

Senate Bill 562

By: Senators Jackson of the 41st, Butler of the 55th, Parent of the 42nd, Davenport of the 44th, Anderson of the 43rd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to provide a new charter for the City of Pine Lake, approved April 4, 1991
2 (Ga. L. 1991, p. 3935), as amended, so as to restate the city's charter; to change the corporate
3 limits of such city; to transfer powers from the mayor to the city manager and vest additional
4 powers in the city manager; to provide for the mayor to vote in case of a tie; to provide for
5 appointment and removal of department directors; to provide for elections; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act to provide a new charter for the City of Pine Lake, approved April 4, 1991 (Ga. L.
10 1991, p. 3935) as amended, is amended by striking the charter in its entirety and inserting in
11 lieu thereof the following:

12 "ARTICLE I.
13 INCORPORATION AND POWERS

14 Section 1.10.
15 Incorporation.

16 The City of Pine Lake in DeKalb County is reincorporated by the enactment of this charter
17 and is constituted and declared a body politic and corporate under the name of the 'City of
18 Pine Lake.' References in this charter to 'the city' or 'this city' refer to the City of Pine Lake.
19 The city shall have perpetual existence.

20 Section 1.11.
21 Corporate boundaries.

22 (a) The boundaries of this city shall be those existing on the effective date of the adoption
23 of this charter with such alterations as may be made from time to time by local law or in
24 the manner provided by general state law. The boundaries of this city at all times shall be
25 shown on a map, a written description, or any combination thereof, to be retained
26 permanently in the office of the city clerk of the city and to be designated, as the case may
27 be: 'Official Map or Description of the Corporate Limits of the City of Pine Lake, Georgia.'
28 Photographic, typed or other copies of such map or description certified by the mayor shall
29 be admitted as evidence in all courts and shall have the same force and effect as the original
30 map or description.

31 (b) In addition to all other territory included within the corporate limits of said city, the
32 corporate limits shall specifically include the following described property:

33 (1) All that tract or parcel of land lying and being in Land Lot 15 of the 18th District of
34 DeKalb County, Georgia, known as 4599 Rockbridge Road, under the street numbering

35 system in effect on the effective date of this Act, and being more particularly described
36 according to ALTA/ACSM Survey for Mimms Properties, United Americans Bank, N.A.
37 and Chicago Title Insurance Company prepare by Integrated Science Engineering,
38 dated May 22, 2001, as follows:

39 Beginning at a 1 inch open topped pipe found on the southerly right of way line of
40 Rockbridge Road (variable r/w), a distance of 577.6 feet westerly from the center line
41 of Rowland Road (variable r/w); running thence south 01 degree 27 minutes 14 seconds
42 west a distance of 299.92 feet to a 1 inch open topped pipe found; running thence
43 north 88 degree 34 minutes 41 seconds west a distance of 412.57 feet to a 1/2 inch iron
44 pin found; running thence north 01 degree 50 minutes 24 seconds east a distance
45 of 312.99 feet to an iron pin set on the southerly right-of-way line of Rockbridge Road;
46 running thence along said southerly right of way line of Rockbridge Road, and
47 following the curvature thereof, an arc distance of 315.39 feet, said arc being subtended
48 by a chord bearing south 81 degree 38 minutes 01 seconds east and having a chord
49 distance of 312.65 feet, to an iron pin set; running thence north 01 degree 34 minutes 12
50 seconds east a distance of 25.00 feet to a 1/2 inch iron pin found; funning thence south
51 88 degrees 25 minutes 48 seconds east a distance of 100.03 feet to a 1 inch open top
52 pipe found at the point of beginning.

53 (2) All that tract or parcel of land lying and being in Land Lot 15 of the 18th District of
54 DeKalb County, Georgia, known as 4687 Rockbridge Road, under the street numbering
55 system in effect on the effective date of this Act, being more particularly described as
56 follows:

57 To find the true point of beginning commence at the point which would be formed at
58 the intersection of the southerly right of way line of Rockbridge Road (100 foot right
59 of way) with the easterly right of way line of Rowland Road (70 foot right of way), if
60 said right of way lines were extended to form a point; running thence in a northeasterly
61 direction along the extended southerly right of way line of Rockbridge Road North 88°

62 54' 29" East a distance of 48.87 feet to a point marked by an iron pin located on the
63 southerly right of way line of Rockbridge Road, said point hereinafter referred to as the
64 TRUE POINT OF BEGINNING; running thence from the TRUE POINT OF
65 BEGINNING as thus established and along the southerly right of way line of
66 Rockbridge Road North 88° 54' 29" East a distance of 470.21 feet to a point marked by
67 an iron pin located on the southerly right of way line of Rockbridge Road; thence
68 leaving said southerly right of way line of Rockbridge Road and running South 01° 05'
69 31" East a distance of 240.39 feet to a point marked by an iron pin; thence South 88°
70 59' 49" West a distance of 519.46 feet to a point marked by an iron pin located on the
71 easterly right of way line of Rowland Road; thence along the easterly right of way line
72 of Rowland Road North 01° 00' 00" West a distance of 204.25 feet to a point marked
73 by an iron pin located on the easterly right of way line of Rowland Road; thence
74 northeasterly along the metered right of way line of the intersection of Rowland Road
75 and Rockbridge Road North 53° 04' 19" East a distance of 60.35 feet to a point being
76 the TRUE POINT OF BEGINNING, as per boundary and topographic survey for
77 C.F.C. Properties, a division of Cumberland Builders Inc., dated June 18, 1984,
78 prepared by Henry E. Harper, Georgia Registered Land Surveyor No. 1321.

79 Section 1.12.

80 Municipal powers.

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

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

87 way the powers of this city. Said powers shall include, but are not limited to, the
88 following:

89 (1) Air and water pollution. To regulate the emission of smoke or other exhaust which
90 pollutes the air and to prevent the pollution of natural streams which flow within the
91 corporate limits of the city;

92 (2) Animal regulations. To regulate and license or to prohibit the keeping or running at
93 large of animals and fowl, and to provide for the impoundment of same if in violation of
94 any ordinance or lawful order; to provide for the disposition by sale, gift or humane
95 destruction of animals and fowl when not redeemed as provided by ordinance; and to
96 provide punishment for violation of ordinances enacted under this paragraph;

97 (3) Appropriations and expenditures. To make appropriations for the support of the
98 government of the city; to authorize the expenditure of money for any purposes
99 authorized by this charter and for any purpose for which a municipality is authorized by
100 the laws of the State of Georgia; and to provide for the payment of expenses of the city;

101 (4) Building regulation. To regulate and to license the erection and construction of
102 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,
103 and heating and air conditioning codes; and to regulate all housing and building trades;

