

House Bill 1061

By: Representative Morris of the 156<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide a new charter for the Town of Tarrytown; to provide for incorporation,  
2 boundaries, and powers of the city; to provide for a governing authority of such city and the  
3 powers, duties, authority, election, terms, method of filling vacancies, compensation,  
4 qualifications, prohibitions, and removal from office relative to members of such governing  
5 authority; to provide for inquiries and investigations; to provide for eminent domain; to  
6 provide for organization and procedures; to provide for ordinances and codes; to provide for  
7 the office of mayor and certain duties and powers relative to the office of mayor; to provide  
8 for administrative responsibilities; to provide for boards, commissions, and authorities; to  
9 provide for a city attorney, a city clerk, and other personnel; to provide for rules and  
10 regulations; to provide for a municipal court and the judge or judges thereof; to provide for  
11 practices and procedures; to provide for election and removal of officers; to provide for  
12 taxation and fees; to provide for franchises, service charges, and assessments; to provide for  
13 bonded and other indebtedness; to provide for accounting and budgeting; to provide for  
14 purchases; to provide for the sale of property; to provide for bonds for officials; to provide  
15 for continuation of existing ordinances, resolutions, rules, and regulations; to provide for  
16 construction; to provide for other matters relative to the foregoing; to repeal a specific Act;  
17 to provide an effective date; to repeal conflicting laws; and for other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 ARTICLE I  
20 INCORPORATION AND POWERS  
21 SECTION 1.10.  
22 Name.

23 This city and the inhabitants thereof are reincorporated by the enactment of this charter and  
24 are hereby constituted and declared a body politic and corporate under the name and style

25 "Town of Tarrytown" and by that name shall have perpetual succession. References in this  
 26 charter to "the city" or "this city" refer to the Town of Tarrytown.

27 **SECTION 1.11.**

28 Corporate boundaries.

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

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

40 **SECTION 1.12.**

41 Powers and construction.

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

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

49 **SECTION 1.13.**

50 Examples of powers.

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

- 56 (b) Appropriations and expenditures. To make appropriations for the support of the  
57 government of the city; to authorize the expenditure of money for any purposes authorized  
58 by this charter and for any purpose for which a municipality is authorized by the laws of the  
59 State of Georgia; and to provide for the payment of expenses of the city;
- 60 (c) Building regulation. To regulate and to license the erection and construction of buildings  
61 and all other structures; to adopt building, housing, plumbing, electric, gas, and heating and  
62 air-conditioning codes; and to regulate all housing and building trades;
- 63 (d) Business regulation and taxation. To levy and to provide for the collection of regulatory  
64 fees and taxes on privileges, occupations, trades, and professions as authorized by Title 48  
65 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted; to permit  
66 and regulate the same; to provide for the manner and method of payment of such regulatory  
67 fees and taxes; and to revoke such permits after due process for failure to pay any city taxes  
68 or fees;
- 69 (e) Condemnation. To condemn property, inside and outside the corporate limits of the city,  
70 for present or future use and for any corporate purpose deemed necessary by the governing  
71 authority utilizing procedures enumerated in Title 22 of the O.C.G.A., or such other  
72 applicable laws as are or may hereafter be enacted;
- 73 (f) Contracts. To enter into contracts and agreements with other governmental entities and  
74 with private persons, firms, and corporations;
- 75 (g) Emergencies. To establish procedures for determining and proclaiming that an  
76 emergency situation exists inside or outside the city and to make and carry out all reasonable  
77 provisions deemed necessary to deal with or meet such an emergency for the protection,  
78 safety, health, or well-being of the citizens of the city;
- 79 (h) Environmental protection. To protect and preserve the natural resources, environment,  
80 and vital areas of the state through the preservation and improvement of the air quality, the  
81 restoration and maintenance of water resources, the control of erosion and sedimentation, the  
82 management of solid and hazardous waste, and other necessary actions for the protection of  
83 the environment;
- 84 (i) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge,  
85 or restrict the same; to prescribe fire safety regulations not inconsistent with general law,  
86 relating to both fire prevention and detection and to fire fighting; and to prescribe penalties  
87 and punishment for violations thereof;
- 88 (j) Garbage fees. To levy, fix, assess, and collect a garbage, refuse and trash collection and  
89 disposal, and other sanitary service charge, tax, or fee for such services as may be necessary  
90 in the operation of the city from all individuals, firms, and corporations residing in or doing  
91 business therein benefiting from such services; to enforce the payment of such charges, taxes,  
92 or fees; and to provide for the manner and method of collecting such service charges;

