

Senator Payne of the 54th offered the following  
substitute to HB 1229:

A BILL TO BE ENTITLED  
AN ACT

1 To provide a new charter for the City of Dalton in Whitfield County, Georgia; to provide for  
2 incorporation, boundaries, and powers of the city; to provide for a governing authority of  
3 such city and the powers, duties, authority, election, terms, method of filling vacancies,  
4 compensation, qualifications, prohibitions, and removal from office relative to members of  
5 such governing authority; to provide for inquiries and investigations; to provide for  
6 organization and procedures; to provide for ordinances and codes; to provide for  
7 administrative responsibilities; to provide for boards, commissions, and authorities; to  
8 provide for a city administrator, a city attorney, a city clerk, and other personnel; to provide  
9 for rules and regulations; to provide for a municipal court and the judge or judges thereof;  
10 to provide for practices and procedures; to provide for taxation and fees; to provide for  
11 franchises, service charges, and assessments; to provide for bonded and other indebtedness;  
12 to provide for accounting and budgeting; to provide for the sale of property; to provide for  
13 penalties; to provide for an independent school system; to provide for public utilities; to  
14 provide for definitions and construction; to provide for fire and police departments and chiefs  
15 thereof; to provide for zoning and planning; to provide for a building authority, downtown  
16 development authority, and airport authority for the city; to provide for related matters; to  
17 provide for prior ordinances and pending matters; to provide for construction; to provide for  
18 severability; to repeal specific Acts; to repeal conflicting laws; and for other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 ARTICLE I  
21 INCORPORATION AND POWERS

22 SECTION 1.10.  
23 Name.

24 The City of Dalton in Whitfield County, Georgia, and the inhabitants thereof, are  
25 reincorporated by the enactment of this charter and are hereby constituted and declared a  
26 body politic and corporate under the name and style City of Dalton, Georgia, and by that  
27 name shall have perpetual succession.

28 SECTION 1.11.  
29 Corporate boundaries.

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

38 (b) The mayor and council may provide for the redrawing of any such map or description  
39 by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map or

40 description shall supersede for all purposes the entire map or description which it is  
41 designated to replace.

42 SECTION 1.12.

43 Powers and construction.

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

48 (b) The powers of the city shall be construed liberally in favor of the city. The specific  
49 mention or failure to mention particular powers shall not be construed as limiting in any way  
50 the powers of the city. These powers shall include, but not be limited to, the following:

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

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

60 (3) Building regulation. To regulate and to license the erection and construction of  
61 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, fire,  
62 property maintenance, and heating and air conditioning codes; and to regulate all housing  
63 and building trades to the extent permitted by general law;

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

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

(6) Contracts. To enter into contracts and agreements with other governmental entities and with private persons and entities;

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

(8) Environmental protection. To protect and preserve the natural resources, environment, and vital areas of the city, the region, and the state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of stormwater and establishment of a stormwater utility, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;

(9) Ethics. To adopt ethics ordinances and regulations governing the conduct of municipal elected officials, appointed officials, and employees, and to establish procedures for ethics complaints and set forth penalties for violations of such rules and procedures;

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

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

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

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

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

106 (14) Health and sanitation. To prescribe standards of health and sanitation and to provide  
107 for the enforcement of such standards;

108 (15) Jail sentences. To provide that persons given jail sentences in the city's municipal  
109 court may work out such sentences in any public works or on the streets, roads, drains, and  
110 other public property in the city, to provide for commitment of such persons to any jail, to  
111 provide for the use of pretrial diversion and any alternative sentencing allowed by law, or  
112 to provide for commitment of such persons to any county work camp or county jail by  
113 agreement with the appropriate county officials;