104 (5) Business regulation and taxation. To levy and to provide for the collection of license
105 fees and taxes on privileges, occupations, trades and professions; to license and regulate
106 the same; to provide for the manner and method of payment of such licenses and taxes;
107 and to revoke such licenses after due process for failure to pay any city taxes or fees;

108 (6) Condemnation. To condemn property, inside or outside the corporate limits of the
109 city, for present or future use and for any corporate purpose deemed necessary by the
110 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such
111 other applicable laws as are or may hereafter be enacted;

112 (7) Contracts. To enter into contracts and agreements with other governmental entities
113 and with private persons, firms and corporations;

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

118 (9) Fire regulations. To fix and establish fire limits and from time to time to extend,
119 enlarge or restrict the same; to prescribe fire safety regulations not inconsistent with
120 general law, relating to both fire prevention and detection and to fire fighting; and to
121 prescribe penalties and punishment for violations thereof;

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

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

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

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

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

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

143 (16) Municipal agencies and delegation of power. To create, alter or abolish
144 departments, boards, offices, commissions and agencies of the city, and to confer upon
145 such agencies the necessary and appropriate authority for carrying out all the powers
146 conferred upon or delegated to the same;

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

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

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

156 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell and dispose
157 of public utilities including, but not limited to, a system of waterworks, sewers and
158 drains, sewage disposal, gas works, electric light plants, transportation facilities, public
159 airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees,
160 assessments, regulations and penalties therefor; and to provide for the withdrawal of
161 service for refusal or failure to pay the same; and to authorize the extension of water,
162 sewerage, electrical distribution systems and all necessary appurtenances by which said
163 utilities distributed, inside and outside the corporate limits of the city; and to provide
164 utility services to persons, firms and corporations inside and outside the corporate limits
165 of the city;

166 (21) Nuisances. To define a nuisance and provide for its abatement whether on public
167 or private property and to prescribe penalties and punishments for maintaining a
168 nuisance;

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

171 (23) Planning and zoning. To provide comprehensive city planning for development by
172 zoning and to provide subdivision regulation and the like as the city council deems
173 necessary and reasonable to ensure a safe, healthy and aesthetically pleasing community;

174 (24) Police and fire protection. To exercise the power of arrest through duly appointed
175 police officers and to establish, operate or contract for a police and a fire fighting agency;

176 (25) Public hazards; removal. To provide for the destruction and removal of any
177 building or other structure which is or may become dangerous or detrimental to the
178 public;

179 (26) Public improvements. To provide for the acquisition, construction, building,
180 operation and maintenance of public ways, parks, playgrounds, recreational facilities,
181 cemeteries, markets and market houses, public buildings, libraries, public housing,
182 airports, hospitals, terminals, docks, parking facilities or charitable, cultural, educational,
183 recreational, conservation, sport, curative, corrective, detentive, penal and medical
184 institutions, agencies and facilities; to provide any other public improvements, inside or
185 outside the corporate limits of the city; to regulate the use of public improvements; and,
186 for such purposes, property may be acquired by condemnation under Title 22 of the
187 O.C.G.A., or such other applicable laws as are or may hereafter be enacted;

188 (27) Public peace. To provide for the prevention and punishment of drunkenness, riots
189 and public disturbances;

190 (28) Public transportation. To organize and operate such public transportation systems
191 as are deemed beneficial;

192 (29) Public utilities and services. To grant franchises or make contracts for public
193 utilities and public services; and to prescribe the rates, fares, regulations and the standards
194 and conditions of service applicable to the service to be provided by the franchise grantee
195 or contractor, insofar as they are not in conflict with valid regulations of the public
196 service commission;

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

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

204 (32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
205 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
206 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
207 walkways within the corporate limits of the city; to negotiate and execute leases over,
208 through, under, or across any city property or the right of way of any streets, roads, alleys
209 and walkways or portion thereof within the corporate limits of the city for bridges,
210 passageways or any other purpose or use between buildings on opposite sides of the
211 streets and for other bridges, overpasses and underpasses for private use at such location,
212 and to charge a rental therefor in such manner as may be provided by ordinance; to
213 authorize and control the construction of bridges, overpasses and underpasses within the
214 corporate limits of the city; to grant franchises and rights of way throughout the streets
215 and roads, and over the bridges and viaducts for the use of public utilities and for private
216 use; and to require real estate owners to repair and maintain in a safe condition the
217 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

- 218 (33) Sewer fees. To levy a fee, charge or sewer tax as necessary to assure ensure the
219 acquiring, constructing, equipping, operating, maintaining and extending of a sewage
220 disposal plant and sewerage system; to levy on those to whom sewers and sewerage
221 systems are made available a sewer service fee, charge or tax for the availability or use
222 of the sewers; to provide for the manner and method of collecting such service charges
223 and for enforcing payment of the same; and to impose and collect a sewer connection fee
224 or fees to those connected with the system;
- 225 (34) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish
226 and refuse and to regulate the collection and disposal of garbage, rubbish and refuse by
227 others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper
228 and other recyclable materials and to provide for the sale of such items;
- 229 (35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops;
230 the manufacture, sale or transportation of intoxicating liquors; to regulate the use and sale
231 of firearms; to regulate the transportation, storage and use of combustible, explosive and
232 inflammable materials, the use of lighting and heating equipment, and any other business
233 or situation which may be dangerous to persons or property; to regulate and control the
234 conduct of peddlers and itinerant traders, theatrical performances, exhibitions and shows
235 of any kind, by taxation or otherwise; and to license, tax, regulate or prohibit professional
236 fortunetelling, palmistry, adult bookstores, and massage parlors;
- 237 (36) Special assessments. To levy and provide for the collection of special assessments
238 to cover the costs for any public improvement;
- 239 (37) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation
240 and collection of taxes on all property subject to taxation;
- 241 (38) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
242 future by law;
- 243 (39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
244 number of such vehicles; to require the operators thereof to be licensed; to require public

245 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
246 regulate the parking of such vehicles;

247 (40) Cultural programs. The power to establish arts and cultural programs for the
248 citizens of Pine Lake and to provide for the funding thereof;

249 (41) Urban redevelopment. To organize and operate an urban redevelopment program;
250 and

251 (42) Other powers. To exercise and enjoy all other powers, functions, rights, privileges
252 and immunities necessary or desirable to promote or protect the safety, health, peace,
253 security, good order, comfort, convenience or general welfare of the city and its
254 inhabitants; to exercise all implied powers necessary to carry into execution all powers
255 granted in this charter as fully and completely as if such powers were fully stated herein;
256 and to exercise all powers now or in the future authorized to be exercised by other
257 municipal governments under other laws of the State of Georgia; and no listing of
258 particular powers in this charter shall be held to be exclusive of others, nor restrictive of
259 general words and phrases granting powers, but shall be held to be in addition to such
260 powers unless expressly prohibited by municipalities under the Constitution or applicable
261 laws of the State of Georgia.

