

House Bill 546

By: Representatives Stephens of the 164<sup>th</sup> and Petrea of the 166<sup>th</sup>

A BILL TO BE ENTITLED

AN ACT

1 To provide a new charter for the City of Richmond Hill; to provide for incorporation,  
2 boundaries, and powers of the city; to provide for the exercise of powers and limitations on  
3 powers; to provide for a governing authority of such city and the powers, duties, authority,  
4 prohibitions, election, terms, removal from office, method of filling vacancies, compensation,  
5 expenses, and qualifications; to provide for conflict of interest and holding other offices; to  
6 provide for inquiries and investigations; to provide for organization and meeting procedures;  
7 to provide for ordinances; to provide for codes; to provide for the office of mayor and certain  
8 duties and powers relative to the office of mayor; to provide for a veto; to provide for a  
9 mayor pro tempore; to provide for a city manager; to provide for chief executive officer; to  
10 provide for administrative responsibilities; to provide for department heads; to provide for  
11 boards, commissions, and authorities; to provide for a city attorney, city clerk, city finance  
12 officer, and other personnel; to provide for the establishment of a municipal court and the  
13 judge or judges thereof; to provide for practices and procedures; to provide for taxation,  
14 permits, and fees; to provide for franchises, service charges, and assessments; to provide for  
15 bonded and other indebtedness; to provide for accounting and budgeting; to provide for  
16 capital improvements; to provide for contracting and purchasing; to provide for sale of city  
17 property; to provide for bonds for officials; to provide for pending matters; to provide for  
18 rules and regulations; to provide for definitions and construction; to provide for eminent

H. B. 546

- 1 -

19 domain; to provide for related matters; to repeal a specific Act; to repeal conflicting laws;  
20 and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 ARTICLE I.  
23 INCORPORATION AND POWERS

24 Section 1.10.

25 Incorporation.

26 The City of Richmond Hill in Bryan County is reincorporated by the enactment of this  
27 charter and is constituted and declared a municipality and body politic and corporate under  
28 the name of the "City of Richmond Hill." References in the charter to "the city" or "this city"  
29 refer to the City of Richmond Hill. The city shall have perpetual existence.

30 Section 1.11.

31 Corporate boundaries.

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

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

44 Section 1.12.

45 Municipal powers.

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

50 (b) The powers of this city shall be construed liberally in favor of the city. The specific  
51 mention or failure to mention particular powers shall not be construed as limiting in any  
52 way the powers of this city. Said powers shall include, but are not limited to, the  
53 following:

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

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

63 (3) Building regulations. To regulate and to license the erection and construction of  
64 buildings and all other structures not inconsistent with general law; to adopt building,

65 housing, plumbing, electrical, gas, and heating and air-conditioning codes; and to regulate  
66 all housing and building trades except as otherwise prohibited by general law;

67 (4) Business regulation and taxation. To levy and to provide for the collection of license  
68 fees and taxes on privileges, occupations, trades, and professions; to license and regulate  
69 the same; to provide for the manner and method of payment of such licenses and taxes;  
70 to provide for the due dates therefor and to provide for reasonable penalties and interest  
71 in the event of failure to pay the same; and to revoke such licenses after due process for  
72 the failure to pay any city taxes or fees;

73 (5) Condemnation. To exercise the power of eminent domain to condemn property,  
74 inside or outside the corporate limits of the city, for present or future use and for any  
75 lawful purpose deemed necessary by the governing authority, utilizing procedures  
76 enumerated in Title 22 of the O.C.G.A. or such other applicable laws as are or may  
77 hereafter be enacted;

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

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

84 (8) Environmental protection. To protect the natural resources, environment, and vital  
85 areas of the state through the preservation and improvement of air quality, the restoration  
86 and maintenance of water resources, the control of erosion and sedimentation, the  
87 management of solid and hazardous waste, and other necessary actions for the protection  
88 of the environment or to comply with mandates enacted by the State of Georgia or any  
89 other governmental agency or authority;

90 (9) Fire regulations. To fix and establish fire limits and from time to time extend,  
91 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with

92 general law, relating to both fire prevention and detection and to firefighting; and to  
93 prescribe penalties and punishment for violations thereof;

94 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection  
95 and disposal and other sanitary service charge, tax, or fee for such services as may be  
96 necessary in the operation of the city from all individuals, firms, and corporations  
97 residing in or doing business within the city and benefiting from such services; to enforce  
98 the payment of such charges, taxes, or fees; and to provide for the manner and method  
99 of collecting such service charges;

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

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

107 (13) Health and sanitation. To prescribe standards of health and sanitation within the  
108 city and to provide for the enforcement of such standards;

109 (14) Jail sentences. To provide that persons given jail sentences in the municipal court  
110 may work out such sentences in any public works or on the streets, roads, drains, and  
111 squares in the city; to provide for the commitment of such persons to any jail; or to  
112 provide for the commitment of such persons to any county work camp or county jail;

113 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control  
114 over all traffic, including parking, upon or across the streets, roads, alleys, and walkways  
115 of the city;

116 (16) Municipal agencies and delegation of power. To create, alter, or abolish  
117 departments, boards, offices, commissions, and agencies of the city and to confer upon

118 such agencies the necessary and appropriate authority for carrying out all the powers  
119 conferred upon or delegated to the same;

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

123 (18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or  
124 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or  
125 outside the corporate limits of the city;

126 (19) Municipal property protection. To provide for the preservation and protection of  
127 property and equipment of the city and the administration and use of same by the public  
128 and to prescribe penalties and punishment for violations thereof;

129 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose  
130 of public utilities, including, but not limited to, a system of waterworks, sewers and  
131 drains, sewage disposal, gas works, electric plants, transportation facilities, public  
132 airports, and any other public utility; to fix the taxes, charges, rates, fares, fees,  
133 assessments, regulations, and penalties therefor; to provide for the withdrawal of service  
134 for refusal or failure to pay the same; to authorize the extension of water, sewerage, and  
135 electrical distribution systems, and all necessary appurtenances by which said utilities are  
136 distributed, inside and outside the corporate limits of the city; and to provide utility  
137 services to persons, firms, and corporations inside and outside the corporate limits of the  
138 city as provided by ordinance;

139 (21) Nuisances. To define a nuisance and provide for its abatement whether on public  
140 or private property;