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

- 117 (17) Municipal agencies and delegation of power. To create, alter, or abolish departments,  
118 boards, offices, commissions, and agencies of the city, and to confer upon such agencies  
119 the necessary and appropriate authority for carrying out all the powers conferred upon or  
120 delegated to the same;
- 121 (18) Municipal debts. To appropriate and borrow money for the payment of debts of the  
122 city and to issue bonds for the purpose of raising revenue to carry out any project, program,  
123 or venture authorized by this charter or the laws of the State of Georgia;
- 124 (19) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or  
125 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or  
126 outside the corporate limits of the city or the State of Georgia;
- 127 (20) Municipal property protection. To provide for the preservation and protection of  
128 property and equipment of the city and the administration and use of same by the public;  
129 and to prescribe penalties and punishment for violations thereof;
- 130 (21) Municipal utilities. Except as otherwise set forth in this charter, to acquire, lease,  
131 construct, operate, maintain, sell, and dispose of public utilities, including but not limited  
132 to a system of waterworks, sewers and drains, sewage disposal, stormwater management,  
133 gas works, electric light plants, cable television and other telecommunications,  
134 transportation facilities, public airports, and any other public utility; to fix the taxes,  
135 charges, rates, fares, fees, assessments, regulations, and penalties; and to provide for the  
136 withdrawal of service for refusal or failure to pay the same;
- 137 (22) Nuisance. To define a nuisance and provide for its abatement whether on public or  
138 private property;
- 139 (23) Penalties. To provide penalties for violation of any ordinances adopted pursuant to  
140 the authority of this charter and the laws of the State of Georgia;
- 141 (24) Planning and zoning. To provide comprehensive city planning for development by  
142 zoning; and to provide subdivision regulation and the like as the mayor and council deems  
143 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;

144 (25) Police and fire protection. To exercise the power of arrest through duly appointed  
145 police officers, and to establish, operate, or contract for a police and a firefighting agency;  
146 (26) Public hazards: removal. To provide for the destruction and removal of any building  
147 or other structure which is or may become dangerous or detrimental to the public;  
148 (27) Public improvements. To provide for the acquisition, construction, building,  
149 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,  
150 cemeteries, public buildings, libraries, public housing, parking facilities, or charitable,  
151 cultural, educational, recreational, conservation, sport, detentional, penal, and medical  
152 institutions, agencies, and facilities; and to provide any other public improvements, inside  
153 or outside the corporate limits of the city and to regulate the use of public improvements;  
154 and for such purposes, property may be acquired by condemnation under Title 22 and  
155 Title 32 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted;  
156 (28) Public peace. To provide for the prevention and punishment of loitering, disorderly  
157 conduct, public drunkenness, riots, and public disturbances;  
158 (29) Public transportation. To organize and operate such public transportation systems as  
159 are deemed beneficial;  
160 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,  
161 removal, connection, and maintenance of signs, billboards, trees, shrubs, fences, buildings,  
162 driveways, curb cuts, and any and all other structures or obstructions upon or adjacent to  
163 the rights of way of streets and roads or within view thereof, within or abutting the  
164 corporate limits of the city; and to prescribe penalties and punishment for violation of such  
165 ordinances;  
166 (31) Retirement. To provide and maintain a retirement plan for officers and employees  
167 of the city;  
168 (32) Roadways. To lay out, open, extend, widen, narrow, establish, or change the grade  
169 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise  
170 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and

171 walkways within the corporate limits of the city; to grant franchises and rights of way  
172 throughout the streets, roads, and over the bridges and viaducts for the use of public  
173 utilities; and to require real estate owners to repair and maintain in a safe condition the  
174 sidewalks adjoining their lots or lands, and to impose penalties for failure to do so;

175 (33) Sale of alcoholic beverages. The mayor and council shall have the power by  
176 ordinance to regulate, license, and tax the wholesale and retail sale of alcoholic beverages  
177 within the city in a manner consistent with state law; and shall have the power to establish  
178 and impose by ordinance fines, license suspensions, and license revocations for violations  
179 of alcoholic beverage ordinances;

180 (34) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,  
181 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant  
182 and sewerage system, and to levy on those to whom sewers and sewerage systems are made  
183 available a sewer service fee, charge, or sewer tax for the availability or use of the sewers;  
184 to provide for the manner and method of collecting such service charges and for enforcing  
185 payment of the same; and to charge, impose, and collect a sewer connection fee or fees to  
186 those connected with the system;

187 (35) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,  
188 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by  
189 others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper,  
190 and other recyclable materials and to provide for the sale of such items;