262 Section 1.13.

263 Exercise of powers.

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

268

ARTICLE II.

269

GOVERNMENT STRUCTURE

270

Section 2.10.

271

City council creation; composition; number; election.

272 The legislative authority of the government of this city, except as otherwise specifically

273 provided in this charter, shall be vested in a city council to be composed of a mayor and five

274 councilmembers. The mayor and councilmembers shall be elected in the manner provided

275 by this charter and general state law. The city council established shall in all respects be a

276 successor to and continuation of the governing authority under prior law.

277

Section 2.11.

278

City council terms and qualifications for office.

279 The mayor and city councilmembers shall serve for terms of four years and until their

280 respective successors are elected and qualified. No person shall be eligible to serve as mayor

281 or councilmember unless he or she shall have been a resident of this city for the period of 12

282 continuous months immediately prior to the date of the election in which he or she seeks to

283 qualify; each such person shall continue to reside within the city during said period of service

284 and shall be registered and qualified to vote in municipal elections in this city.

285 Section 2.12.

286 Vacancy; filling of vacancies; suspensions.

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

290 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder
291 of the unexpired term, if any, by appointment of a majority of the remaining members of
292 the city council if less than 12 months remain in the unexpired term, otherwise, by an
293 election as provided for in Section 5 of this charter and Chapter 2 of Title 21 of the
294 O.C.G.A., the 'Georgia Election Code,' or such other laws as are or may hereafter be
295 enacted.

296 (c) Upon the suspension from office of mayor or councilmember in any manner authorized
297 by the general laws of the State of Georgia, the city council or those remaining shall
298 appoint a successor for the duration of the suspension. If the suspension becomes
299 permanent, then the office shall become vacant and shall be filled for the remainder of the
300 unexpired term, if any, as provided for in this charter.

301 Section 2.13.

302 Compensation and expenses.

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

Section 2.14.

Conflicts of interest; holding other offices.

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

(1) Engage in any business or transaction, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties or which would tend to impair the independence of his or her judgment or action in the performance of his or her official duties;

(2) Engage in or accept private employment, or render services for private interests when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair the independence of his or her judgment or action in the performance of his or her official duties;

(3) Disclose confidential information concerning the property, government or affairs of the governmental body by which he or she is engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or herself or others;

(4) Accept any valuable gift, whether in the form of service, loan, thing or promise, from any person, firm or corporation to which his or her knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which he or she is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;

(5) Represent other private interests in any action or proceeding against this city or any portion of its government; and

(6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which he or she has financial interest.

331 (b) Any elected official, appointed officer or employee who has any private financial
332 interest, directly or indirectly, in any contract or matter pending before or within any
333 department of the city shall disclose such private interest to the city council. The mayor
334 or any councilmember who has a private interest in any matter pending before the city
335 council shall disclose such private interest and such disclosure shall be entered on the
336 records of the city council, and the mayor or such councilmember shall disqualify himself
337 or herself from participating in any decision or vote relating thereto. Any elected official,
338 appointed officer, or employee of any agency or political entity to which this charter
339 applies who shall have any private financial interest, directly or indirectly, in any contract
340 or matter pending before or within such entity shall disclose such private interest to the
341 governing body of such agency or entity.

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

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

349 (e) Except where authorized by law, neither the mayor nor any councilmember shall hold
350 any other elective or compensated appointive office in the city or otherwise be employed
351 by said government or any agency thereof during the term for which he or she was elected.
352 No former mayor and no former councilmember shall hold any compensated appointive
353 office in the city until one year after the expiration of the term for which he or she was
354 elected.

355 (f) No appointed officer and no employee of the city shall continue in such employment
356 upon qualifying as a candidate for nomination or election to any public office if such
357 continued employment is incompatible with running for such public office.

358 (g)(1) Any city officer or employee who knowingly conceals such financial interest or
359 knowingly violates any of the requirements of this section shall be guilty of malfeasance
360 in office or position and shall be deemed to have forfeited his or her office or position.

361 (2) Any officer or employee of the city who shall forfeit his or her office or position as
362 described in paragraph (1) of this subsection, shall be ineligible for appointment or
363 election to or employment in a position in the city government for a period of three years
364 thereafter.

365

366

Section 2.15.

367

Inquiries and investigations.

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

373

Section 2.16.

374

General power and authority.

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

377 Section 2.17.

378 Eminent domain.

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

387 Section 2.18.

388 Organizational meeting.

389 The city council shall hold an organizational meeting on the first Tuesday at the first regular
390 meeting after January 1 following a regular election each year. The meeting shall be called
391 to order by the city clerk and the oath of office shall be administered to the newly elected
392 members as follows:

393 'I do swear or affirm that I will faithfully perform the duties of (council member)(mayor)
394 for the City of Pine Lake during my term of office; that I am not the holder of any
395 unaccounted for public money due the State of Georgia or any political subdivision or
396 authority thereof; that I am not the holder of any office of trust under the government of
397 the United States or any other state or any foreign state which I may, by the laws of the
398 State of Georgia, be prohibited from holding; that I am otherwise qualified to hold the
399 office to which I have been elected according to the constitution and laws of Georgia; that
400 I will support the Constitution of the United States and of the State of Georgia; that I am

401 a resident of the City of Pine Lake; and I will enforce the charter and ordinances of the City
402 of Pine Lake to the best of my skill and ability.'

403 Section 2.19.

404 Regular and special meetings.

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

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

416 (c) All meetings of the city council shall be public to the extent required by law and notice
417 to the public of special meetings shall be made fully as is reasonably possible two days
418 prior to such meetings.

419 Section 2.20.

420 Procedures.

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

424 (b) All committees and committee chairpersons and officers of the city council shall be
425 appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have
426 the power to appoint new members to any committee at any time.

427 Section 2.21.

428 Quorum; voting.

429 (a) Except as otherwise provided in subsection (b) of this section, three councilmembers,
430 not including the mayor, shall constitute a quorum and shall be authorized to transact the
431 business of the city council. Voting on the adoption of ordinances shall be by voice vote
432 and the vote shall be recorded in the journal, but the mayor or any member of the city
433 council shall have the right to request a roll call vote and such vote shall be recorded in the
434 journal. Except as otherwise provided in this charter, the affirmative vote of three
435 councilmembers shall be required for the adoption of any ordinance, resolution or motion.
436 (b) In the event vacancies in office result in less than a quorum of councilmembers holding
437 office, then the remaining councilmembers in office shall constitute a quorum and shall be
438 authorized to transact business of the city council. A vote of a majority of the remaining
439 councilmembers shall be required for the adoption of any ordinance, resolution or motion.