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

- 143 (23) Planning and zoning. To provide comprehensive city planning for development by  
144 zoning and to provide subdivision regulation and the like as the city council deems  
145 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;
- 146 (24) Police and fire protection. To exercise the power of arrest through duly appointed  
147 police officers and to establish, operate, or contract for police and a firefighting agency;
- 148 (25) Public hazards; removal. To provide for the destruction and removal of any  
149 building or other structure which is or may become dangerous or detrimental to the  
150 public;
- 151 (26) Public improvements. To provide for the acquisition, construction, building,  
152 operation, and maintenance of public ways, parks, playgrounds, recreational facilities,  
153 golf courses, amphitheaters, cemeteries, markets and market houses, public buildings,  
154 libraries, public housing, airports, hospitals, terminals, docks, and parking facilities or  
155 charitable, cultural, educational, recreational, conservation, sport, curative, corrective,  
156 detentional, penal, and medical institutions, agencies and facilities; to provide for other  
157 public improvements inside or outside the corporate limits of the city; to regulate the use  
158 of public improvements; and, for such purposes, property may be acquired by  
159 condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are or may  
160 hereafter be enacted;
- 161 (27) Public peace. To provide for the prevention and punishment of drunkenness, riots,  
162 and public disturbances;
- 163 (28) Public transportation. To organize and operate or contract for such public  
164 transportation systems as are deemed beneficial or necessary;
- 165 (29) Public utilities and services. To grant franchises or make contracts for public  
166 utilities and public services and to prescribe the rates, fares, regulations, and standards  
167 and conditions of service applicable to the utility or service to be provided by the  
168 franchise grantee or contractor, insofar as not in conflict with valid regulations of the  
169 Georgia Public Service Commission;

170 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,  
171 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any  
172 and all other structures or obstructions upon or adjacent to the rights of way of streets and  
173 roads or within view thereof, inside or abutting the corporate limits of the city, and to  
174 prescribe penalties and punishment for violation of such ordinances;

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

177 (32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade  
178 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees or otherwise  
179 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and  
180 walkways within the corporate limits of the city; to negotiate and execute leases over,  
181 through, under, or across any city property or the right of way of any street, road, alley,  
182 and walkway or portion thereof within the corporate limits of the city for bridges,  
183 passageways, or any other purpose or use between buildings on opposite sides of the  
184 street and for other bridges, overpasses, and underpasses for private use at such location  
185 and to charge a rental therefor in such manner as may be provided by ordinance; to  
186 authorize and control the construction of bridges, passageways, overpasses, and  
187 underpasses within the corporate limits of the city; to grant franchises and rights of way  
188 throughout the streets and roads and over the bridges and viaducts for the use of public  
189 utilities and for private use; and to require real estate owners to repair and maintain in a  
190 safe condition the sidewalks adjoining their lots or lands and to impose penalties for  
191 failure to do so;

192 (33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,  
193 construction, equipping, operating, maintaining, and extending of a sewage disposal plant  
194 and sewerage system; to levy on those to whom sewers and sewerage systems are made  
195 available a sewer service fee, charge, or tax for the availability or use of the sewers,  
196 except that no fee or charge for sewers shall be assessed against any abutting real estate



197 which cannot be served by such sewers; to provide for the manner and method of  
198 collecting such service charge; and to impose and collect a sewer connection fee or fees  
199 to those connected with the system;

200 (34) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,  
201 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by  
202 others and to provide for the separate holding of glass, tin, aluminum, cardboard, paper,  
203 and other recyclable materials and provide for the sale of such items;

204 (35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops;  
205 to regulate or prohibit the manufacture, sale, or transportation of intoxicating liquors; and  
206 to regulate or prohibit the use of firearms; to regulate the transportation, storage, and use  
207 of combustible, explosive, and inflammable materials, the use of lighting and heating  
208 equipment, and any other business or situation which may be dangerous to persons or  
209 property; to regulate and control peddlers and itinerant traders, theatrical performances,  
210 exhibitions, and shows of any kind, by taxing or otherwise; and to license, tax, regulate,  
211 or prohibit professional fortunetelling, palmistry, adult bookstores, massage parlors, and  
212 entertainment displaying nudity;

213 (36) Special assessments. To levy and provide for the collection of special assessments  
214 to cover the costs of any public improvement;

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

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

219 (39) Taxicabs or similar conveyances. To regulate and license vehicles operated for hire  
220 in the city; to limit the number of such vehicles; to require the operators thereof to be  
221 licensed; to require public liability insurance on such vehicles in the amounts to be  
222 prescribed by ordinance; and to regulate the parking of such vehicles;

223 (40) Urban redevelopment. To organize and operate an urban redevelopment program;  
224 and  
225 (41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,  
226 and immunities necessary or desirable to promote or protect the safety, health, peace,  
227 security, good order, comfort, convenience, or general welfare of the city and its  
228 inhabitants; to exercise all implied powers necessary to carry into execution all powers  
229 granted in this charter as fully and completely as if such powers were fully stated in this  
230 charter; and to exercise all powers now or in the future authorized to be exercised by  
231 other municipal governments under other laws of the State of Georgia; and no listing of  
232 particular powers in this charter shall be held to be exclusive of others, nor restrictive of  
233 general words and phrases granting powers, but shall be held to be in addition to such  
234 powers unless expressly prohibited to municipalities under the Constitution or applicable  
235 laws of the State of Georgia.

## 236 ARTICLE II.

### 237 GOVERNMENT STRUCTURE, ELECTIONS, AND REMOVAL

#### 238 Section 2.10.

#### 239 City council creation; composition; number; election.

240 (a) The legislative authority of the government of this city, except as otherwise specifically  
241 provided in this charter, shall be vested in a city council to be composed of a mayor and  
242 four councilmembers.  
243 (b) The mayor and councilmembers shall serve for terms of four years and until their  
244 respective successors are elected and qualified. No person shall be eligible to serve as  
245 mayor or councilmember unless he or she shall have been a resident of this city for 12  
246 months immediately preceding the election of mayor or councilmembers; each such person  
247 shall continue to reside within the city during said period of service and shall be registered

248 and qualified to vote in municipal elections of this city. No person's name shall be listed  
249 as a candidate on the ballot for election for either mayor or councilmember unless and until  
250 such person has filed a written notice with the clerk of said city that he or she desires his  
251 or her name to be placed on said ballot as a candidate either for mayor or councilmember.  
252 No person shall be eligible for the office of mayor or councilmember unless such person  
253 has filed said notice within the time provided for in Chapter 2 of Title 21 of the O.C.G.A.,  
254 the "Georgia Election Code." Provided further that no person shall hold the office of  
255 Mayor for more than two consecutive terms.

256 Section 2.11.

257 Elections.

258 (a) At any election, all persons qualified under the Constitution and laws of the State of  
259 Georgia to vote for members of the General Assembly of Georgia and who are bona fide  
260 residents of said city shall be eligible to qualify as voters in the election.

261 (b) All primaries and elections shall be held and conducted in accordance with Chapter 2  
262 of Title 21 of the O.C.G.A., the "Georgia Election Code." Except as otherwise provided  
263 by this charter, the city council shall, by ordinance, prescribe such rules and regulations it  
264 deems appropriate to fulfill any options and duties under Chapter 2 of Title 21 of the  
265 O.C.G.A., the "Georgia Election Code."

266 (c) There shall be a municipal general election biennially in odd-numbered years on the  
267 Tuesday next following the first Monday in November.

268 (d) The mayor and councilmembers in office on the effective date of this charter and any  
269 person selected to fill a vacancy in such office shall serve until the regular expiration of the  
270 term of office to which they were elected and until their successors are elected and  
271 qualified. Successors to such mayor and councilmembers shall be elected at the municipal  
272 general election on the Tuesday next following the first Monday in November. All future

273 successors to such mayor and councilmembers whose terms of office are to expire shall be  
274 elected at the time of the municipal general election immediately preceding the expiration  
275 of such terms and shall serve for terms of office of four years each and until their respective  
276 successors are elected and qualified.