191 (36) Special areas of public regulation. To regulate or prohibit junk dealers and the  
192 manufacture and sale of intoxicating liquors; to regulate the transportation, storage, and use  
193 of combustible, explosive, and inflammable materials, the use of lighting and heating  
194 equipment, and any other business or situation which may be dangerous to persons or  
195 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical  
196 performances, exhibitions, and shows of any kind, by taxation or otherwise; to license and



197 tax professional fortune telling, palmistry, and massage parlors; and to restrict adult  
198 bookstores and other adult entertainment establishments to certain areas;

199 (37) Special assessments. To levy and provide for the collection of special assessments  
200 to cover the costs for any public improvements;

201 (38) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,  
202 and collection of taxes on all property subject to taxation; and to provide homestead  
203 exemption from such taxes.

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

206 (40) Urban redevelopment. To organize and operate an urban redevelopment program;

207 (41) Vehicles for hire. To regulate and license vehicles operated for hire in the city; to  
208 limit the number of such vehicles; to require the operators thereof to be licensed; to require  
209 public liability insurance on such vehicles in the amounts to be prescribed by ordinance;  
210 and to regulate the parking of such vehicles; and

211 (42) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,  
212 and immunities necessary or desirable to promote or protect the safety, health, peace,  
213 security, good order, comfort, convenience, or general welfare of the city and its  
214 inhabitants; to exercise all implied powers necessary or desirable to carry into execution  
215 all powers granted in this charter as fully and completely as if such powers were fully  
216 stated in this Act; and to exercise all powers now or in the future authorized to be exercised  
217 by other municipal governments under other laws of the State of Georgia; and any listing  
218 of particular powers in this charter shall not be held to be exclusive of others or restrictive  
219 of general words and phrases granting powers, but shall be held to be in addition to such  
220 powers unless expressly prohibited to municipalities under the Constitution or applicable  
221 laws of the State of Georgia.

## SECTION 1.13.

## Exercise of powers.

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

## ARTICLE II

## GOVERNMENT STRUCTURE

## SECTION 2.10.

## Mayor and council; number; wards; election.

The legislative authority of the government of the city, except as otherwise specifically provided in this charter, shall be vested in a governing body to be composed of a mayor and four councilmembers who shall be known as the Mayor and Council of the City of Dalton, Georgia. The governing body established shall in all respects be a successor to and continuation of the governing authority under prior law. The mayor and councilmembers shall be elected in the manner provided by general law and this charter. For the purpose of electing councilmembers, the city shall consist of four wards. The boundaries of the four wards shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of each ward at all times shall be shown on a map, a written description, or any combination thereof, to be retained in the office of the city clerk and to be designated, as the case may be: "Official Map (or Description) of the Election Wards of the City of Dalton, Georgia." Photographic, typed, or other copies of such map or description certified by the

245 city clerk shall be admitted as evidence in all courts and shall have the same force and effect  
246 as the original map or description. Each candidate for the position of councilmember must  
247 reside in the ward he or she seeks to represent, but such wards shall be residency wards only  
248 and not voting wards. All elections for mayor and councilmembers shall be elected at large  
249 by the voters of the entire city.

250 SECTION 2.11.

251 Terms and qualifications for office for mayor and councilmembers.

252 The mayor and councilmembers shall serve for terms of four years and until their respective  
253 successors are elected and qualified. No person shall be eligible to serve as mayor or  
254 councilmember unless that person shall have been a resident of the area comprising the  
255 corporate limits of the city for a continuous period of at least 12 months immediately prior  
256 to the date of the election for mayor or councilmember, shall continue to reside therein  
257 during that person's period of service, and shall continue to be registered and qualified to vote  
258 in municipal elections of the city. In addition to the requirements in this section, no person  
259 shall be eligible to serve as a councilmember representing a ward unless that person has been  
260 a resident of the ward such person seeks to represent for a continuous period of at least six  
261 months immediately prior to the date of the election for councilmember and continues to  
262 reside in such ward during that person's period of service. In the event that a councilmember  
263 no longer resides in the ward he or she was elected to represent, such councilmember shall  
264 immediately resign from the council. The terms of councilmembers shall be staggered as in  
265 effect on the date of this charter. For purposes of this provision, a person shall be deemed  
266 to be a resident where he or she is domiciled.