440 Section 2.22.

441 Ordinance form; procedures.

442 (a) Every proposed ordinance should be introduced in writing and in the form required for
443 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
444 enacting clause shall be 'The Council of the City of Pine Lake hereby ordains...' and every
445 ordinance shall so begin.

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

454 (c) The reading of the preamble to an ordinance shall be sufficient to meet the
455 requirements of a 'read' or 'reading.' By affirmative vote of a majority of the city council,
456 a reading of the ordinance in its entirety shall be required.

457 Section 2.23.
458 Action requiring an ordinance or resolution.

459 Permanent acts of the city council which have the force and effect of law shall be enacted by
460 ordinance. Acts of a temporary nature may be enacted by resolution.

461 Section 2.24.
462 Emergencies.

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

469 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
470 a declaration stating that an emergency exists, and describing the emergency in clear and
471 specific terms. An emergency ordinance may be adopted, with or without amendment, or
472 rejected at the meeting at which it is introduced, but the affirmative vote of at least three
473 councilmembers shall be required for adoption. It shall become effective upon adoption or
474 at such later time as it may specify. Every emergency ordinance shall automatically stand
475 repealed 30 days following the date upon which it was adopted, but this shall not prevent
476 reenactment of the ordinance in the manner specified in this section if the emergency
477 continues to exist. An emergency ordinance shall also be repealed by adoption of a repealing
478 ordinance in the same manner specified in this section for adoption of emergency ordinances.

479

Section 2.25.

480

Codes of technical regulations.

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

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

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

490 (b) Copies of any adopted code of technical regulations shall be made available by the city
491 clerk for review, for distribution or for purchase at a reasonable price.

492 Section 2.26.

493 Signing; authenticating; recording; codification; printing.

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

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

504 (c) The city council shall cause each ordinance and each amendment to this charter to be
505 printed promptly following its adoption, and the printed ordinances and charter
506 amendments shall be made available for review by the public without cost and for purchase
507 by the public at reasonable prices to be fixed by the city council. Following publication
508 of the first code under this charter and at all times thereafter, the ordinances and charter
509 amendments shall be printed in substantially the same style as the code then in effect and
510 shall be suitable in form for incorporation within the code. The city council shall make
511 such further arrangements as deemed desirable with reproduction and distribution of any
512 changes in or additions to codes of technical regulations and other rules and regulations
513 included in the code.

514 Section 2.27.

515 City manager; appointment; qualifications; compensation; removal.

516 The mayor shall appoint a city manager, subject to confirmation by the city council. The
517 mayor and city council shall fix the city manager's compensation. The city manager shall
518 be appointed solely on the basis of that person's administrative, executive, and professional
519 qualifications. Except as otherwise provided by this charter or by law, the city manager shall
520 not be subject to termination or removal by the mayor or the city council acting alone, but
521 only upon a majority vote of the mayor and city council at a regularly scheduled meeting.

522 Section 2.28.

523 Powers and duties of the city manager.

524 The city manager shall be the chief administrative and executive officer of the city. The city
525 manager shall report to the mayor and be responsible to the city council for the
526 administration of all city affairs placed in the city manager's charge by or under this charter.

527 As the chief executive and administrative officer, the city manager shall:

528 (1) Appoint and, when the city manager deems it necessary for the good of the city,
529 suspend or remove any city employee and administrative officers the city manager
530 appoints, except as otherwise provided by law or personnel ordinances adopted pursuant
531 to this charter. The city manager shall authorize any administrative officer who is subject
532 to the city manager's direction and supervision to exercise these powers with respect to
533 subordinates in that officer's department, office, or agency;

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

536 (3) Shall serve as the director of administration; or delegate such responsibility to any
537 administrative officer under the city manager's supervision;

- 538 (4) Attend all city council meetings, except for closed meetings held for the purposes of
539 deliberating on the appointment, discipline, or removal of the city manager or held for the
540 purpose of receiving legal advice regarding the city manager, and have the right to take
541 part in discussion, but the city manager may not vote;
- 542 (5) Perform the general duties of treasurer, accountant, and fiscal officer;
- 543 (6) See that all laws, provisions of this charter, and acts of the city council, subject to
544 enforcement by the city manager or by officers subject to the city manager's direction and
545 supervision, are faithfully executed;
- 546 (7) Prepare and submit to the city council a recommended operating budget and
547 recommended capital budget;
- 548 (8) Submit to the city council and make available to the public, at least annually, a
549 statement covering the financial condition of the city and a report on the administrative
550 activities of the city as of the end of each fiscal year;
- 551 (9) Make such other reports as the city council may require concerning the operations
552 of the city departments, offices, and agencies subject to the city manager's direction and
553 supervision;
- 554 (10) Keep the city council advised as to the financial condition and future needs of the
555 city, and make such recommendations to the city council concerning the affairs of the city
556 as the city manager deems desirable;
- 557 (11) Provide council with an organizational chart that identifies all directors and the
558 departments of city government that have been legally activated;
- 559 (12) Be responsible for the administration of court service operations, maintenance of
560 municipal court records and collection of fines as established by ordinance and state law;
561 and
- 562 (13) Perform other such duties as are specified in this charter or as may be required by
563 the city council.

564 Section 2.29.

565 Acting city manager.

566 By letter filed with the city clerk, the city manager shall designate, subject to the approval
567 of council, a qualified city administrative officer to exercise the powers and perform the
568 duties of city manager during the city manager's temporary absence of 30 days or less.
569 During such absence, the city council may revoke such designation at any time and appoint
570 another officer of the city to serve until the city manager shall return. In the case of
571 permanent absence or removal of the city manager, the city council shall have the authority
572 to appoint or to designate an acting city manager and to affix the acting city manager's
573 compensation. The acting city manager shall be appointed or designated solely on the basis
574 of that person's administrative, executive, and professional qualifications.

575 Section 2.30.

576 Council's interference with administration.

577 Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the
578 city council or its members shall deal with city officers and employees who are subject to the
579 direction and supervision of the city manager solely through the city manager, and neither
580 the city council nor its members shall give orders to any such officer or employee, either
581 publicly or privately.

582 Section 2.31.

583 Powers and duties of mayor.

584 The mayor shall:

585 (1) Preside at meetings of mayor and council and have the right to take part in the
586 deliberations of the city council, but shall not vote on any question except in the case of
587 a tie;

588 (2) Serve as head of the city for the purpose of service of process and for ceremonial
589 purposes and be the official spokesperson for the city and the chief advocate of policy.