277 (e) For the purpose of electing members of the council, the City of Richmond Hill shall  
278 consist of one election district with four at-large seats.

279 Section 2.12.

280 Vacancies in office.

281 (a) The office of mayor or councilmember shall become vacant upon the incumbent's  
282 death, incapacity, resignation, forfeiture of office, or removal from office in any manner  
283 authorized by this charter or the general laws of the State of Georgia.

284 (b) Upon the suspension from office of the mayor or councilmember in any manner  
285 authorized by the general laws of the State of Georgia, the city council or those remaining  
286 shall appoint a successor for the duration of the suspension. If the suspension becomes  
287 permanent, then the office shall become vacant and shall be filled as provided in subsection  
288 (c) of this section.

289 (c) In the event that the office of councilmember shall become vacant for any cause  
290 whatsoever, and the unexpired term shall exceed one year and 11 months, then said  
291 vacancy shall be filled by a special election. If, however said vacancy does not exceed one  
292 year and 11 months, then said vacancy in office shall be filled for the unexpired term by  
293 appointment by the remaining councilmembers and the mayor, provided that, if the  
294 vacancy does not exceed six months then no appointment shall be made and the remaining  
295 members of council shall constitute the entire council for the remaining unexpired term.  
296 In the event that the office of the mayor shall become vacant, the mayor pro tempore and  
297 council shall appoint from among its members a mayor to serve out the expired term. If

298 the mayor pro tempore is chosen, the council will appoint another councilmember to hold  
299 the office of mayor pro tempore. The resulting vacancy on the council will be filled as  
300 provided for in this subsection.

301 Section 2.13.

302 Nonpartisan elections.

303 Political parties shall not conduct primaries for city offices and all names of candidates for  
304 city offices shall be listed without party labels.

305 Section 2.14.

306 Election by simple majority.

307 The candidates receiving a simple majority of the votes cast for any city office shall be  
308 elected.

309 Section 2.15.

310 Compensation and expenses.

311 The mayor and councilmembers shall receive compensation and expenses for their services  
312 as provided by ordinance and in accordance with Chapter 35 of Title 36 of the O.C.G.A.

313 Section 2.16.

314 Prohibitions.

315 (a) No elected official, appointed officer, or employee of the city or any agency or political  
316 entity to which this charter applies shall knowingly:

- 317 (1) Engage in any business or transaction or have a financial or other personal interest,  
318 direct or indirect, which is incompatible with the proper discharge of his or her official  
319 duties or which would tend to impair the independence of his or her judgment or action  
320 in the performance of his or her official duties;
- 321 (2) Engage in or accept private employment or render services for private interests when  
322 such employment or service is incompatible with the proper discharge of his or her  
323 official duties or would tend to impair the independence of his or her judgment or action  
324 in the performance of his or her official duties;
- 325 (3) Disclose confidential information concerning the property, government, or affairs of  
326 the governmental body by which he or she is engaged without proper legal authorization  
327 or use such information to advance the financial or other private interest of himself or  
328 herself or others;
- 329 (4) Accept any valuable gift, whether in the form of service, loan, object, or promise  
330 from any person, firm, or corporation which to his or her knowledge is interested, directly  
331 or indirectly, in any manner whatsoever, in business dealings with the governmental body  
332 by which he or she is engaged; provided, however, that an elected official who is a  
333 candidate for public office may accept campaign contributions and services in connection  
334 with any such campaign;
- 335 (5) Represent other private interests in any action or proceeding against this city or any  
336 portion of its government; or
- 337 (6) Vote or otherwise participate in the negotiation or in the making of any contract with  
338 any business or entity in which he or she has a financial interest.
- 339 (b) Any elected official, appointed officer, or employee who has any private financial  
340 interest, directly or indirectly, in any contract or matter pending before or within any  
341 department of the city shall disclose such private interest to the city council. The mayor  
342 or any councilmember who has a private financial interest in any matter pending before the  
343 city council shall disclose such private interest and such disclosure shall be entered on the

344 records of the city council, and he or she shall disqualify himself or herself from  
345 participating in any decision or vote relating thereto. Any elected official, appointed  
346 officer, or employee of any agency or political entity to which this charter applies who  
347 shall have any private financial interest, directly or indirectly, in any contract or matter  
348 pending before or within such agency or entity shall disclose such private interest to the  
349 governing body of such agency or entity.

350 (c) No elected official, appointed officer, or employee of the city or any agency or entity  
351 to which this charter applies shall use property owned by such governmental entity for  
352 personal benefit, convenience, or profit, except in accordance with policies promulgated  
353 by the city council or the governing body of such agency or entity.

354 (d) Any violation of this section which occurs with the knowledge, express or implied, of  
355 a party to a contract or sale shall render said contract or sale voidable at the option of the  
356 city council.

357 (e) Except as authorized by law, no member of the council shall hold any other elective  
358 city office or other city employment during the term for which he or she was elected.  
359 Except as authorized by law, no employee of the city or any agency or political entity to  
360 which this charter applies shall hold any other elective city office or other city employment  
361 during the term of such employment. The provisions of this subsection shall not apply to  
362 any person holding employment on the effective date of this charter.

363 Section 2.17.

364 Removal of officers.

365 (a) The mayor, a councilmember, or other appointed officers provided for in this charter  
366 may be removed for any one or more of the following causes:

367 (1) Incompetence, misfeasance, or malfeasance in office;

- 368 (2) Upon indictment or presentation of charges for any felony, regardless of whether  
369 such charge relates to the performance of the activities of office;
- 370 (3) Upon conviction for any misdemeanor involving moral turpitude;
- 371 (4) Failure at any time to possess any qualifications of office as provided by this charter;
- 372 (5) Abandonment of office or neglect to perform the duties thereof. This shall include,  
373 but shall not be limited to, willful failure to attend more than three city council meetings  
374 in succession without prior written notice of the absence that shall also include grounds  
375 for absence. This does not apply to absences approved by council or excused by  
376 operation of law; or
- 377 (6) Failure for any other cause to perform the duties of office as required by this charter  
378 or by state law.
- 379 (b) Removal of any officer pursuant to subsection (a) of this section shall be accomplished  
380 by a vote of all remaining councilmembers after an investigative hearing. In the event an  
381 elected officer is sought to be removed by the action of the city council, such officer shall  
382 be entitled to a written notice specifying the ground or grounds for removal and to a public  
383 hearing which shall be held not less than ten days after service of such written notice. Any  
384 elected officer sought to be removed from office as provided in this section shall have the  
385 right to call and cross-examine witnesses and to put up a defense at such public hearing.  
386 Additionally, any elected officer sought to be removed from office as provided in this  
387 section shall have the right to appeal the decision of the city council to the Superior Court  
388 of Bryan County. Such appeal shall be governed by the same rules that govern appeals to  
389 the superior court from the probate court.