## SECTION 2.12.

## Vacancy; filling of vacancies.

(a) The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, removal from office in any manner authorized by this charter, or occurrence of any event specified by the Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

(b) A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, by appointment by the mayor and council or those members remaining if less than 12 months remains in the unexpired term. If such vacancy occurs 12 months or more prior to the expiration of the term of that office, it shall be filled for the remainder of the unexpired term by a special election, as provided for in Section 5.13 of this charter and in accordance with Titles 21 and 45 of the O.C.G.A., or other such laws as are or may hereafter be enacted.

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

## SECTION 2.13.

## Compensation and expenses.

The mayor and councilmembers shall receive compensation and expenses for their services as provided by ordinance. The compensation in effect as of the date of enactment of this charter shall continue until modified as provided herein.

## SECTION 2.14.

## Conflicts of interest; holding other offices.

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

(b) No elected official, appointed officer, or employee of the city, 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 that person's official duties or which would tend to impair the independence of the official's judgment or action in the performance of those 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 that person's official duties or would tend to impair the independence of the official's judgment or action in the performance of those official duties;

(3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property, government, or affairs of the governmental body by which the official is engaged without proper legal authorization; or use such information to advance the financial or other private interest of the official or others;

(4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to the official's knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which the official 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;

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

314 (6) Vote or otherwise participate in the negotiation or in the making of any contract with  
315 any business or entity in which the official has a financial interest.

316 (c) Any elected official, appointed officer, or employee who shall have any financial  
317 interest, directly or indirectly, in any contract or matter pending before or within any  
318 department of the city shall disclose such interest to the city council. The mayor or any  
319 councilmember who has a financial interest in any matter pending before the city council  
320 shall disclose such interest and such disclosure shall be entered on the records of the city  
321 council, and that official shall disqualify himself or herself from participating in any decision  
322 or vote relating thereto. Any elected official, appointed officer, or employee of any agency  
323 or political entity to which this charter applies who shall have any financial interest, directly  
324 or indirectly, in any contract or matter pending before or within such entity shall disclose  
325 such interest to the governing body of such agency or entity.

326 (d) No elected official, appointed officer, or employee of the city, or any agency or entity  
327 to which this charter applies shall use property owned by such governmental entity for  
328 personal benefit or profit but shall use such property only in their capacity as an officer or  
329 employee of the city.

330 (e) Any violation of this section which occurs with the knowledge, express or implied, of  
331 a party to a contract or sale shall render said contract or sale voidable at the option of the city  
332 council.

333 (f) Except where authorized by law, neither the mayor nor any councilmember shall hold  
334 any other elective or appointive office in the city or otherwise be employed by said  
335 government or any agency thereof during the term for which that official was elected.

336 (g) No appointive officer of the city shall continue in such employment upon qualifying as  
337 a candidate for nomination or election to any public office. No employee of the city shall  
338 continue in such employment upon qualifying for or election to any public office in this city

339 or any other public office which is inconsistent, incompatible, or in conflict with the duties  
340 of the city employee. Such determination shall be made by the mayor and council either  
341 immediately upon election or at any time such conflict may arise.

342 (h)(1) Any city officer or employee who knowingly conceals such financial interest or  
343 knowingly violates any of the requirements of this section shall be guilty of malfeasance  
344 in office or position and shall be deemed to have forfeited that person's office or position.

345 (2) Any officer or employee of the city who shall forfeit an office or position as described  
346 in paragraph (1) of this subsection, shall be ineligible for appointment or election to or  
347 employment in a position in the city government for a period of three years thereafter.

348 SECTION 2.15.

349 Inquiries and investigations.

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

356 SECTION 2.16.

357 General power and authority of the mayor and council.

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

360 (b) In addition to all other powers conferred upon it by law, the mayor and council shall  
361 have the authority to adopt and provide for the execution of such ordinances, resolutions,

362 rules, and regulations, not inconsistent with this charter and the Constitution and the laws of  
363 the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good  
364 order, protection of life and property, health, welfare, sanitation, comfort, convenience,  
365 prosperity, or well-being of the inhabitants of the City of Dalton and may enforce such  
366 ordinances by imposing penalties for violation thereof.