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

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

594 (5) Have veto power pursuant to Section 2.33 of this charter;

595 (6) Call special meetings of the city council as provided for in subsection (b) of
596 Section 2.19 of this charter;

597 (7) Sign all checks for the payment of approved money owed by the city;

598 (8) Approve or disapprove ordinances as provided in Section 2.33 of this charter;

599 (9) Perform such other duties as may be required by law, this charter, or ordinance.

600 Section 2.32.

601 Limitation on terms of service.

602 No mayor elected and qualified for two terms shall be eligible to serve as mayor for the
603 succeeding term.

604 Section 2.33.

605 Submission of ordinances to the mayor; veto power.

606 (a) Every ordinance adopted by the city council shall be presented by the city clerk to the
607 mayor.

608 (b) The mayor shall within ten days of receipt of an ordinance return it to the city clerk
609 with or without his or her approval, or with his or her disapproval. If the ordinance is
610 neither approved nor disapproved, it shall become law at 12:00 Noon on the tenth calendar
611 day after its adoption; if the ordinance is disapproved, the mayor shall submit to the city
612 council through the city clerk a written statement of his or her reasons for the veto. The
613 city clerk shall record upon the ordinance the date of its delivery to and receipt from the
614 mayor.

615 (c) Ordinances vetoed by the mayor shall be presented by the city clerk to the city council
616 at its next regular meeting and shall become law if the city council then or at its next
617 regular meeting adopts the ordinance by an affirmative vote of a supermajority of those
618 present and voting. For purposes of overriding a veto by the mayor, the mayor shall not
619 vote in the case of a tie.

620 (d) The mayor may disapprove or reduce any item or items of appropriation in any
621 ordinance. The approved part or parts of ordinance making appropriations shall become
622 law, and the part or parts disapproved shall not become law unless subsequently passed by
623 the city council over the mayor's veto as provided herein. The reduced part or parts shall
624 be presented to city council as though disapproved and shall become law unless overridden
625 by the council as provided in subsection (c) of this section.

626 Section 2.34.

627 Mayor pro tempore; selection; duties.

628 By a majority vote of all its member, the city council shall elect a councilmember to serve
629 as mayor pro tempore who shall serve at the pleasure of the council. Such election shall
630 occur at the first organizational meeting after each regular election. When the mayor pro
631 tempore is temporarily serving as mayor and is presiding at meetings of the city council, the
632 mayor pro tempore shall retain the right to vote as a member of the city council. During the
633 absence of the mayor for any cause, the mayor pro tempore of the city council shall be
634 clothed with all the rights and privileges of the mayor so long as such absence shall continue.
635 The mayor pro tempore shall sign all contracts and ordinances for which the mayor has a
636 disqualifying financial interest as provided in Section 2.14 of this charter.

637 ARTICLE III.

638 ADMINISTRATIVE AFFAIRS

639 Section 3.10.

640 Administrative and service departments.

641 (a) Except as otherwise provided in this charter, the city council by ordinance shall
642 prescribe the functions or duties and establish, abolish, or alter all nonelective offices as
643 necessary for proper administration of the affairs and government of the city.

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

647 (c) All appointed officers and directors of departments shall receive such compensation
648 as prescribed by the budget adopted by the city council.

649 (d) There shall be a director of each department. Each director shall be subject to the
650 direction and supervision of the city manager and shall be responsible for the
651 administration, the affairs, and the operation of the director's department. The city manager
652 may serve as director of a department. An individual may serve as director of more than
653 one department.

654 (e) All directors under the supervision of the city manager shall be recommended by the
655 city manager for appointment by the city council and may be suspended or terminated by
656 the city manager. The director involved may appeal to the city council within five calendar
657 days of the suspension or termination. After a hearing, the council may override the city
658 manager's action by the affirmative vote of a majority of councilmembers present and
659 voting. In the event of a tie, the mayor may vote to break the tie. The following
660 administrative officers shall not be considered 'directors' whom the city manager may
661 suspend or remove under this section: city attorney, city manager and city clerk; the
662 foregoing administrative officers shall only be subject to removal as otherwise allowed
663 under this charter or by law. Acting directors may serve until a quorum of the city council
664 affirmatively requests a permanent director to be appointed, subject to regular city council
665 approval. All other appointed directors shall be employees at will unless otherwise provide
666 by law or ordinance.

667 Section 3.11.

668 Boards, commissions and authorities.

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

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

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

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

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

685 (f) No member of a board, commission or authority shall assume office until such member
686 has executed and filed with the clerk of the city an oath obligating to perform faithfully and
687 impartially the duties of his or her office, such oath to be prescribed by ordinance and
688 administered by the mayor.

689 (g) Any member of a board, commission or authority may be removed from office for
690 cause by an affirmative vote of three members of the city council.

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

699 Section 3.12.

700 City attorney.

701 The city council shall appoint a city attorney, subject to confirmation by city council,
702 together with such assistant city attorneys as may be authorized, and shall provide for the
703 payment of such attorney or attorneys for services rendered to the city. The city attorney
704 shall be responsible for representing and defending the city in all litigation in which the city
705 is a party; may be the prosecuting officer in the municipal court; shall attend the meetings
706 of the council as directed; shall advise the city council, mayor, city manager and other
707 officers and employees of the city concerning legal aspects of the city's affairs; and shall
708 perform such other duties as may be required of him or her by virtue of such person position
709 as city attorney. Except as otherwise provided by this charter or by law, the city attorney
710 shall be subject to termination or removal by a majority vote of the city council at a regularly
711 scheduled meeting. The city manager, as chief executive officer of the city, shall use the
712 city's administrative resources to identify candidates and to present recommendations to the
713 city council as to appointment of a city attorney. The recommendation of the manager is
714 subject to confirmation by the city council. The city attorney shall be responsible for
715 reviewing and approving all contracts, pursuant to related ordinances. The city attorney shall
716 provide legal advice to the mayor, city council, city manager, chief of police and the city
717 clerk upon request of the mayor or city manager except on issues germane to investigations
718 of the mayor, whereby authority is given to the mayor pro tempore.

719 Section 3.13.

720 City clerk.

721 The city council shall appoint a city clerk who shall not be a member of the city council. The
722 city clerk shall be the custodian of the official city seal; maintain city council records

723 required by this charter; and perform such other duties as may be required by the city council
724 and as are imposed upon that officer by state law. Except as otherwise provided in this
725 charter or by law, the city clerk shall not be subject to termination or removal by the mayor
726 or the city council acting alone, but only upon the majority vote of the mayor and a
727 concurring majority of the city council sitting at a regularly scheduled meeting of the city
728 council. In the event that an appointment is not made to the city clerk position, the city
729 manager shall serve as city clerk.

730

Section 3.14.

731

Administrative affairs.