390 ARTICLE III.  
391 ORGANIZATION OF GOVERNMENT, GENERAL AUTHORITY, AND  
392 ORDINANCES

393 Section 3.10.  
394 General power and authority.

395 Except as otherwise provided by this charter, the city council shall be vested with all the  
396 powers of government of this city as provided by Article I of this charter.

397 Section 3.11.  
398 Organization.

399 (a) The city council shall hold an organizational meeting at the first regular meeting in  
400 January following an election. The meeting shall be called to order by the city clerk. The  
401 oath of office shall be administered to the newly elected members as follows: "I do  
402 solemnly swear (or affirm) that I will support the Constitution of the United States and the  
403 laws of the State of Georgia; I am qualified to hold the office of (mayor) (councilmember)  
404 of the City of Richmond Hill according to the Constitution and laws of the State of  
405 Georgia; I am not the holder of any office of trust under the government of the United  
406 States, any other state, or any foreign state which I am prohibited from holding by the laws  
407 of the State of Georgia; I am not the holder of any unaccounted for public money due this  
408 state or any political subdivision or authority thereof; and that I will well and truly perform  
409 the duties of (mayor) (councilmember) of the City of Richmond Hill to the best of my skill  
410 and ability, without favor or affection, so help me God."

411 (b) The city council shall elect a mayor pro tempore. In the event this councilmember  
412 refuses to serve or resigns as mayor pro tempore or councilmember, the council shall elect

413 by majority vote another councilmember as mayor pro tempore. During any disability or  
414 absence of the mayor, the mayor pro tempore shall preside at all meetings of the city  
415 council and shall assume the duties and powers of the mayor. Any such disability or  
416 absence shall be declared by a majority vote of the city council. The city council shall elect  
417 by majority vote a presiding officer from its number for any period in which the mayor pro  
418 tempore is disabled, absent, or acting as mayor. Such absence or disability shall be  
419 declared by majority vote of the city council, in accordance with Section 2.12 of this  
420 charter.

421 Section 3.12.  
422 Inquiries and investigations.

423 The city council or mayor may make inquiries and investigations into the affairs of the city  
424 and the conduct of any department, office, or agency thereof and for this purpose may  
425 subpoena witnesses, administer oaths, take testimony, and require the production of  
426 evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of  
427 those powers by the council or mayor shall be punished as provided by ordinance.

428 Section 3.13.  
429 Meetings.

- 430 (a) The city council shall hold regular meetings at such times and places as prescribed by  
431 ordinance.
- 432 (b) Special meetings of the city council may be held on call of the mayor or not less than  
433 three councilmembers. Notice of such special meetings shall be served on all other  
434 members personally, or by telephone personally, at least 24 hours in advance of the  
435 meeting. Such notice to councilmembers shall not be required if the mayor and all

436 councilmembers are present when the special meeting is called. Such notice of any special  
437 meeting may be waived by a councilmember in writing before or after such a meeting and  
438 attendance at the meeting shall also constitute a waiver of notice on any business transacted  
439 in such councilmember's presence. Only the business stated in the call may be transacted  
440 at the special meeting.

441 (c) All meetings of the city council shall be public to the extent required by law, and notice  
442 to the public of special meetings shall be given as required by law.

443 Section 3.14.

444 Procedures.

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

448 (b) All committees and committee chairpersons and officers of the city council shall be  
449 appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have  
450 the power to appoint new members or designate new chairpersons and officers to any  
451 committee at any time, with or without cause; all of said members and chairpersons serving  
452 solely at the pleasure of the mayor.

453 Section 3.15.

454 Voting.

455 (a) Except as otherwise provided in subsection (b) of this section, four councilmembers  
456 or three councilmembers and mayor shall constitute a quorum and shall be authorized to  
457 transact the business of the city council. Voting on the adoption of ordinances shall be by  
458 voice vote and the vote shall be recorded in the journal, but any member of the city council  
459 shall have the right to request a roll-call vote and such vote shall be recorded in the journal.

460 (b) In the event vacancies in office result in less than a quorum of councilmembers holding  
461 office, then the remaining councilmembers in office shall constitute a quorum and shall be  
462 authorized to transact business of the city council. A vote of a majority of the remaining  
463 councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

464 Section 3.16.  
465 Ordinances.

466 (a) Every proposed ordinance shall be introduced in writing and in the form required for  
467 final adoption. No ordinance shall contain a subject which is not expressed in its title. The  
468 enacting clause shall be "The City Council of the City of Richmond Hill hereby ordains..."  
469 and every ordinance shall so begin.

470 (b) An ordinance may be introduced by any councilmember and read at a regular or special  
471 meeting of the city council. Ordinances shall be considered and adopted or rejected by the  
472 city council in accordance with the rules which it shall establish; provided, however, an  
473 ordinance shall not be adopted the same day it is introduced, except for emergency  
474 ordinances provided for in Section 3.18 of this charter. Upon introduction of any  
475 ordinance, the clerk shall, as soon as possible, distribute a copy to the mayor and to each  
476 councilmember and shall file a reasonable number of copies in the office of the clerk and  
477 at such other public places as the city council may designate.

478 Section 3.17.  
479 Effect of ordinances.

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

481 Section 3.18.  
482 Emergencies.

483 (a) To meet a public emergency affecting life, health, property, or public peace, the city  
484 council may convene on call of the mayor or at least three councilmembers and may  
485 promptly adopt an emergency ordinance, but such ordinance shall not levy taxes; grant,  
486 renew, or extend a franchise; regulate the rate charged by any public utility for its services;  
487 or authorize the borrowing of money except for loans to be repaid within 30 days. An  
488 emergency ordinance shall be introduced in the form prescribed for ordinances generally,  
489 except that it shall be plainly designated as an emergency ordinance and shall contain, after  
490 the enacting clause, a declaration stating that an emergency exists and describing the  
491 emergency in clear and specific terms. An emergency ordinance may be adopted, with or  
492 without amendment, or rejected at the meeting at which it is introduced, but the affirmative  
493 vote of at least three councilmembers shall be required for adoption. It shall become  
494 effective upon adoption or at such later time as it may specify. Every emergency ordinance  
495 shall automatically stand repealed 30 days following the date upon which it was adopted;  
496 such automatic appeal shall not prevent reenactment of the ordinance in the manner  
497 specified in this section if the emergency continues to exist. An emergency ordinance may  
498 also be repealed by adoption of a repealing ordinance in the same manner specified in this  
499 section for adoption of emergency ordinances.

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

504 Section 3.19.  
505 Codes.

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

509 (1) The requirements of subsection (b) of Section 3.16 of this charter for filing and  
510 distribution of copies of the ordinance shall be construed to include copies of any  
511 standard code of technical regulations, as well as the adopting ordinance; and

512 (2) A copy of each adopted standard code of technical regulations, as well as the  
513 adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section  
514 3.20 of this charter, or, in the alternative, the clerk may, with the approval of council,  
515 make arrangements for reproduction and distribution of such technical regulations by  
516 electronic or other means.

517 (b) Copies of any adopted code of technical regulations shall be made available by the  
518 clerk for distribution or for purchase at a reasonable price to be fixed by the city council.