367 (c) In addition to all other powers conferred upon it by law, the mayor and council shall have  
368 the power and authority to appoint, remove, demote, and discharge the head of any  
369 department of the city at any time in the mayor and council's discretion, except as otherwise  
370 provided by this charter, ordinance, or by law.

371 SECTION 2.17.

372 Eminent domain.

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

381 SECTION 2.18.

382 Organizational meetings.

383 The mayor and council shall hold an organizational meeting on the first regularly scheduled  
384 meeting in January following the November election in which a councilmember seat or the



385 mayoral position is on the ballot. The meeting shall be called to order by the mayor or the  
386 city clerk and the oath of office shall be administered to the newly elected members by the  
387 city attorney or a judicial officer authorized to administer oaths and shall, to the extent that  
388 it comports with federal and state law, be as follows:

389 "I do solemnly (swear)(affirm) that I will faithfully perform the duties of (title of office)  
390 of this city and that I will support and defend the charter thereof as well as the constitution  
391 and laws of the State of Georgia and of the United States of America. I am not the holder  
392 of any unaccounted for public money due this state or any political subdivision or authority  
393 thereof. I am not the holder of any office of trust under the government of the United  
394 States, any other state, or any foreign state which I by the laws of the State of Georgia am  
395 prohibited from holding. I am otherwise qualified to hold said office according to the  
396 Constitution and laws of Georgia. I have been a resident of my district and the City of  
397 Dalton for the time required by the Constitution and laws of this state and by the municipal  
398 charter. I will perform the duties of my office in the best interest of the City of Dalton to  
399 the best of my ability without fear, favor, affection, reward, or expectation thereof."

400 SECTION 2.19.

401 Regular and special meetings.

402 (a) The mayor and council shall hold regular meetings at such times and places as shall be  
403 prescribed by ordinance. All meetings shall be held in accordance with Code  
404 Section 50-14-1 of the O.C.G.A.

405 (b) Special meetings of the mayor and council may be held on call of the mayor or two  
406 councilmembers. Notice of such special meetings shall be served on all other members  
407 personally, by telephone personally, or by electronic transmission, at least 24 hours in  
408 advance of the meeting. Such notice shall not be required if the mayor and all  
409 councilmembers are present when the special meeting is called. Such notice of any special

410 meeting may be waived by a councilmember and the mayor in writing before or after such  
411 a meeting, and attendance at the meeting shall also constitute a waiver of notice on any  
412 business transacted in such councilmember's or mayor's presence. Only the business stated  
413 in the call may be transacted at the special meeting.

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

418 SECTION 2.20.  
419 Rules of procedure.

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

423 (b) Except as otherwise provided by resolution or ordinance, all committees composed  
424 entirely of members of the mayor and council shall be appointed by the mayor and shall  
425 serve at the pleasure of the mayor.

426 SECTION 2.21.  
427 Quorum: voting.

428 (a) Except as otherwise provided in this charter, three councilmembers shall constitute a  
429 quorum and shall be authorized to transact the business of the mayor and council. In the  
430 event only two councilmembers are eligible to vote on a matter due to the absence,  
431 abstention, or recusal of two councilmembers, then the mayor and two councilmembers shall  
432 constitute a quorum and shall be authorized to transact the business of the mayor and council.

433 The mayor pro tempore acting in the absence of the mayor shall be counted as a  
434 councilmember for the purposes of determining a quorum and voting. Except as otherwise  
435 provided in this charter, the affirmative vote of three councilmembers shall be required for  
436 the adoption of any ordinance, resolution, or motion. In the event the quorum is comprised  
437 of the mayor and two councilmembers, then the affirmative vote of the mayor and two  
438 councilmembers shall be required for the adoption of any ordinance, resolution, or motion.  
439 In the case of a tie vote among the four councilmembers, the vote of two councilmembers  
440 and the mayor shall be required for the adoption of any ordinance, resolution, or motion.  
441 Voting on the adoption of ordinances, resolutions, or motions shall be by voice vote and the  
442 vote shall be recorded in the minutes of the proceedings, but any member of the mayor and  
443 council shall have the right to request a roll-call vote and such vote shall be recorded in the  
444 minutes of the proceedings. An abstention or recusal shall not be counted as a vote for or  
445 against and will not defeat a quorum.