732 (a) The mayor shall acknowledge the city manager's recommendation of an auditor and
733 such recommendation shall be subject to confirmation by the city council. The auditor
734 shall be responsible for auditing and annual revenues and expenditures pursuant to state
735 and federal law such recommendation shall be subject to confirmation by the city council.
736 The auditor shall be responsible for auditing and annual revenues and expenditures
737 pursuant to state and federal law.

738 (b) The city manager shall solicit bids and proposals for city auditing service once every
739 three years and shall review those bids and make a recommendation to the mayor and
740 council for the purposes of the appointment of the city auditor.

741 (c) The city manager shall solicit bids and proposals for legal services by a qualified
742 municipal attorney at least once every five years and shall review those bids and make a
743 recommendation to the mayor and council for the purpose of the appointment of the city
744 attorney.

745 Section 3.15.

746 Chief of police.

747 The city council shall appoint a chief of police by majority vote of the council. The chief of
748 police and officers under his or her command shall be responsible for the direct enforcement
749 of all city ordinances and laws as defined by the city charter and the State of Georgia. The
750 chief of police shall also perform the duties of city marshal to levy all executions in favor of
751 the city for taxes, fines, assessments or other pecuniary demands and to advertise and sell
752 property levied on, real or personal, for the satisfaction of taxes, assessments or fines in
753 accordance with the laws of the State of Georgia governing sheriff's sales. The chief of
754 police shall have the authority which now vests in the sheriffs of this state to place purchasers
755 of said property in possession.

756 Section 3.16.

757 Position classification and pay plans.

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

764 Section 3.18.

765 Personnel policies.

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

- 767 (1) Hours of work, vacation, sick leave and other leaves of absence, overtime pay and
 768 the order and manner in which layoffs shall be effected;
 769 (2) Such dismissal hearings as due process may require; and
 770 (3) Such other personnel policies and notices as may be necessary to provide for the
 771 adequate and systematic handling of personnel affairs.

772 ARTICLE IV.
 773 JUDICIAL BRANCH

774 Section 4.10.
 775 Creation; name.

776 There shall be a court to be known as the Municipal Court of the City of Pine Lake, Georgia.

777 Section 4.11.
 778 Judges.

- 779 (a) The municipal court shall be presided over by a chief judge and such part-time,
 780 full-time or stand-by judges as shall be provided by ordinance. The method of selection
 781 and terms of such judges shall be provided for by ordinance.
 782 (b) No person shall be qualified or eligible to serve as a judge on the municipal court
 783 unless he or she shall have attained the age of 21 years and shall be a member of the State
 784 Bar of Georgia. All judges shall be appointed by the city council.
 785 (c) Compensation of the judges shall be fixed by ordinance.
 786 (d) Judges may be removed for cause by a vote of three members of the city council.
 787 (e) Before assuming office, each judge shall take an oath, given by the mayor, that he or
 788 he will honestly and faithfully discharge the duties of his or her office to the best of his or

789 her ability and without fear, favor or partiality. The oath shall be entered upon the minutes
790 of the city council journal required by Section 2.20 of this charter.

791 Section 4.12.
792 Convening of court.

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

794 Section 4.13.
795 Jurisdiction; powers.

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

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

800 (c) The municipal court may fix punishment for offenses within its sole jurisdiction not
801 exceeding a fine of \$1,000.00 or imprisonment for six months or both such fine and
802 imprisonment or may fix punishment by fine, imprisonment or alternative sentencing as
803 now or hereafter provided by law and may impose any punishment up to the maximums
804 specified by general law for offenses with its concurrent jurisdiction. The jailer of DeKalb
805 County is required to receive all such prisoners delivered to him or her by the municipal
806 court.

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

- 811 (e) The municipal court shall have authority to establish bail and recognizances to ensure
812 the presence of those charged with violations before said court and shall have discretionary
813 authority to accept cash or personal or real property as surety for the appearance of persons
814 charged with violations. When any person shall give bail for appearance and shall fail to
815 appear at the time fixed for trial, such person's bond shall be forfeited by the judge
816 presiding at such time, and an execution issued thereon by serving the defendant and the
817 defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In
818 the event that cash or property is accepted in lieu of bond for security for the appearance
819 of a defendant at trial and if such defendant fails to appear at the time and place fixed for
820 trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or
821 the property so deposited shall have lien against it for the value forfeited, which lien shall
822 be enforceable in the same manner and to the same extent as a lien for city property taxes.
- 823 (f) The municipal court shall have the same authority as superior courts to compel the
824 production of evidence in the possession of any party; to enforce obedience to its orders,
825 judgments and sentences; and to administer such oaths as are necessary.
- 826 (g) The municipal court shall have the authority to bind prisoners over to the appropriate
827 court when it appears by probable cause that state law has been violated.
- 828 (h) Each judge of the municipal court may compel the presence of all parties necessary to
829 a proper disposal of each case by the issuance of summonses, subpoenas and warrants
830 which may be served as executed by any officer as authorized by this charter or by law.
- 831 (i) Each judge of the municipal court shall be authorized to issue warrants for the arrest
832 of persons charged with offenses against any ordinance of the city, and each judge of the
833 municipal court shall have the same authority as a magistrate of the state to issue warrants
834 for offenses against state laws committed within the city.
- 835 (j) The municipal court is specifically vested with all the jurisdiction and powers
836 throughout the geographic area of this city granted by law to municipal courts and

837 particularly by such laws as authorize the abatement of nuisances and prosecution of traffic
838 violations.

839 (k) The chief municipal court judge shall perform such other duties as required for proper
840 administration of the municipal court.

841 Section 4.14.

842 Appeal.

843 The right of certiorari or appeal from the decision and judgment of the municipal court shall
844 exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained
845 under the sanction of a judge of the superior court of DeKalb County, under the laws of the
846 State of Georgia regulating the granting and issuance of writs of certiorari or appeals from
847 municipal courts.

848 Section 4.15.

849 Rules for court.

850 With the approval of the city council, the judge shall have full power and authority to make
851 reasonable rules and regulations necessary and proper to secure the efficient and successful
852 administration of the municipal court; provided, however, that the city council may adopt in
853 part or in toto the rules and regulations applicable to superior courts. The rules and
854 regulations made or adopted shall be filed with the city clerk, shall be available for public
855 inspection, and, upon request, shall be furnished to all defendants in municipal court
856 proceedings at least 48 hours prior to said proceedings.

857 ARTICLE V.
858 ELECTIONS AND REMOVAL

859 Section 5.10.
860 Applicability of general law.

861 All primaries and elections shall be held and conducted in accordance with the Constitution
862 and general laws of the State of Georgia.

863 Section 5.11.
864 Election of the city council and mayor.

865 (a) There shall be a municipal general election on the first Tuesday next following the first
866 Monday in November.