519 Section 3.20.  
520 Codification of ordinances.

521 (a) The clerk shall authenticate by his or her signature and record in full in a properly  
522 indexed book kept for that purpose all ordinances adopted by the council.

523 (b) The city council shall provide for the preparation of a general codification of all the  
524 ordinances of the city having the force and effect of law. The general codification shall be  
525 adopted by the city council by ordinance and shall be published promptly together with all  
526 amendments thereto and may contain such standard codes of technical regulations and  
527 other rules and regulations as the city council may specify, which may be incorporated into

528 the city code by reference thereto. This compilation shall be known and shall be cited  
529 officially as "Code of Ordinances, City of Richmond Hill, Georgia." Copies of the code  
530 shall be furnished to all officers, departments, and agencies of the city.

531 (c) The city council shall cause each ordinance and each amendment to this charter to be  
532 printed promptly following its adoption, and the printed ordinances and charter  
533 amendments shall be made available for purchase by the public at reasonable prices to be  
534 fixed by the city council. Following publication of the first code under this charter and at  
535 all times thereafter, the ordinances and charter amendments shall be printed in substantially  
536 the same style as the code then in effect and shall be suitable in form for incorporation  
537 within the code. The city council shall make such further arrangements as deemed  
538 desirable for reproduction and distribution of any such adopted technical regulations or any  
539 changes in or additions to standard codes of technical regulations and other rules and  
540 regulations included in the code, specifically, but not limited to, arrangements for  
541 electronic or internet access and distribution.

542 Section 3.21.

543 City manager; appointment; qualifications; compensation.

544 (a) The city council may, when it deems appropriate, appoint a city manager for an  
545 indefinite term and shall fix his or her compensation, and define the powers and duties of  
546 said office.

547 (b) The city manager shall be removed or suspended from duty only by a vote of four  
548 councilmembers. If permanently removed from duty, the city manager shall be paid  
549 forthwith the salary and accumulated annual leave due and unless otherwise provided by  
550 contract, the city manager's salary for the next three months following the adoption of a  
551 resolution for removal. If the city manager is removed for malfeasance, misfeasance, or

552 nonfeasance in the office, the salary of the city manager for the next three months shall not  
553 be paid.

554 Section 3.22.

555 Chief executive officer; delegation of powers.

556 The mayor shall be the chief executive officer of this city. The mayor shall possess all of the  
557 executive and administrative power granted to the city under the Constitution and laws of the  
558 State of Georgia and all the executive and administrative powers contained in this charter.

559 Section 3.23.

560 Powers and duties of mayor.

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

562 (1) See that all laws and ordinances of the city are faithfully executed;

563 (2) Except otherwise provided herein, appoint and remove, with the advice and consent  
564 of council, all officers, department heads, and employees of the city, except as otherwise  
565 provided in this charter;

566 (3) Except otherwise provided herein, the mayor may suspend or remove directors and  
567 appointive officers, or confirm the suspension or removal of employees by department  
568 directors, and any such actions shall be effective immediately upon the mayor's decision;  
569 provided, however, that such director, officer, or employee shall have a right to appeal  
570 such action to the city council, which, after a hearing, may override the mayor's action  
571 by a vote of three councilmembers.

572 (4) Exercise supervision over all executive and administrative work of the city and  
573 provide for the coordination of administrative activities;



- 574 (5) Prepare and submit to the city council a recommended operating budget and capital  
575 budget;
- 576 (6) Submit to the city council at least once a year a statement covering the financial  
577 conditions of the city, and from time to time, such other information as the city council  
578 may request;
- 579 (7) Recommend to the city council such measures relative to the affairs of the city,  
580 improvement of the government, and promotion of the welfare of its inhabitants as the  
581 mayor deems expedient;
- 582 (8) Call special meetings of the city council as provided for in subsection (b) of  
583 Section 3.13 of this charter;
- 584 (9) Veto any matter passed by the council, provided that within four days of any such  
585 veto, the mayor shall produce his or her reasons for the veto to writing and shall furnish  
586 the same to the clerk, who shall promptly distribute the same to all councilmembers, who  
587 at the next regular or called meeting at which a quorum is present, shall read said reasons  
588 into the minutes and again vote on the same question, and should as many as four  
589 councilmen again vote to pass the vetoed measure, the vetoed measure shall stand  
590 affirmed over the veto of the mayor;
- 591 (10) Provide for an annual audit of all accounts of the city;
- 592 (11) Require any department or agency of the city to submit written reports whenever  
593 the mayor deems it expedient;
- 594 (12) See that all funds of the city are properly accounted for and that all revenues are  
595 properly and promptly collected;
- 596 (13) Hold and attend meetings and participate in negotiations on behalf of the city and  
597 city council with the advice and consent of the city council;
- 598 (14) Preside at meetings of the city council and conduct other such meetings as may be  
599 necessary;

- 600 (15) See that all meetings are conducted in a parliamentary manner and preserve order  
601 and decorum;
- 602 (16) Appoint and be an ex officio member of all standing committees and special  
603 committees of the city council;
- 604 (17) Bind the city by signing any contract, obligation, or other matter entered into and  
605 authorized by ordinance or resolution of the city council properly passed in accordance  
606 with the provisions of this charter;
- 607 (18) Vote on matters before the city council in cases when the vote of the city council  
608 is evenly divided; in such cases, the mayor shall be counted toward a quorum as any  
609 councilmember;
- 610 (19) Be and serve as an ex officio member of all committees, boards, agencies, or  
611 political entities to which this charter applies; and
- 612 (20) Perform such other duties as may be required by law, this charter, or ordinance.

613

## ARTICLE IV.

614

## ADMINISTRATIVE AFFAIRS

615

## Section 4.10.

616

## Department heads.

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

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

624 Section 4.11.

625 Boards.

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

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

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

636 (d) Except as otherwise provided by charter or by law, no member of any city board,  
637 commission, or authority shall hold any elective office in the city nor shall any such  
638 member be a city employee during the tenure of such service.

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

642 (f) No member of a board, commission, or authority shall assume office until he or she has  
643 executed and filed with the clerk of the city an oath obligating himself or herself to perform  
644 faithfully and impartially the duties of his or her office, such oath to be prescribed by  
645 ordinance and administered by the mayor.

646 (g) Any member of a board, commission, or authority may be removed from office for  
647 cause by a vote of a majority of the members of the city council.

648 (h) Except as otherwise provided by this charter or by law, at least one member of each  
649 board, commission, or authority of the city, as selected by the mayor with the advice and

650 consent of council, shall serve as chairperson of such board, commission, or authority,  
651 which service shall be at the pleasure of the mayor.

652 Section 4.12.

653 City attorney.

654 (a) The city council shall appoint a city attorney who shall be a member of the State Bar  
655 of Georgia and shall have actively practiced law for at least five years. The city attorney  
656 shall serve at the pleasure of the city council. The city attorney shall be responsible for  
657 representing and defending the city in all litigation in which the city is a party; may be the  
658 prosecuting officer in the municipal court; shall advise the city council, mayor, and other  
659 officers and employees of the city concerning legal aspects of the city's affairs; and shall  
660 perform such duties as may be required of him or her by virtue of his or her position as city  
661 attorney. The city council shall provide for the compensation of the city attorney.