446 (b) No member of the city council shall abstain from voting on any matter properly brought  
447 before the council for official action except when such councilmember has a conflict of  
448 interest which is disclosed in writing prior to or orally at the meeting and made a part of the  
449 minutes. Any member of the city council present and eligible to vote on a matter and  
450 refusing to do so for any reason other than a properly disclosed and recorded conflict of  
451 interest shall be deemed to have acquiesced or concurred with the members of the majority  
452 who did vote on the question involved.

453 SECTION 2.22.

454 Ordinance form; procedures.

455 (a) Every proposed ordinance shall be introduced in writing and in the form required for  
456 final adoption. No ordinance shall contain a subject which is not expressed in its title. The  
457 enacting clause shall be "BE IT ORDAINED by the Mayor and Council of the City of Dalton

458 and by authority of the same, IT IS HEREBY ORDAINED" and every ordinance shall so  
459 begin.

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

468 SECTION 2.23.  
469 Action requiring an ordinance.

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

472 SECTION 2.24.  
473 Emergencies.

474 (a) To meet a public emergency affecting life, health, property, or public peace, the mayor  
475 and council may convene on the call of the mayor or two councilmembers and promptly  
476 adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or  
477 extend a franchise; or authorize the borrowing of money except for loans to be repaid  
478 within 30 days. An emergency ordinance shall be introduced in the form prescribed for  
479 ordinances generally, except that it shall be plainly designated as an emergency ordinance  
480 and shall contain, after the enacting clause, a declaration stating that an emergency exists,

481 and describing the emergency in clear and specific terms. An emergency ordinance may be  
482 adopted, with or without amendment, or rejected at the meeting at which it is introduced. It  
483 shall become effective upon adoption or at such later time as it may specify. Every  
484 emergency ordinance shall automatically stand repealed 30 days following the date upon  
485 which it was adopted, but this shall not prevent reenactment of the ordinance in the manner  
486 specified in this section if the emergency still exists. An emergency ordinance may also be  
487 repealed by adoption of a repealing ordinance in the same manner specified in this section  
488 for adoption of emergency ordinances.

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

493 SECTION 2.25.

494 Codes of technical regulations.

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

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

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

504 (b) Copies of any adopted code of technical regulations shall be made available by the city  
505 clerk or building inspector for inspection by the public.

## SECTION 2.26.

Signing; authenticating; recording; codification; printing.

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

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

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

## SECTION 2.27.

City administrator; appointment; qualifications; compensation.

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

## SECTION 2.28.

Removal of city administrator.

The city administrator is employed at will and may be summarily removed from office at any time by the mayor and council at a meeting held in accordance with this charter. In this matter the mayor shall be entitled to cast a vote without regard to a tie vote among the councilmembers.

## SECTION 2.29.

Powers and duties of the city administrator.

The city administrator shall be the chief executive and administrative officer of the city. The city administrator shall be responsible to the city council for the administration of all city affairs placed in the city administrator's charge by or under this charter. As the chief executive and administrative officer, the city administrator shall:

- (1) Supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law;
- (2) To act as budget officer for the City of Dalton pursuant to the powers set forth in Code Section 36-81-1 of the O.C.G.A., et seq. To further set the budgetary calendar to meet the requirements of law and prescribe the form for presentation of any budgetary request to the

City of Dalton. Budget requests shall be initially filed with the city administrator. The city administrator shall annually, or more often as may be required by the mayor and council, prepare and propose a balanced budget for the City of Dalton;

(3) Care and be responsible for all buildings and all real and personal property of the city;

(4) In the event there is not an acting department head, appoint, suspend, or remove all city employees in such department, except as otherwise provided by law or this charter;

(5) Advise the mayor and council on the hiring or termination of department heads over whom the city administrator has management and supervision responsibility;