- 93 (k) General health and welfare. To define, regulate, and prohibit any act, practice, conduct,  
94 or use of property which is detrimental to the health, sanitation, cleanliness, welfare, and  
95 safety of the inhabitants of the city and to provide for the enforcement of such standards;
- 96 (l) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any  
97 purpose related to powers and duties of the city and the general welfare of its citizens, on  
98 such terms and conditions as the donor or grantor may impose;
- 99 (m) Health and sanitation. To prescribe standards of health and sanitation and to provide  
100 for the enforcement of such standards;
- 101 (n) Jail sentences. To provide that persons given jail sentences in the city's court may work  
102 out such sentences in any public works or on the streets, roads, drains, and other public  
103 property in the city; to provide for commitment of such persons to any jail; or to provide for  
104 commitment of such persons to any county work camp or county jail by agreement with the  
105 appropriate county officials;
- 106 (o) Motor vehicles. To regulate the operation of motor vehicles and exercise control over  
107 all traffic, including parking upon or across the streets, roads, alleys, and walkways of the  
108 city;
- 109 (p) Municipal agencies and delegation of power. To create, alter, or abolish departments,  
110 boards, offices, commissions, and agencies of the city and to confer upon such agencies the  
111 necessary and appropriate authority for carrying out all the powers conferred upon or  
112 delegated to the same;
- 113 (q) Municipal debts. To appropriate and borrow money for the payment of debts of the city  
114 and to issue bonds for the purpose of raising revenue to carry out any project, program, or  
115 venture authorized by this charter or the laws of the State of Georgia;
- 116 (r) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or  
117 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or  
118 outside the property limits of the city;
- 119 (s) Municipal property protection. To provide for the preservation and protection of  
120 property and equipment of the city and the administration and the use of same by the public;  
121 and to prescribe penalties and punishment for violations thereof;
- 122 (t) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of  
123 public utilities, including but not limited to a system of waterworks, sewers and drains,  
124 sewage disposal, gas works, electric light plants, cable television and other  
125 telecommunications, transportation facilities, public airports, and other public utilities; and  
126 to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and to  
127 provide for the withdrawal of service for refusal or failure to pay the same;
- 128 (u) Nuisance. To define a nuisance and provide for its abatement whether on public or  
129 private property;

- 130 (v) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the  
131 authority of this charter and the laws of the State of Georgia;
- 132 (w) Planning and zoning. To provide comprehensive city planning for development by  
133 zoning; and to provide subdivision regulation and the like as the city council deems  
134 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;
- 135 (x) Police and fire protection. To exercise the power of arrest through duly appointed police  
136 officers and to establish, operate, or contract for a police and a fire-fighting agency;
- 137 (y) Public hazards: removal. To provide for the destruction and removal of any building  
138 or other structure which is or may become dangerous or detrimental to the public;
- 139 (z) Public improvements. To provide for the acquisition, construction, building, operation,  
140 and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries,  
141 markets and market houses, public buildings, libraries, public housing, airports, hospitals,  
142 terminals, docks, parking facilities, or charitable, cultural, educational, recreational,  
143 conservation, sport, curative, corrective, detentional, penal, and medical institutions,  
144 agencies, and facilities and to provide any other public improvements, inside or outside the  
145 corporate limits of the city; to regulate the use of public improvements; and for such  
146 purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A., or such  
147 other applicable laws as are or may hereafter be enacted;
- 148 (aa) Public peace. To provide for the prevention and punishment of drunkenness, riots, and  
149 public disturbances;
- 150 (bb) Public transportation. To organize and operate such public transportation systems as  
151 are deemed beneficial;
- 152 (cc) Public utilities and services. To grant franchises or make contracts for or impose taxes  
153 on public utilities and public services companies; and to prescribe the rates, fares,  
154 regulations, and standards and conditions of service applicable to the service to be provided  
155 by the franchise grantee or contractor, insofar as not in conflict with regulations of the Public  
156 Service Commission;
- 157 (dd) Regulation of roadside areas. To prohibit or regulate and control the erection, removal,  
158 and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other  
159 structures or obstructions upon or adjacent to the rights of way of streets and roads or within  
160 view thereof, within or abutting the corporate limits of the city; and to prescribe penalties and  
161 punishments for violation of such ordinances;
- 162 (ee) Retirement. To provide and maintain a retirement plan for officers and employees of  
163 the city;
- 164 (ff) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of,  
165 abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve,  
166 maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within