662 (b) The city attorney shall be removed or suspended from duty only by a vote of four  
663 councilmembers. If permanently removed from duty, the city attorney shall be paid  
664 forthwith the salary and accumulated annual leave due and city attorney's salary for the  
665 next three months following the adoption of a resolution for removal. If the city attorney  
666 is removed for malfeasance, misfeasance, or nonfeasance in the office, the salary of the city  
667 attorney for the next three months shall not be paid.

668 Section 4.13.

669 City clerk.

670 (a) The city council shall appoint a city clerk who shall not be a councilmember. The city  
671 clerk shall be custodian of the official city seal, maintain city council records required by  
672 this charter, and perform such other duties as may be required by the city council. The city

673 council shall provide for the compensation of the city clerk. Before assuming office, the  
674 city clerk shall take an oath, given by the mayor, as provided in Section 3.11 of this charter.  
675 (b) The city clerk shall be removed or suspended from duty only by a vote of four  
676 councilmembers. If permanently removed from duty, the city clerk shall be paid forthwith  
677 the salary and accumulated annual leave due and the city clerk's salary for the next three  
678 months following the adoption of a resolution for removal. If the city clerk is removed for  
679 malfeasance, misfeasance, or nonfeasance in the office, the salary of the city clerk for the  
680 next three months shall not be paid.

681 Section 4.14.  
682 City finance officer.

683 (a) The city council shall appoint a city finance officer to collect all taxes, licenses, fees,  
684 and other moneys belonging to the city subject to the provisions of this charter and the  
685 ordinances of the city and to enforce all laws of Georgia relating to the collection of  
686 delinquent taxes and sale or foreclosure for nonpayment of taxes to the city. The finance  
687 officer shall also be responsible for the general duties of a treasurer and fiscal officer. The  
688 city council shall provide for the compensation of the city finance officer.  
689 (b) The city finance officer shall be removed or suspended from duty only by a vote of  
690 four councilmembers. If permanently removed from duty, the city finance officer shall be  
691 paid forthwith the salary and accumulated annual leave due and the city finance officer's  
692 salary for the next three months following the adoption of a resolution for removal. If the  
693 city finance officer is removed for malfeasance, misfeasance, or nonfeasance in the office,  
694 the salary of the city finance officer for the next three months shall not be paid.

695 Section 4.15.  
696 Rules and regulations.

697 The city council shall adopt rules and regulations consistent with this charter concerning:

698 (1) The method of employee selection and probationary periods of employment;

699 (2) The administration of a position classification and pay plan, methods of promotion  
700 and applications of service ratings thereto, and transfer of employees within the  
701 classification plan;

702 (3) Hours of work, vacation, sick leave, and other leaves of absence; overtime pay; and  
703 the order and manner in which layoffs shall be affected;

704 (4) Such dismissal hearings as due process may require; and

705 (5) Such other personnel notices as may be necessary to provide for adequate and  
706 systematic handling of personnel affairs.

707 ARTICLE V.  
708 JUDICIAL BRANCH

709 Section 5.10.  
710 Municipal court.

711 There shall be a court to be known as the Municipal Court of the City of Richmond Hill.

712 Section 5.11.  
713 Judges.

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

716 and terms of such judges shall be provided by Chapter 32 of Title 36 of the O.C.G.A. or  
717 ordinance.

718 (b) No person shall be qualified or eligible to serve as a judge on the municipal court  
719 unless he or she shall be a member of the State Bar of Georgia. All judges shall be  
720 appointed by the mayor with the approval of a majority of the city council.

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

722 (d) Judges may be removed as provided by general law.

723 (e) Before assuming office, each judge shall take an oath, given by the mayor, as provided  
724 in Section 3.11 of this charter. The oath shall be entered upon the minutes of the city  
725 council journal required in Section 3.14 of this charter.

726 Section 5.12.

727 Convening of court.

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

729 Section 5.13.

730 Powers.

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

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

736 (c) The municipal court may fix punishment for offenses within its jurisdiction not  
737 exceeding a fine of \$ 1,000.00 or imprisonment for not more than six months, or both such

738 fine and imprisonment, or may fix punishment by fine, imprisonment, or alternative  
739 sentencing as now or hereafter provided by law.

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

744 (e) The municipal court shall have the authority to establish bail and recognizances to  
745 ensure the presence of those charged with violations before said court and shall have  
746 discretionary authority to accept cash or personal or real property as surety bond for the  
747 appearance of persons charged with violations. Whenever any person shall give bail for  
748 his or her appearance and shall fail to appear at the time fixed for trial, his or her surety  
749 bond shall be forfeited by the judge presiding at such time and an execution shall be issued  
750 thereon by serving the defendant and his or her sureties with a rule nisi at least ten days  
751 before a hearing on the rule nisi.

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

755 (g) The municipal court shall have the authority to bind prisoners over to the appropriate  
756 court when it appears by probable cause that state law has been violated.

757 (h) Each judge of the municipal court may compel the presence of all parties necessary to  
758 a proper disposal of each case by the issuance of summonses, subpoenas, and warrants  
759 which may be served as executed by any officer as authorized by this charter or by law.

760 (i) Each judge of the municipal court shall be authorized to issue warrants for the arrest  
761 of persons charged with offenses against any ordinance of the city, and each judge of the  
762 municipal court shall have the same authority as a magistrate of the state to issue warrants  
763 for offenses against state laws committed within the city.



764 (j) The municipal court is specifically vested with all the jurisdiction and powers  
765 throughout the geographic area of this city granted by law to municipal courts and  
766 particularly by such laws as authorize the abatement of nuisances and prosecution of traffic  
767 violations.

768 Section 5.14.

769 Certiorari and appeal.

770 (a) The right of certiorari from the decision and judgment of the municipal court shall exist  
771 in all criminal cases and ordinance violation cases, and such certiorari shall be obtained  
772 under the sanction of a judge of the Superior Court of Bryan County, under the laws of the  
773 State of Georgia regulating the granting and issuance of writs of certiorari.

774 (b) The orders, verdicts, judgments, and sentences of the municipal court shall be subject  
775 to appellate review in accordance with state law.

776 Section 5.15.

777 Rules.

778 With the approval of the city council, the judge shall have full power and authority to make  
779 reasonable rules and regulations necessary and proper to secure the efficient and successful  
780 administration of the municipal court; provided, however, that the city council may adopt in  
781 part or in total the rules and regulations applicable to superior courts. The rules and  
782 regulations made or adopted shall be filed with the court clerk, shall be available for public  
783 inspection, and, upon request, shall be furnished to the public for the reasonable cost of  
784 copying and printing the same.

785 ARTICLE VI.  
786 FINANCE

787 Section 6.10.  
788 Property tax.

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

795 Section 6.11.  
796 Millage.

797 The city council by ordinance shall establish a millage rate for the city property tax, a due  
798 date, and the time period within which such taxes shall be paid. The city council by  
799 ordinance may provide for the payment of such taxes by installments or in one lump sum,  
800 as well as authorize the voluntary payment of such taxes prior to the time when due.