(6) Attend meetings of the mayor and council and its committees and assist all of the standing or special committees of the city and make available to them such information as may be needed;

(7) Advise and assist the mayor and councilmembers in the performance of their duties;

(8) Review and advise the mayor and council regarding the activities of the various departments, bureaus, boards, commissions, authorities, of the city under the direct authority of the mayor and council;

(9) Serve ex officio as a nonvoting member of all boards, commissions, authorities, or agencies of the city under the direct authority of the mayor and council, except for those boards, commissions, authorities, or agencies created under local act or for which authority is provided by general statute of the General Assembly of Georgia; and

(10) Perform all other duties as may be lawfully delegated to him or her by the mayor and council.

#### SECTION 2.30.

##### Mayor and council interference with administration.

Except as otherwise provided in this charter and except for the purpose of inquiries and investigations under Section 2.15 of this charter, the mayor and council or its members shall



574 provide orders or direction to city officers and employees who are subject to the direction  
575 and supervision of the city administrator through the city administrator, and neither the  
576 mayor and council nor its members shall give orders to any such officer or employee, either  
577 publicly or privately.

578 SECTION 2.31.

579 Powers and duties of mayor.

580 The mayor shall:

- 581 (1) Preside at all meetings of the city council;
- 582 (2) Present first draft of agenda at all meetings of the city council;
- 583 (3) Be the head of the city for the purpose of service of process and for ceremonial  
584 purposes, and be the official spokesperson for the city and the chief advocate of policy;
- 585 (4) Be the deciding vote on matters before the city council in the event of a tied vote of the  
586 councilmembers;
- 587 (5) Have power to administer oaths and to take affidavits; and
- 588 (6) Sign as a matter of course on behalf of the city all written and approved contracts,  
589 ordinances and other instruments executed by the city which by law are required to be in  
590 writing.

591 SECTION 2.32.

592 Selection of mayor pro tempore.

593 By a majority vote of the mayor and council, a councilmember shall be elected to serve as  
594 mayor pro tempore who shall serve at the pleasure of the mayor and council for same term  
595 as the mayor. The mayor pro tempore shall continue to vote and otherwise participate as a  
596 councilmember.

## SECTION 2.33.

Mayor pro tempore.

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

## ARTICLE III

## ADMINISTRATIVE AFFAIRS

## SECTION 3.10.

Chief financial officer.

(a) The office of chief financial officer is created and established for the city with the powers, duties, method of appointment, qualifications, term of office, and compensation as hereinafter provided.

(b) The mayor and council by a majority vote shall appoint a chief financial officer for an indefinite term by motion recorded in the minutes of the proceedings of the mayor and council. In this matter the mayor may cast a vote without regard to a tie vote among the councilmembers.

(c) The compensation of the chief financial officer shall be fixed by the city administrator.

619 (d) The chief financial officer shall be the director of the department of finance and shall  
620 report to the city administrator.

621 (e) The chief financial officer shall perform such financial duties as may be assigned by the  
622 city administrator or as may be required by law.

623 (f) The chief financial officer may be suspended and or removed by a majority vote of the  
624 mayor and council. In this matter the mayor may cast a vote without regard to a tie vote  
625 among the councilmembers.

626 SECTION 3.11.

627 City clerk.

628 (a) The mayor and council shall appoint a city clerk for an indefinite term by motion  
629 recorded in the minutes of the proceedings of the mayor and council who shall not be an  
630 elected officer or the head of any other department of the city. The city clerk shall report to  
631 the city administrator. The city clerk may be suspended and or removed by a majority vote  
632 of the mayor and council. In this matter the mayor may cast a vote without regard to a tie  
633 vote among the councilmembers.

634 (b) The city clerk shall be the custodian of the official city seal and city records; attend all  
635 meetings of the mayor and council and keep accurate minutes of all its proceedings; maintain  
636 all oaths taken by officers and employees of the city; supervise and keep a record of all  
637 elections; maintain a record of all appointments to office; be the custodian of all city  
638 contracts, deeds to city real estate, and leases of city property; authenticate and certify city  
639 documents; and undertake such additional tasks as may be assigned by the city administrator  
640 from time to time.