167 the corporate limits of the city; to grant franchises and rights of way throughout the streets  
168 and roads and over the bridges and viaducts for the use of public utilities; and to require real  
169 estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or  
170 lands and to impose penalties for failure to do so;

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

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

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

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

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

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

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

200 (nn) Urban redevelopment. To organize and operate an urban redevelopment program; and  
201 (oo) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and  
202 immunities necessary or desirable to promote or protect the safety, health, peace, security,  
203 good order, comfort, convenience, or general welfare of the city and its inhabitants; to

204 exercise all implied powers necessary or desirable to carry into execution all powers granted  
 205 in this charter as fully and completely as if such powers were fully stated herein; to exercise  
 206 all powers now or in the future authorized to be exercised by other municipal governments  
 207 under other laws of the State of Georgia; and no listing of particular powers in this charter  
 208 shall be held to be exclusive of others, nor restrictive of general words and phrases granting  
 209 powers, but shall be held to be in addition to such powers unless expressly prohibited to  
 210 municipalities under the Constitution or applicable laws of the State of Georgia.

211 **SECTION 1.14.**

212 Exercise of powers.

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

217 **ARTICLE II**

218 **GOVERNMENTAL STRUCTURE**

219 **SECTION 2.10.**

220 City council creation; number; election.

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

226 **SECTION 2.11.**

227 Mayor and city councilmember terms and qualifications for office.

228 The mayor and members of the city council shall serve for terms of four years and until their  
 229 respective successors are elected and qualified. No person shall be eligible to serve as mayor  
 230 or councilmember unless that person shall have been a resident of the city for 12 months  
 231 prior to the date of election of mayor or members of the council; each shall continue to reside  
 232 therein during that member's period of service and to be registered and qualified to vote in  
 233 municipal elections of this city.

234

**SECTION 2.12.**

235

Vacancy; filling of vacancies.

236 (a) The office of mayor or councilmember shall become vacant upon the occurrence of any  
 237 event specified by the Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such  
 238 other applicable laws as are or may hereafter be enacted.

239 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder of  
 240 the unexpired term, if any, by appointment by the council if less than 12 months remains in  
 241 the unexpired term, otherwise by an election, as provided for in Section 5.14 of this charter  
 242 and in accordance with Titles 21 and 45 of the O.C.G.A., or such other laws as are or may  
 243 hereafter be enacted.

244

**SECTION 2.13.**

245

Compensation and expenses.

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

248

**SECTION 2.14.**

249

Holding other office; voting when financially interested.

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

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

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

256

**SECTION 2.15.**

257

Inquiries and investigations.