867 (b) There shall be elected the mayor and two councilmembers at one election and at every
868 other election thereafter. The remaining city council seats shall be filled at the election
869 alternating with the first election so that a continuing body is created as provided for in the
870 initial election held under this charter pursuant to Section 7.12 of this charter.

871 Section 5.12.
872 Nonpartisan elections.

873
874 Political parties shall not conduct primaries for city offices and all names of candidates for
875 city offices shall be listed without party designations.

876 Section 5.13.

877 Election by plurality.

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

879 Section 5.14.

880 Special elections; vacancies.

881 In the event that the office of mayor or councilmember shall become vacant, the city council
882 or those remaining shall order a special election to fill the balance of the unexpired term of
883 such official; provided, however, that if such vacancy occurs within 12 months of the
884 expiration of the term of that office, the city council or those remaining shall appoint a
885 successor for the remainder of the term. In all other respects, the special election shall be
886 held and conducted in accordance with applicable general state law as now or hereafter
887 amended.

888 Section 5.15.

889 Other provisions.

890 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe
891 such rules and regulations it deems appropriate to fulfill any options and duties under general
892 state law.

893 Section 5.16.

894 Removal of officers.

895 (a) The mayor, councilmembers or other appointed officers provided for in this charter
896 shall be removed from office for any one or more of the following causes:

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

898 (2) Conviction of a crime involving moral turpitude;

899 (3) Failure at any time to possess any of the qualifications of office as provided by this
900 charter or by law;

901 (4) Knowingly violating any express prohibition of this charter;

902 (5) Abandonment of office or neglect to perform the duties thereof;

903 (6) Failure for any other cause to perform the duties of office as required by this charter
904 or by state law.

905 (b)(1) Following a charge against an elected official upon one or more of the grounds
906 listed in subparagraph (a) of this section, the elected official shall be notified of the
907 charges in writing. The city council, without participation by any charged member, shall
908 appoint a committee consisting of five citizens who are not elected officials to conduct
909 an investigation of the charges and said commission shall issue a report of its findings to
910 the mayor and city council within ten days of its appointment. The elected official
911 charged shall have a right to a public hearing before the city council to be held within ten
912 days of receipt by the mayor and city council of the report from the citizens committee.
913 The charged elected official shall have the right of counsel, the right to examine
914 witnesses, and the power to subpoena persons or physical evidence. Any elected officer
915 sought to be removed from office as herein provided shall have the right of appeal from
916 the decision of the city council to the Superior Court of DeKalb County. Such appeal
917 shall be governed by the same rules as govern appeals to the superior court from the
918 probate court; or

919 (2) By petition of recall by the electors of the City of Pine Lake, as provided for by the
920 laws of the State of Georgia.

921 (c) Any mayor or councilmember of the city who shall forfeit his or her office as described
922 in paragraphs (a) and (b) of this section shall be ineligible for appointment or election for
923 any office in the city government.

924 ARTICLE VI.

925 FINANCE

926 Section 6.10.

927 Property tax.

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

934 Section 6.11.

935 Millage rate; due dates; payment methods.

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

940 Section 6.12.

941 Occupation and business taxes.

942 The city council by ordinance shall have the power to levy such occupation or business taxes
943 as are not denied by law. Such taxes may be levied on both individuals and corporations who
944 transact business in this city or who practice or offer to practice any profession or calling to
945 the extent such persons have a constitutionally sufficient nexus to this city to be so taxed.
946 The city council may classify businesses, occupations, professions or callings for the purpose
947 of such taxation in any way which may be lawful and may compel the payment of such taxes
948 as provided in Section 6.18 of this charter.

949 Section 6.13.

950 Licenses; permits; fees.

951 The city council by ordinance shall have the power to require any individual or corporation
952 who transacts business in this city or who practices or offers to practice any profession or
953 calling therein to obtain a license or permit for such activity from the city and pay a
954 reasonable fee for such license or permit where such activities are not now regulated by
955 general law in such a way as to preclude city regulations. Such fees may reflect the total cost
956 to the city of regulating the activity, and if unpaid, shall be collected as provided in
957 Section 6.18 of this charter. The city council by ordinance may establish reasonable
958 requirements for obtaining or keeping such licenses as the public health, safety and welfare
959 necessitate.

960 Section 6.14.

961 Franchises.

962 The city council shall have the power to grant franchises for the use of this city's streets and
963 alleys for the purposes of railroads, street railways, telephone companies, electric companies,
964 cable television companies, gas companies, transportation companies and other similar
965 organizations. The city council shall determine the duration, terms, whether the same shall
966 be exclusive or nonexclusive, and the consideration of such franchises; provided, however,
967 that no franchise shall be granted for a period in excess of 35 years and no franchise shall be
968 granted unless the city receives just and adequate compensation therefor. The city council
969 may provide by ordinance for the registration within a reasonable time of all franchises
970 previously granted.

971 Section 6.15.

972 Service charges.

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

978 Section 6.16.

979 Special assessments.

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

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

985 Section 6.17.

986 Construction; other taxes.

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

990 Section 6.18.

991 Collection of delinquent taxes.

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

999 Section 6.19.

1000 Borrowing.

1001 The city council shall have the power to issue bonds for the purpose of raising revenue to
1002 carry out any project, program or venture authorized under this charter or the laws of the

1003 state. Such bonding authority shall be exercised in accordance with the laws governing bond
1004 issuance by municipalities in effect at the time said issue is undertaken.

1005 Section 6.20.

1006 Revenue bonds.

1007 Revenue bonds may be issued by the city council as state law now or hereafter provides.
1008 Such bonds are to be paid out of any revenue produced by the project, program or venture
1009 for which they were issued.

1010 Section 6.21.

1011 Loans.

1012

1013 The city may obtain short-term loans and must repay such loans not later than December 31
1014 of each year, unless otherwise provided by law.

1015 Section 6.22.

1016 Accounting and budgeting.

1017 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
1018 budget year and the year for financial accounting and reporting of each and every office,
1019 department, agency and activity of the city government.

1020 Section 6.23.

1021 Budget ordinance.

1022 The city council shall provide an ordinance on the procedures and requirements for the
1023 preparation and execution of an annual operating budget, a capital improvement program,
1024 and a capital budget, including requirements as to the scope content, and form of such
1025 budgets and programs.

1026 Section 6.24.

1027 Operating budget.

1028 On or before a date fixed by the city council but not later than 45 days prior to the beginning
1029 of each fiscal year, the city manager shall submit to the mayor and city council a proposed
1030 operating budget for the ensuing fiscal year. The budget shall be accompanied by a message
1031 from the city manager containing a statement of the general fiscal policies of the city, the
1032 important features of the budget, explanations of major changes recommended for the next
1033 fiscal year, a general summary of the budget, and such other comments and information as
1034 the city manager may deem pertinent. The operating budget, the capital improvement
1035 budget, the budget message, and all supporting documents shall be filed in the office of the
1036 city clerk and shall be open to public inspection.

