

950 (s) Municipal property protection. To provide for the preservation and protection of
951 property and equipment of the city, and the administration and use of same by the public; and
952 to prescribe penalties and punishment for violations thereof;

953 (t) Municipal utilities. To acquire, lease, construct, operate, maintain, sell and dispose of
954 public utilities, including but not limited to a system of waterworks, sewers and drains,
955 sewage disposal, stormwater management, gas works, electric light plants, cable television
956 and other telecommunications, transportation facilities, public airports, and any other public
957 utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties,
958 and to provide for the withdrawal of service for refusal or failure to pay the same;

959 (u) Nuisance. To define a nuisance and provide for its abatement whether on public or
960 private property;

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

963 (w) Planning and zoning. To provide comprehensive city planning for development by
964 zoning; and to provide subdivision regulation and the like as the city council deems
965 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;

966 (x) Police and fire protection. To exercise the power of arrest through duly appointed police
967 officers, and to establish, operate, or contract for a police and a firefighting agency;

968 (y) Public hazards: removal. To provide for the destruction and removal of any building or
969 other structure which is or may become dangerous or detrimental to the public;

970 (z) Public improvements. To provide for the acquisition, construction, building, operation
971 and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries,
972 markets and market houses, public buildings, libraries, public housing, airports, hospitals,
973 terminals, docks, parking facilities, or charitable, cultural, educational, recreational,
974 conservation, sport, curative, corrective, detentional, penal and medical institutions, agencies
975 and facilities; and to provide any other public improvements, inside or outside the corporate
976 limits of the city; to regulate the use of public improvements; and for such purposes, property
977 may be acquired by condemnation under Title 22 of the O.C.G.A., or such other applicable
978 laws as are or may hereafter be enacted;

979 (aa) Public peace. To provide for the prevention and punishment of loitering, disorderly
980 conduct, drunkenness, riots, and public disturbances;

981 (bb) Public transportation. To organize and operate such public transportation systems as
982 are deemed beneficial;

983 (cc) Public utilities and services. To grant franchises or make contracts for, or impose taxes
984 on public utilities and public service companies; and to prescribe the rates, fares, regulations
985 and standards and conditions of service applicable to the service to be provided by the
986 franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public
987 Service Commission;

988 (dd) Regulation of roadside areas. To prohibit or regulate and control the erection, removal,
989 and maintenance of signs, billboards, trees, shrubs, fences, buildings and any and all other
990 structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within
991 view thereof, within or abutting the corporate limits of the city; and to prescribe penalties and
992 punishment for violation of such ordinances;

993 (ee) Retirement. To provide and maintain a retirement plan and other employee benefit
994 plans and programs for officers and employees of the city;

995 (ff) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of,
996 abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve,
997 maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within
998 the corporate limits of the city; and to grant franchises and rights-of-way throughout the
999 streets and roads, and over the bridges and viaducts for the use of public utilities; and to
1000 require real estate owners to repair and maintain in a safe condition the sidewalks adjoining
1001 their lots or lands, and to impose penalties for failure to do so;

1002 (gg) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
1003 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
1004 and sewerage system, and to levy on those to whom sewers and sewerage systems are made
1005 available a sewer service fee, charge or sewer tax for the availability or use of the sewers; to
1006 provide for the manner and method of collecting such service charges and for enforcing
1007 payment of the same; and to charge, impose and collect a sewer connection fee or fees to
1008 those connected with the system;

1009 (hh) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish and
1010 refuse, and to regulate the collection and disposal of garbage, rubbish and refuse by others;
1011 and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other
1012 recyclable materials, and to provide for the sale of such items;

1013 (ii) Special areas of public regulation. To regulate or prohibit junk dealers, the manufacture
1014 and sale of intoxicating liquors; to regulate the transportation, storage and use of
1015 combustible, explosive and inflammable materials, the use of lighting and heating equipment,
1016 and any other business or situation which may be dangerous to persons or property; to
1017 regulate and control the conduct of peddlers and itinerant traders, theatrical performances,
1018 exhibitions, and shows of any kind, by taxation or otherwise; to license and tax professional

1019 fortunetelling, palmistry, and massage parlors; and to restrict adult bookstores to certain
1020 areas;

1021 (jj) Special assessments. To levy and provide for the collection of special assessments to
1022 cover the costs for any public improvements;

1023 (kk) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation, and
1024 collection of taxes on all property subject to taxation;

1025 (ll) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
1026 future by law;

1027 (mm) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
1028 number of such vehicles; to require the operators thereof to be licensed; to require public
1029 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
1030 regulate the parking of such vehicles;

1031 (nn) Urban redevelopment. To organize and operate an urban redevelopment program;

1032 (oo) Other powers. To exercise and enjoy all other powers, functions, rights, privileges and
1033 immunities necessary or desirable to promote or protect the safety, health, peace, security,
1034 good order, comfort, convenience, or general welfare of the city and its inhabitants; and to
1035 exercise all implied powers necessary or desirable to carry into execution all powers granted
1036 in this charter as fully and completely as if such powers were fully stated herein; and to
1037 exercise all powers now or in the future authorized to be exercised by other municipal
1038 governments under other laws of the State of Georgia; and no listing of particular powers in
1039 this charter shall be held to be exclusive of others, nor restrictive of general words and
1040 phrases granting powers, but shall be held to be in addition to such powers unless expressly
1041 prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.