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



264 **SECTION 2.16.**

265 General power and authority of the city council.

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

268 **SECTION 2.17.**

269 Eminent domain.

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

278 **SECTION 2.18.**

279 Organizational meetings.

280 The city council shall hold an organizational meeting on July 3, 2018. The meeting shall be  
281 called to order by the city clerk and the oath of office shall be administered to any newly  
282 elected members as follows:

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

287 **SECTION 2.19.**

288 Regular and special meetings.

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

291 (b) Special meetings of the city council may be held on call of the mayor or four members  
292 of the city council. Notice of such special meetings shall be served on all other members  
293 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such

294 notice to councilmembers shall not be required if the mayor and all councilmembers are  
295 present when the special meeting is called. Such notice of any special meeting may be  
296 waived by a councilmember in writing before or after such a meeting, and attendance at the  
297 meeting shall also constitute a waiver of notice on any business transacted in such  
298 councilmember's presence. Only the business stated in the call may be transacted at the  
299 special meeting.

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

304 **SECTION 2.20.**

305 Rules of procedure.

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

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

312 **SECTION 2.21.**

313 Quorum; voting.

314 The mayor or mayor pro tem and city clerk and three councilmembers shall constitute a  
315 quorum and shall be authorized to transact business of the city council. Voting on the  
316 adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal,  
317 but any member of the city council shall have the right to request a roll-call vote and such  
318 vote shall be recorded in the journal. Except as otherwise provided in this charter, the  
319 affirmative vote of three councilmembers shall be required for the adoption of any ordinance,  
320 resolution, or motion. An abstention shall be counted as an affirmative vote.

321

**SECTION 2.22.**

322

Ordinance form; procedures.

323 (a) Every proposed ordinance shall be introduced in writing. No ordinance shall contain a

324 subject which is not expressed in its title. The enacting clause shall be "It is hereby ordained

325 by the governing authority of the Town of Tarrytown" and every ordinance shall so begin.

326 (b) An ordinance may be introduced by any councilmember and be read at a regular or

327 special meeting of the city council. Ordinances shall be considered and adopted or rejected

328 by the city council in accordance with the rules which it shall establish, except for emergency

329 ordinances provided for in Section 2.24 of this charter. Upon introduction of any ordinance,

330 the clerk shall within five working days distribute a copy to the mayor and to each

331 councilmember and shall file a reasonable number of copies in the office of the clerk and at

332 such other public places as the city council may designate.

333

**SECTION 2.23.**

334

Actions requiring an ordinance.

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

336

**SECTION 2.24.**

337

Emergency ordinances.

338 (a) To meet a public emergency affecting life, health, property, or public peace, the city

339 council may convene on call of the mayor or four councilmembers and promptly adopt an

340 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a

341 franchise; regulate the rate charged by any public utility for its services; or authorize the

342 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance

343 shall be introduced in the form prescribed for ordinances generally, except that it shall be

344 plainly designated as an emergency ordinance and shall contain, after the enacting clause,

345 a declaration stating that an emergency exists and describing the emergency in clear and

346 specific terms. An emergency ordinance may be adopted, with or without amendment, or

347 rejected at the meeting at which it is introduced, but the affirmative vote of at least four

348 councilmembers shall be required for adoption. It shall become effective upon adoption or

349 at such later time as it may specify. Every emergency ordinance shall automatically stand

350 repealed 30 days following the date upon which it was adopted, but this shall not prevent

351 reenactment of the ordinance in the manner specified in this section if the emergency still

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

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

### 358 **SECTION 2.25.**

359 Codes of technical regulations.

360 (a) The city council may adopt any standard code of technical regulations by reference  
 361 thereof in an adopting ordinance. The procedure and requirements governing such adopting  
 362 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements  
 363 of subsection (b) of Section 2.22 of this charter for distribution and filing of copies of the  
 364 ordinance shall be construed to include copies of any code of technical regulations, as well  
 365 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as  
 366 well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to  
 367 Section 2.26 of this charter.

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

### 370 **SECTION 2.26.**

371 Signing; authenticating; recording; codification; printing.

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

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

382 (c) The city council shall cause each ordinance and each amendment to this charter to be  
 383 printed promptly following its adoption, and the printed ordinances and charter amendments  
 384 shall be made available for purchase by the public at reasonable prices to be fixed by the city

385 council. Following publication of the first code under this charter and at all times thereafter,  
 386 the ordinances and charter amendments shall be printed in substantially the same style as the  
 387 code currently in effect and shall be printed for incorporation therein. The city council shall  
 388 make such further arrangements as deemed desirable with reproduction and distribution of  
 389 any current changes in or additions to codes of technical regulations and other rules and  
 390 regulations included in the code.