1037 Section 6.25.

1038 Action by city council on budget.

1039 (a) The city council may amend the operating budget proposed by the city manager;
1040 provided, however, that the budget as finally amended and adopted must provide all
1041 expenditures required by state law or by other provisions of this charter and for all debt

1042 service requirements for the ensuing fiscal year. The total appropriations from any fund
1043 shall not exceed the estimated fund balance, reserves, and revenues.

1044 (b) The city council by resolution shall adopt the final operating, budget for the ensuing
1045 fiscal year not later than December 27 of each year. If the city council fails to adopt the
1046 budget by said date, the amounts appropriated for operation for the then current fiscal year
1047 shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all
1048 items prorated accordingly, until such time as the city council adopts a budget for the
1049 ensuing fiscal year. Adoption of the budget shall take the form of an appropriations
1050 resolution setting out the estimated revenues in detail by sources and making
1051 appropriations according to fund and by organizational unit, purpose or activity as set out
1052 in the budget preparation ordinance adopted pursuant to Section 6.23 of this charter.

1053 (c) The amount set out in the adopted operating budget or each organizational unit shall
1054 constitute the annual appropriation for such, and no expenditure shall be made or
1055 encumbrance created in excess of the otherwise unencumbered balance of the
1056 appropriations or allotments thereof to which it is chargeable.

1057 Section 6.26.

1058 Levy of taxes.

1059 Following adoption of the operating budget, the city council shall levy by ordinance such
1060 taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that
1061 reasonable estimates of revenues from such levy shall at least be sufficient, together with
1062 other anticipated revenues, fund balances and applicable reserves, to equal the total amount
1063 appropriated for each of the several funds set forth in the annual operating budget for
1064 defraying the expense of the general government of this city.

1065 Section 6.27.
1066 Changes in appropriations.

1067 The city council by resolution may make changes in the appropriations contained in the
1068 current operating budget at any regular meeting or special or emergency meeting called for
1069 such purposes, but any additional appropriations may be made only from an existing
1070 unexpended surplus.

1071 Section 6.28.
1072 Capital improvements budget.

1073 (a) On or before a date fixed by the city council but not later than 45 days prior to the
1074 beginning of each fiscal year, the city manager shall submit to the mayor and city council
1075 a proposed capital improvement budget with recommendations as to the means of financing
1076 the improvements proposed for the ensuing fiscal year. The city council shall have the
1077 power to accept, with or without amendments, or reject the proposed program and proposed
1078 means of financing. The city council shall not authorize an expenditure for the
1079 construction of any building, structure, work or improvement unless the appropriations for
1080 such project are included in the capital improvement budget, except to meet a public
1081 emergency as provided in Section 2.24 of this charter.

1082 (b) The city council by resolution shall adopt the final operating budget for the ensuing
1083 fiscal year not later than December 27 of each year. If the city council fails to adopt the
1084 budget by said date, the amounts appropriated for operation for the then current fiscal years
1085 shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all
1086 items prorated accordingly, until such time as the city council adopts a budget for the
1087 ensuing fiscal year. Adoption of the budget shall take the form of an appropriations
1088 resolution setting out the estimated revenues in detail by sources and making

1089 appropriations according to fund and by organizational unit, purpose or activity as set out
1090 in the budget preparation ordinance adopted pursuant of Section 6.23 of this charter.

1091 Section 6.29.

1092 Independent audits.

1093 There shall be an annual independent audit of all city accounts, funds, and financial
1094 transactions by a certified public accountant selected by the city council. The audit shall be
1095 conducted according to generally accepted accounting principles. Any audit of any funds by
1096 the state or federal government may be accepted as satisfying the requirements of this
1097 charter. Copies of all audit reports shall be available at printing costs to the public.

1098 Section 6.30.

1099 Contracting procedures.

1100 No contract with the city shall be binding on the city unless:

1101 (1) It is in writing;

1102 (2) It is drawn or submitted and reviewed by the city attorney and, as a matter of course,
1103 is signed by the city attorney to indicate such drafting or review; and

1104 (3) It is made or authorized by the city council and such approval is entered in the city
1105 council journal of proceedings pursuant to Section 2.21 of this charter.

1106 Section 6.31.

1107 Centralized purchasing.

1108 The city council shall by ordinance or resolution prescribe the procedures for a system of
1109 centralized purchasing for the city.

1110 Section 6.32.

1111 Sale of city property.

1112 (a) The city council may sell and convey any real or personal property owned or held by
1113 the city for governmental or other purposes as not or hereafter provided by law.

1114 (b) The city council may quitclaim any rights it may have in property not needed for public
1115 purposes upon report by the mayor and adoption of a resolution, both finding that the
1116 property is not needed for public or other purposes and that the interest of the city has no
1117 readily ascertainable monetary value.

1118 (c) Whenever in opening, extending or widening any street, avenue, alley or public place
1119 of the city a small parcel or tract of land is cut off or separated by such work from a larger
1120 tract or boundary of land owned by the city, the city council may authorize the mayor to
1121 execute and deliver in the name of the city a deed conveying said cut-off or separated
1122 parcel or tract of land to an abutting or adjoining property owner or owners in exchange for
1123 rights of way of said street, avenue, alley or public place when such exchange is deemed
1124 to be in the best interest of the city. All deeds and conveyances heretofore and hereafter
1125 so executed and delivered shall convey all title and interest the city has in such property,
1126 notwithstanding the fact that no public sale after advertisement was or is hereafter made.

1148 of candidacy for a city council seat shall designate the council post being sought. All council
1149 posts are held 'at large' and represent all residents of Pine Lake. All registered voters of Pine
1150 Lake shall be able to elect candidates of their choice for all city council posts regardless of
1151 where they live within the city.

1152 Section 7.13.

1153 Charter language on other general matters.

1154 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
1155 contracts and legal or administrative proceedings shall continue and any such ongoing work
1156 or cases shall be completed by such city agencies, personnel or offices as may be provided
1157 by the city council.

1158 Section 7.14.

1159 Definitions and construction.

1160 (a) Section captions in this charter are informative only and shall not be considered as a
1161 part thereof.

1162 (b) The word 'shall' is mandatory and the word 'may' is permissive.

1163 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1164 versa.

1165 Section 7.15.

1166 Severability.

1167 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
1168 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect

1169 or impair other parts of this charter unless it clearly appears that such other parts are wholly
1170 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
1171 legislative intent in enacting this charter that each article, section, subsection, paragraph,
1172 sentence or part thereof be enacted separately and independent of each other."

1173

SECTION 2.

1174 All laws and parts of laws in conflict with this Act are repealed.