801 Section 6.12.  
802 Occupation taxes and business license fees.

803 The city council by ordinance shall have the power to levy such occupation or business taxes  
804 as are not denied by law. Such taxes may be levied on both individuals and corporations that  
805 transact business in this city or that practice or offer to practice any profession or calling

806 within the city to the extent such persons have a constitutionally sufficient nexus to this city  
807 to be so taxed. The city council may classify businesses, occupations, professions, or  
808 callings for the purpose of such taxation in any way which may be lawful and, if unpaid, may  
809 compel the payment of such taxes as provided in Section 6.18 of this charter.

810 Section 6.13.

811 Licenses.

812 The city council by ordinance shall have the power to require any individual or corporation  
813 that transacts business in this city or that practices or offers to practice any profession or  
814 calling within the city to obtain a license or permit for such activity from the city and pay a  
815 reasonable fee for such license or permit where such activities are not now regulated by  
816 general law in such a way as to preclude city regulations. Such fees may reflect the total cost  
817 to the city of regulating the activity and, if unpaid, shall be collected as provided in  
818 Section 6.18 of this charter. The city council by ordinance may establish reasonable  
819 requirements for obtaining or keeping such licenses as the public health, safety, and welfare  
820 may necessitate.

821 Section 6.14.  
822 Franchises.

823 (a) The city council shall have the power to grant franchises for the use of this city's streets  
824 and alleys for the purposes of railroads, street railways, telephone companies, electric  
825 companies, electric membership corporations, cable television companies and other  
826 telecommunications companies, gas companies, transportation companies, and other  
827 similar organizations. The city council shall determine the duration, terms, whether the  
828 same shall be exclusive or nonexclusive, and the consideration for such franchises;  
829 provided, however, that no franchises shall be granted for a period in excess of 25 years  
830 and no franchise shall be granted unless the city receives just and adequate compensation  
831 therefor. The city council shall provide for the registration of all franchises with the city  
832 clerk in a registration book or electronic registry kept for that purpose. The city council  
833 may provide by ordinance for the registration within a reasonable time of all franchises  
834 previously granted.

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

840 Section 6.15.  
841 Service fees.

842 The city council by ordinance shall have the power to assess and collect fees, charges, and  
843 tolls for sewers, sanitary and health services, or any other services provided or made  
844 available inside or outside the corporate limits of the city for the total cost to the city of

845 providing or making available such services. If unpaid, such charges shall be collected as  
846 provided in Section 6.18 of this charter. No landowner shall be assessed any fee, charge, or  
847 toll for any service which does not benefit him or her or his or her property directly, and  
848 provided that any ordinance making any such assessment shall require at least two readings  
849 at two regular meetings prior to passage and shall further require that between said first and  
850 second readings, a notice of such proposed assessment shall be published one time by the  
851 clerk in the official organ of Bryan County, said publication to appear not less than eight  
852 days before the final passage of said ordinance. Said notice shall state that such ordinance  
853 has been introduced before the council and shall include a general description of the  
854 improvement, its location, and estimated cost and shall further state that the actual cost or  
855 whatever part thereof as the ordinance provides will be assessed against the affected real  
856 estate and the owners thereof and that any person wishing to be heard on the matter may  
857 appear at the next regular meeting of the council, stating the specific date of such meeting.  
858 The council may, in its discretion, permit the payment of any such fee, charge, or toll in  
859 installments.

860 Section 6.16.  
861 Special assessments.

862 The city council by ordinance shall have the power to assess, charge, and collect the costs  
863 of constructing, reconstructing, widening, or improving any public way, street, sidewalk,  
864 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property  
865 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be  
866 collected as provided in Section 6.18 of this charter. No landowner shall be assessed any fee,  
867 charge, or toll for any service which does not benefit him or her or his or her property  
868 directly, and provided that any ordinance making any such assessment shall require at least  
869 two readings at two regular meetings prior to passage and shall further require that between

870 said first and second readings, a notice of such proposed assessment shall be published one  
871 time by the clerk in the official organ of Bryan County, said publication to appear not less  
872 than eight days before the final passage of said ordinance. Said notice shall state that such  
873 ordinance has been introduced before the council and shall include a general description of  
874 the improvement, its location, and estimated cost and shall further state that the actual cost  
875 or whatever part thereof as the ordinance provides will be assessed against the affected real  
876 estate and the owners thereof and that any person wishing to be heard on the matter may  
877 appear at the next regular meeting of the council, stating the specific date of such meeting.  
878 The council may, in its discretion, permit the payment of any such fee, charge, or toll in  
879 installments.

880 Section 6.17.

881 Other taxes.

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

885 Section 6.18.

886 Collection of delinquent taxes.

887 The city council by ordinance may provide generally for the collection of delinquent taxes,  
888 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by  
889 whatever reasonable means as are not precluded by law. This shall include providing for the  
890 dates when the taxes or fees are due, late penalties or interest, issuance and execution of  
891 fi. fas., creation and priority of liens, making delinquent taxes and fees personal debts of the

892 persons required to pay the taxes or fees imposed, revoking city licenses for failure to pay  
893 any city taxes or fees, and providing for the assignment or transfer of tax executions.

894 Section 6.19.

895 Borrowing.

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

900 Section 6.20.

901 Revenue bonds.

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

905 Section 6.21.

906 Short-term loans and lease purchase contracts.

907 (a) The city may obtain short-term loans and must repay such loans not later than one year  
908 from the date of such obligations, unless otherwise provided by law.

909 (b) The city may enter into multiyear lease, purchase, or lease purchase contracts for the  
910 acquisition of goods, materials, real and personal property, services, and supplies, provided  
911 the contract terminates without further obligation on the part of the municipality at the  
912 close of the calendar year in which it was executed and at the close of each succeeding

913 calendar year for which it may be renewed. Contracts must be executed in accordance with  
914 the requirements of Code Section 36-60-13 of the O.C.G.A. or other such applicable laws  
915 as are, or may hereafter, be enacted.

916 Section 6.22.

917 Fiscal year.

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

921 Section 6.23.

922 Budget ordinance.

923 The city council shall provide an ordinance on the procedures and requirements for the  
924 preparation and execution of an annual operating budget, a capital improvements program,  
925 and a capital improvements budget, including requirements as to the scope, content, and form  
926 of such budgets and programs. The city council shall comply with the provisions of Chapter  
927 81 of Title 36 of the O.C.G.A.

928 Section 6.24.

929 Operating budget.

930 On or before a date fixed by the city council but not later than 60 days prior to the beginning  
931 of each fiscal year, the city finance officer, with the advice and consent of the mayor, shall  
932 submit to the city council a proposed operating budget for the ensuing fiscal year. The  
933 budget shall be accompanied by a message from the city finance officer, with the advice and



934 consent of the mayor, containing a statement of the general fiscal policies of the city, the  
935 important features of the budget, explanations of major changes recommended for the next  
936 fiscal year, a general summary of the budget, and such other comments and information as  
937 he or she may deem pertinent. The operating budget, the capital improvements budget, the  
938 budget message, and all supporting documents shall be filed in the office of the city clerk and  
939 shall be open to public inspection.