391 **SECTION 2.27.**

392 Election of mayor; forfeiture; compensation.

393 The mayor shall be elected and serve for a term of four years and until a successor is elected  
 394 and qualified. The mayor shall be a qualified elector of this city and shall have been a  
 395 resident of the city for 12 months preceding the election. The mayor shall continue to reside  
 396 in this city during the period of service. The mayor shall forfeit the office on the same  
 397 grounds and under the same procedure as for councilmembers. The compensation of the  
 398 mayor shall be established in the same manner as for councilmembers.

399 **SECTION 2.28.**

400 Chief executive officer.

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

404 **SECTION 2.29.**

405 Powers and duties of mayor.

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

- 407 (1) See that all laws and ordinances of the city are faithfully executed;  
 408 (2) Appoint and remove all officers, department heads, and employees of the city, except  
 409 as otherwise provided in this charter;  
 410 (3) Exercise supervision over all executive and administrative work of the city and  
 411 provide for the coordination of administrative activities;  
 412 (4) Prepare and submit to the city council a recommended operating budget and capital  
 413 budget;

- 414 (5) Submit to the city council at least once a year a statement covering the financial  
 415 conditions of the city and, from time to time, such other information as the city council  
 416 may request;
- 417 (6) Recommend to the city council such measures relative to the affairs of the city,  
 418 improvement of the government, and promotion of the welfare of its inhabitants as the  
 419 mayor may deem expedient;
- 420 (7) Call special meetings of the city council as provided for in subsection (b) of Section  
 421 2.19 of this charter;
- 422 (8) Approve or disapprove ordinances as provided for in Section 2.30 of this charter;
- 423 (9) Provide for an annual audit of all accounts of the city;
- 424 (10) Require any department or agency of the city to submit written reports whenever  
 425 the mayor deems it expedient; and
- 426 (11) Perform such other duties as may be required by law, by this charter, or by  
 427 ordinance.

428 **SECTION 2.30.**

429 Submission of ordinances to the mayor; veto power.

- 430 (a) Every ordinance adopted by the city council shall be presented promptly by the clerk to  
 431 the mayor.
- 432 (b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the clerk  
 433 with or without the mayor's approval or with the mayor's disapproval. If the ordinance has  
 434 been approved by the mayor, it shall become law upon its return to the clerk; if the ordinance  
 435 is neither approved nor disapproved, it shall become law at 12:00 Noon on the tenth calendar  
 436 day after its adoption; if the ordinance is disapproved, the mayor shall submit to the city  
 437 council through the clerk a written statement of reasons for the veto. The clerk shall record  
 438 upon the ordinance the date of its delivery to and receipt from the mayor.
- 439 (c) Ordinances vetoed by the mayor shall be presented by the clerk to the city council at its  
 440 next meeting. If the city council then or at its next meeting adopts the ordinance by an  
 441 affirmative vote of four members, it shall become law.
- 442 (d) The mayor may disapprove or reduce any item or items of appropriation in any  
 443 ordinance. The approved part or parts of any ordinance making appropriations shall become  
 444 law, and the part or parts disapproved shall not become law unless subsequently passed by  
 445 the city council over the mayor's veto as provided in this section. The reduced part or parts  
 446 shall be presented to the city council as though disapproved and shall not become law unless  
 447 overridden by the council as provided in subsection (c) of this section.

448

**SECTION 2.31.**

449

Mayor pro tem; selection; duties.

450 By a majority vote, the city council shall elect a councilmember to serve as mayor pro tem  
 451 each year. The mayor pro tem shall preside at all meetings of the city council and shall  
 452 assume the duties and powers of the mayor upon the mayor's physical or mental disability  
 453 or absence. The city council by a majority vote shall elect a new presiding officer from  
 454 among its members for any period in which the mayor pro tem is disabled, absent, or acting  
 455 as mayor. Any such absence or disability shall be declared by majority vote of all  
 456 councilmembers.

