

House Bill 1129 (AS PASSED HOUSE AND SENATE)

By: Representative Pezold of the 133<sup>rd</sup>

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

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

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

37 **ARTICLE I**  
 38 **INCORPORATION AND POWERS**

39 **SECTION 1.10.**

40 Name.

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

44 **SECTION 1.11.**

45 Corporate boundaries.

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

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

57

**SECTION 1.12.**

58

Powers and construction.

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

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

66

**SECTION 1.13.**

67

Exercise of powers.

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

72

**ARTICLE II**

73

**GOVERNMENT STRUCTURE**

74

**SECTION 2.10.**

75

City council creation; number; election.

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

81

**SECTION 2.11.**

82

City council terms and qualifications for office.

83 The mayor and members of the city council shall serve for terms of four years and until their  
 84 respective successors are elected and qualified. No person shall be eligible to serve as mayor  
 85 or councilmember unless that person shall have been a resident of the city for 12 months  
 86 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.

116 **SECTION 2.15.**

117 Inquiries and investigations.

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

124 **SECTION 2.16.**

125 General power and authority of the city council.

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

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

135 **SECTION 2.17.**

136 Eminent domain.

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

145 **SECTION 2.18.**

146 Meetings.

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

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

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

165 **SECTION 2.19.**

166 Regular and special meetings.

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

169 (b) Special meetings of the city council may be held on call of the mayor or any member of  
 170 the city council. Notice of such special meetings shall be served on all other members  
 171 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such  
 172 notice to councilmembers shall not be required if the mayor and all councilmembers are  
 173 present when the special meeting is called. Such notice of any special meeting may be  
 174 waived by a councilmember in writing before or after such a meeting, and attendance at the  
 175 meeting shall also constitute a waiver of notice on any business transacted in such  
 176 councilmembers presence. Only the business stated in the call may be transacted at the  
 177 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.

206

**SECTION 2.22.**

207

Ordinance form; procedures.

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

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

220

**SECTION 2.23.**

221

Action requiring an ordinance.

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

223

**SECTION 2.24.**

224

Emergencies.

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

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

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

#### 245 **SECTION 2.25.**

246 Codes of technical regulations.

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

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

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

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

#### 258 **SECTION 2.26.**

259 Signing; authenticating; recording; codification; printing.

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

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

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

279 **SECTION 2.27.**

280 City manager; appointment; qualifications; compensation.

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

284 **SECTION 2.28.**

285 Removal of city manager.

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

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

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

296 (3) If the manager has not requested a public hearing within the time specified in  
 297 paragraph (2) of this section, the city council may adopt a final resolution for removal,  
 298 which may be made effective immediately, by an affirmative vote of a majority of all its  
 299 members. If the manager has requested a public hearing, the city council may adopt a  
 300 final resolution for removal, which may be made effective immediately, by an affirmative  
 301 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;

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

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

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

### 342 **SECTION 2.31.**

#### 343 Council interference with administration.

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

### 352 **SECTION 2.32.**

#### 353 Selection of mayor and mayor pro tem.

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

364 **SECTION 2.33.**

365 Powers and duties of mayor.

366 The mayor shall:

367 (1) Preside at all meetings of the city council;

368 (2) Be the head of the city for the purpose of service of process and for ceremonial  
369 purposes, and be the official spokesperson for the city and the chief advocate of policy;

370 (3) Have power to administer oaths and to take affidavits; and

371 (4) Sign as a matter of course on behalf of the city all written and approved contracts,  
372 ordinances and other instruments executed by the city which by law are required to be in  
373 writing.

374 **SECTION 2.34.**

375 Position of mayor pro tem.

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

385 **SECTION 2.35.**

386 Chief executive officer.

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

391 **SECTION 2.36.**

392 Powers and duty of mayor.

393 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.

425

## ARTICLE III

426

## ADMINISTRATIVE AFFAIRS

427

**SECTION 3.10.**

428

Administrative and service departments.

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

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

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

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

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

446

**SECTION 3.11.**

447

Boards, commissions and authorities.

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

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

456 (c) The city council, by ordinance, may provide for the compensation and reimbursement  
 457 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.

514

**SECTION 4.11.**

515

Chief judge; associate judge.

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

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

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

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

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

529

**SECTION 4.12.**

530

Convening.

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

532

**SECTION 4.13.**

533

Jurisdiction; powers.

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

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

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

542 (d) The municipal court shall have authority to establish a schedule of fees to defray the cost  
543 of operation, and shall be entitled to reimbursement of the cost of meals, transportation, and  
544 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 In the event that the office of mayor or councilmember shall become vacant as provided in  
 606 Section 2.12 of this charter, the city council or those remaining shall appoint a successor for  
 607 the remainder of the officer's term or until the next general election, whichever comes first.

608

**SECTION 5.15.**

609

Other provisions.

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

613

**SECTION 5.16.**

614

Removal of officers.

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

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

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

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



660

**SECTION 6.14.**

661

## Franchises.

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

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

683

**SECTION 6.15.**

684

## Service charges.

685 The city council by ordinance shall have the power to assess and collect fees, charges,  
686 assessments, and tolls for sewers, sanitary and health services, or any other services provided  
687 or made available within and without the corporate limits of the city. If unpaid, such charges  
688 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.