940 Section 6.25.

941 Adoption.

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

947 (b) After the conducting of a budget hearing, the city council shall adopt the final  
948 operating budget for the ensuing fiscal year not later than the end of the current fiscal year.  
949 If the city council fails to adopt the budget by said date, the amounts appropriated for  
950 operation for the then current fiscal year shall be deemed adopted for the ensuing fiscal  
951 year on a month-to-month basis, with all items prorated accordingly, until such time as the  
952 city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take  
953 the form of an appropriations ordinance setting out the estimated revenues in detail by  
954 sources and making appropriations according to fund and by organizational unit, purpose,  
955 or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.23  
956 of this charter.

957 (c) The amount set out in the adopted operating budget for each organizational unit shall  
958 constitute the annual appropriation for such, and no expenditure shall be made or

959 encumbrance created in excess of the otherwise unencumbered balance of the  
960 appropriations or allotments thereof to which it is chargeable.

961 Section 6.26.

962 Levy of taxes.

963 The city council shall levy by ordinance such taxes as are necessary to fund the adopted  
964 operating budget. The taxes and tax rates set by such ordinance shall be such that reasonable  
965 estimates of revenues from such levy shall at least be sufficient, together with other  
966 anticipated revenues, fund balances, and applicable reserves, to equal the total amount  
967 appropriated for each of the several funds set forth in the annual operating budget for  
968 defraying the expense of the general government of this city.

969 Section 6.27.

970 Changes in budget.

971 The city council by majority vote may make changes in the appropriations contained in the  
972 current operating budget at any regular meeting or special or emergency meeting called for  
973 such purposes.

974 Section 6.28.

975 Capital improvements.

976 (a) On or before the date fixed by the city council, but not later than 60 days prior to the  
977 beginning of each fiscal year, the city finance officer, with the advice and consent of the  
978 mayor, shall submit to the city council a proposed capital improvements budget with his  
979 or her recommendations as to the means of financing the improvements proposed for the

980 ensuing year. The city council shall have the power to accept, with or without  
981 amendments, or reject the proposed program and proposed means of financing. The city  
982 council shall not authorize an expenditure for the construction of any building, structure,  
983 work, or improvement, unless the appropriations for such project are included in the capital  
984 improvements budget, except to meet a public emergency as provided in Section 3.18 of  
985 this charter.

986 (b) After the conducting of a public hearing, the city council shall adopt by ordinance the  
987 final capital improvements budget for the ensuing fiscal year not later than the end of the  
988 current fiscal year. No appropriations provided for in a prior capital improvements budget  
989 shall lapse until the purpose for which the appropriations were made shall have been  
990 accomplished or abandoned; provided, however, the mayor may submit amendments to the  
991 capital improvements budget at any time during the fiscal year, accompanied by his or her  
992 recommendations. Any such amendments to the capital improvements budget shall  
993 become effective only upon adoption by majority vote of the city council.

994 Section 6.29.

995 Audits.

996 There shall be an annual independent audit of all city accounts, funds, and financial  
997 transactions by a certified public accountant selected by the city council. The audit shall be  
998 conducted according to generally accepted accounting principles. Any audit of any funds by  
999 the state or federal government may be accepted as satisfying the requirements of this  
1000 charter. Copies of all audit reports shall be available at printing costs to the public.

1001 Section 6.30.

1002 Procurement and property management.

1003 No contract with the city shall be binding on the city unless:

1004 (1) It is in writing; and

1005 (2) It is made or authorized by the city council and such approval is entered in the city  
1006 council journal of proceedings pursuant to Section 3.14 of this charter.

1007 Section 6.31.

1008 Purchasing.

1009 The city council shall by ordinance prescribe procedures for a system of centralized  
1010 purchasing for the city.

1011 Section 6.32.

1012 Sale of property.

1013 (a) The city council may sell and convey any real or personal property owned or held by  
1014 the city for governmental or other purposes as now or hereafter provided by law.

1015 (b) The city council may quitclaim any rights it may have in property not needed for public  
1016 purposes upon request by the mayor and adoption of a resolution, both finding that the  
1017 property is not needed for public or other purposes and that the interest of the city has no  
1018 readily ascertainable monetary value.

1019 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place  
1020 of the city a small parcel or tract of land is cut off or separated by such work from a larger  
1021 tract or boundary of land owned by the city, the city council may authorize the mayor to  
1022 execute and deliver in the name of the city a deed conveying said cut-off or separated

1023 parcel or tract of land to an abutting or adjoining property owner or owners in exchange for  
1024 rights of way of said street, avenue, alley, or public place and such other consideration as  
1025 may be required by law when such exchange is deemed to be in the best interest of this  
1026 city. All deeds and conveyances heretofore and hereafter so executed and delivered shall  
1027 convey all title and interest the city has in such property, notwithstanding the fact that no  
1028 public sale after advertisement was or is hereafter made.

1029 ARTICLE VII.

1030 GENERAL PROVISIONS

1031 Section 7.10.

1032 Bonds for officials.

1033 The officers and employees of this city, both elected and appointed, shall execute such surety  
1034 or fidelity bonds in such amounts and upon such terms and conditions as the city council  
1035 shall from time to time require by ordinance or as may be provided by law. Nothing in this  
1036 section shall be construed to require council to impose any such bond conditions upon any  
1037 city employee. What city employees shall be bonded and in what amounts shall be  
1038 determined by city council who shall provide for the same by ordinance.

1039 Section 7.11.

1040 Rules and regulations.

1041 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent  
1042 with this charter are declared valid and of full effect and force until amended or repealed by  
1043 the city council.

1044 Section 7.12.

1045 Charter language on other general matters.

1046 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,  
1047 contracts, and legal or administrative proceedings shall continue and any such ongoing work  
1048 or cases shall be completed by such city agencies, personnel, or offices as may be provided  
1049 by the city council.

1050 Section 7.13.

1051 Definitions and construction.

1052 (a) Section captions in this charter are informative only and shall not be considered as a  
1053 part thereof.

1054 (b) The word "shall" is mandatory and the word "may" is permissive.

1055 (c) The singular shall include the plural, the masculine shall include the feminine, and vice  
1056 versa.

1057 Section 7.14.

1058 Eminent domain.

1059 The city council is empowered to acquire, construct, operate, and maintain public ways,  
1060 parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,  
1061 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports,  
1062 hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional,  
1063 penal, and medical institutions, agencies, and facilities, and any other public improvements  
1064 inside or outside the city and to regulate the use thereof; and for such purposes, property may

1065 be condemned as provided in paragraph (5) of subsection (b) of Section 1.12 and under  
1066 procedures established under general law applicable now or as provided in the future.

1067 Section 7.15.

1068 Specific repealer.

1069 An Act to provide a new charter for the City of Richmond Hill, approved April 11, 2012  
1070 (Ga. L. 2012, p. 5301), is repealed in its entirety and all amendatory Acts thereto are likewise  
1071 repealed in their entirety.

1072 Section 7.16.

1073 General repealer.

1074 All laws and parts of laws in conflict with this Act are repealed.