457

**ARTICLE III**

458

**ADMINISTRATIVE AFFAIRS**

459

**SECTION 3.10.**

460

Administrative and service departments.

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

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

468 (c) All appointed officers and directors of departments shall receive such compensation as  
 469 prescribed by ordinance.

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

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

478

**SECTION 3.11.**

479

## Boards, commissions, and authorities.

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

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

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

490 (d) Except as otherwise provided by charter or by law, no member of any board,  
491 commission, or authority shall hold any elective office in the city, with the exception of the  
492 Planning and Zoning Committee.

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

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

500 (g) All members of boards, commissions, and authorities serve at will and may be removed  
501 at any time by a vote of four members of the city council unless otherwise provided by law.

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



510 **SECTION 3.12.**

511 City attorney.

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

520 **SECTION 3.13.**

521 City clerk.

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

526 **SECTION 3.14.**

527 Position classification and pay plans.

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

534 **SECTION 3.15.**

535 Personnel policies.

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

538                                   ARTICLE IV  
 539                                   JUDICIAL BRANCH  
 540                                   **SECTION 4.10.**  
 541                                   Creation; name.

542 The city may establish a court to be known as the Municipal Court of the Town of  
 543 Tarrytown.

544                                   **SECTION 4.11.**  
 545                                   Chief judge; associate judge.

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

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

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

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

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

559                                   **SECTION 4.12.**  
 560                                   Convening.

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

562                                   **SECTION 4.13.**  
 563                                   Jurisdiction; powers.

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

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

568 (c) The municipal court may fix punishment for offenses within its jurisdiction not  
569 exceeding a fine of \$1,000.00 or imprisonment for no more than one year, or both such fine  
570 and imprisonment, or may fix punishment by fine, imprisonment, or alternative sentencing  
571 as now or hereafter provided by law.

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

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

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

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

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

#### 597 **SECTION 4.14.**

#### 598 **Certiorari.**

599 The right of certiorari from the decision and judgment of the municipal court shall exist in  
600 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under  
601 the sanction of a judge of the Superior Court of Montgomery County under the laws of the  
602 State of Georgia regulating the granting and issuance of writs of certiorari.

603 **SECTION 4.15.**

604 Rules for court.

605 With the approval of the city council, the judge shall have full power and authority to make  
606 reasonable rules and regulations necessary and proper to secure the efficient and successful  
607 administration of the municipal court; provided, however, that the city council may adopt in  
608 part or in toto the rules and regulations applicable to municipal courts. The rules and  
609 regulations made or adopted shall be filed with the city clerk and shall be available for public  
610 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court  
611 proceedings at least 48 hours prior to said proceedings.

612 **ARTICLE V**  
613 **ELECTIONS AND REMOVAL**

614 **SECTION 5.10.**  
615 Applicability of general law.

616 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title  
617 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

618 **SECTION 5.11.**  
619 Election of the city council and mayor.

620 In odd years, on the Tuesday next following the first Monday in November, there shall be  
621 an election for the mayor and the city council. The terms of office shall begin on January 1  
622 following the November election.

623 **SECTION 5.12.**  
624 Nonpartisan elections.

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

627 **SECTION 5.13.**  
628 Election by plurality.

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

630

**SECTION 5.14.**

631

Special elections; vacancies.

632 In the event that the office of mayor or councilmember shall become vacant as provided in  
 633 Section 2.12 of this charter, the city council or those remaining shall order a special election  
 634 to fill the balance of the unexpired term of such official; provided, however, that if such  
 635 vacancy occurs within 12 months of the expiration of the term of that office, the city council  
 636 or those remaining shall appoint a successor for the remainder of the term. In all other  
 637 respects, the special election shall be held and conducted in accordance with Chapter 2 of  
 638 Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

639

**SECTION 5.15.**

640

Other provisions.

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

644

**SECTION 5.16.**

645

Removal of officers.

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

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

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

661 (2) By an order of the Superior Court of Montgomery County following a hearing on a  
662 complaint seeking such removal brought by any resident of the Town of Tarrytown.

663 **ARTICLE VI**

664 **FINANCE**

665 **SECTION 6.10.**

666 Property tax.

667 The city council may assess, levy, and collect an ad valorem tax on all real and personal  
668 property within the corporate limits of the city that is subject to such taxation by the state and  
669 county. This tax is for the purpose of raising revenues to defray the costs of operating the  
670 city government, of providing governmental services, for the repayments of principal and  
671 interest on general obligations, and for any other public purpose as determined by the city  
672 council at its discretion.

673 **SECTION 6.11.**

674 Millage rate; due dates; payment methods.

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

679 **SECTION 6.12.**

680 Occupation and business taxes.

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

685 **SECTION 6.13.**

686 Regulatory fees; permits.

687 The city council by ordinance shall have the power to require businesses or practitioners  
688 doing business within this city to obtain a permit for such activity from the city and pay a  
689 reasonable regulatory fee for such permit as provided in general law. Such fees shall reflect

690 the total cost to the city of regulating the activity and, if unpaid, shall be collected as  
691 provided in Section 6.18 of this charter.

692 **SECTION 6.14.**

693 Franchises.

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

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

710 **SECTION 6.15.**

711 Service charges.

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

717 **SECTION 6.16.**

718 Special assessments.

719 The city council by ordinance shall have the power to assess and collect the cost of  
720 constructing, reconstructing, widening, or improving any public way, street, sidewalk,

721 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property  
 722 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be  
 723 collected as provided in Section 6.18 of this charter.

724 **SECTION 6.17.**

725 Construction; other taxes and fees.

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

729 **SECTION 6.18.**

730 Collection of delinquent taxes and fees.

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

738 **SECTION 6.19.**

739 General obligation bonds.

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

744 **SECTION 6.20.**

745 Revenue bonds.

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



749 **SECTION 6.21.**

750 Short-term loans.

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

753 **SECTION 6.22.**

754 Lease-purchase contracts.

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

762 **SECTION 6.23.**

763 Fiscal year.

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

767 **SECTION 6.24.**

768 Preparation of budgets.

769 The city council shall provide by ordinance for the procedures and requirements for the  
770 preparation and execution of an annual operating budget, a capital improvement plan, and  
771 a capital budget, including requirements as to the scope, content, and form of such budgets  
772 and plans.

773 **SECTION 6.25.**

774 Submission of operating budget to city council.

775 On or before a date fixed by the city council but not later than 60 days prior to the beginning  
776 of each fiscal year, the mayor shall submit to the city council a proposed operating budget

777 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor  
 778 containing a statement of the general fiscal policies of the city, the important features of the  
 779 budget, explanations of major changes recommended for the next fiscal year, a general  
 780 summary of the budget, and other pertinent comments and information. The operating  
 781 budget and the capital budget hereinafter provided for, the budget message, and all  
 782 supporting documents shall be filed in the office of the city clerk and shall be open to public  
 783 inspection.

784 **SECTION 6.26.**

785 Action by city council on budget.

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

791 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal  
 792 year not later than the last day of each current fiscal year. If the city council fails to adopt  
 793 the budget by this date, the amounts appropriated for operation for the current fiscal year  
 794 shall be deemed adopted for the ensuing year on a month-to-month basis, with all items  
 795 prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal  
 796 year. Adoption of the budget shall take the form of an appropriations ordinance setting out  
 797 the estimated revenues in detail by sources and making appropriations according to fund and  
 798 by organizational unit, purpose, or activity as set out in the budget preparation ordinance  
 799 adopted pursuant to Section 6.24 of this charter.

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

804 **SECTION 6.27.**

805 Tax levies.

806 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates  
 807 set by such ordinance shall be such that reasonable estimates of revenues from such levy  
 808 shall at least be sufficient, together with other anticipated revenues, fund balances, and  
 809 applicable reserves, to equal the total amount appropriated for each of the several funds set

810 forth in the annual operating budget for defraying the expenses of the general government  
811 of this city.

812 **SECTION 6.28.**

813 Changes in appropriations.

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

818 **SECTION 6.29.**

819 Capital budget.

820 (a) On or before the date fixed by the city council but not later than 60 days prior to the  
821 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital  
822 improvements plan with a recommended capital budget containing the means of financing  
823 the improvements proposed for the ensuing fiscal year. The city council shall have power  
824 to accept, with or without amendments, or reject the proposed plan and proposed budget.  
825 The city council shall not authorize an expenditure for the construction of any building,  
826 structure, work, or improvement unless the appropriations for such project are included in  
827 the capital budget, except to meet a public emergency as provided in Section 2.24 of this  
828 charter.

829 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal  
830 year not later than the last day of the fiscal year of each year. No appropriation provided for  
831 in a prior capital budget shall lapse until the purpose for which the appropriation was made  
832 shall have been accomplished or abandoned; provided, however, that the mayor may submit  
833 amendments to the capital budget at any time during the fiscal year, accompanied by  
834 recommendations. Any such amendments to the capital budget shall become effective only  
835 upon adoption by ordinance.

836 **SECTION 6.30.**

837 Independent audit.

838 There shall be an annual independent audit of all the city accounts, funds, and financial  
839 transactions by a certified public accountant selected by the city council. The audit shall be  
840 conducted according to generally accepted auditing principles. Any audit of any funds by

841 the state or federal government may be accepted as satisfying the requirements of this  
842 charter. Copies of annual audit reports shall be available at printing costs to the public.

843 **SECTION 6.31.**

844 Contracting procedures.

845 No contract with the city shall be binding on the city unless it is:

846 (1) In writing;

847 (2) Drawn by or submitted to and reviewed by the city attorney and, as a matter of  
848 course, signed by the city attorney to indicate such drafting or review;

849 (3) Made or authorized by the city council and such approval is entered in the city  
850 council journal of proceedings pursuant to Section 2.20 of this charter; and

851 (4) Signed by the mayor or the mayor pro tem.

852 **SECTION 6.32.**

853 Centralized purchasing.

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

856 **SECTION 6.33.**

857 Sale and lease of city property.

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

860 **ARTICLE VII**

861 **GENERAL PROVISIONS**

862 **SECTION 7.10.**

863 Bonds for officials.

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

867 **SECTION 7.11.**

868 Existing ordinances, resolutions, rules, and regulations.

869 Existing ordinances, resolutions, rules, and regulations of this city not in conflict with this  
 870 charter shall continue in force, unless repealed or amended, for two years from the effective  
 871 date of this charter. During such two-year period, the city council shall review all such  
 872 provisions and shall readopt, repeal, or amend each, so that a codification as provided by  
 873 subsection (b) of Section 2.26 of this charter is accomplished.

874 **SECTION 7.12.**

875 Existing personnel and officers.

876 Except as specifically provided otherwise by this charter, all personnel and officers of the  
 877 city and their rights, privileges, and powers shall continue beyond the time this charter takes  
 878 effect for a period of 90 days, before or during which the existing city council shall pass a  
 879 transition ordinance detailing the changes in personnel and appointed officers required or  
 880 desired and arranging such titles, rights, privileges, and powers as may be required or desired  
 881 to allow a reasonable transition.

882 **SECTION 7.13.**

883 Pending matters.

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

888 **SECTION 7.14.**

889 Construction.

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

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

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

895 **SECTION 7.15.**

896 Specific repealer.

897 An Act incorporating the Town of Tarrytown in the County of Montgomery, approved  
898 July 26, 1929 (Ga. L.1929, p.1352), is hereby repealed in its entirety and all amendatory Acts  
899 thereto are likewise repealed in their entirety. All other laws and parts of laws in conflict  
900 with this charter are hereby repealed.

901 **SECTION 7.16.**

902 Effective date.

903 This charter shall become effective on July 1, 2018.

904 **SECTION 7.17.**

905 General Repealer.

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