641 (c) The compensation of the city clerk shall be fixed by the city administrator.

## SECTION 3.12.

## City auditor.

(a) The mayor and council shall appoint a city auditor for an indefinite term who shall be a certified public accountant or a certified public accountant firm. The city auditor shall be responsible for providing an annual independent audit of all city accounts, funds, and financial transactions in accordance with generally accepted auditing principles.

(b) The city auditor is not a public official of the city and does not take an oath of office. The city auditor shall at all times be an independent contractor.

(c) The city auditor shall be removed at any time upon majority vote of the mayor and council. In this matter the mayor may cast a vote without regard to a tie vote among the councilmembers.

## SECTION 3.13.

## City attorney.

The mayor and council shall appoint a city attorney who has been recommended by the city administrator for an indefinite term who shall be a member in good standing of the State Bar of Georgia, and shall have practiced law for at least five years at the time of his or her appointment, together with such assistant city attorneys as may be authorized, and shall provide for the payment of such attorney or attorneys for services rendered to the city. The city attorney may be removed by the majority vote of the mayor and council. In this matter the mayor may cast a vote without regard to a tie vote among the councilmembers. The city attorney shall be responsible for providing for the representation and defense of the city in all litigation in which the city is a party; may be the prosecuting attorney in the municipal court; shall attend the meetings of the mayor and council and its commissions and authorities; shall advise the mayor, councilmembers, and other officers and employees of the

666 city concerning legal aspects of the city's affairs; and shall perform such other duties as may  
667 be required by virtue of the position as city attorney. The city attorney shall review all  
668 contracts of the city but shall not have the power to bind the city.

669 SECTION 3.14.

670 Administrative and service departments.

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

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

679 (c) All appointive officers and directors of departments shall receive such compensation as  
680 prescribed by the city administrator.

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

685 (e) The director of each department or agency may be removed by the majority vote of the  
686 mayor and council. In this matter the mayor may cast a vote without regard to a tie vote  
687 among the councilmembers.

## SECTION 3.15.

## Boards, commissions, and authorities.

## General Authority.

(1) The mayor and council shall create by ordinance such boards, commissions, and authorities to fulfill any investigative, advisory, quasi-judicial, or quasi-legislative function as the mayor and council deems necessary and shall by ordinance establish the composition, period of existence, duties, and powers thereof;

(2) All members of boards, commissions, and authorities of the city shall be appointed by the mayor and council for such terms of office and in such manner as shall be provided by ordinance, except where other appointing authority, terms of office, or manner of appointment is prescribed by this charter or by law. Except as otherwise prescribed by this charter or by law, members of boards, commissions, and authorities of the city shall serve at will and may be removed by the majority vote of the mayor and council. In this matter the mayor may cast a vote without regard to a tie vote among the councilmembers;

(3) The mayor and council, by ordinance, may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission, or authority;

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

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

(6) No member of a board, commission, or authority shall assume office until that person has taken an oath obligating himself or herself to faithfully and impartially perform the duties of that member's office, such oath to be prescribed by ordinance or resolution;

713 (7) Except as otherwise provided by this charter or by law, each board, commission, or  
714 authority of the city shall elect one of its members as chair and one member as vice chair,  
715 and may elect as its secretary one of its own members or may appoint as secretary an  
716 employee of the city. Each board, commission, or authority of the city government may  
717 establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances  
718 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or  
719 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with  
720 the city clerk; and

721 (8) All meetings of boards, commissions, and authorities shall be public to the extent  
722 required by law, and notice to the public of special meetings shall be made as fully as is  
723 reasonably possible as provided by Code Section 50-14-1 of the O.C.G.A., or other such  
724 applicable laws as are or may hereafter be enacted.

725 SECTION 3.16.

726 Personnel policies.

727 (a) All employees of the city shall serve at will and may be terminated at any time unless  
728 otherwise provided by this charter, ordinance, or by law.

729 (b) Subject to subsection (a) of this section, the rights, status, salaries, wages, rank, and  
730 conditions of employment of all employees of the city shall be and remain as they existed at  
731 the time this charter becomes effective, and shall so remain until and unless changed or  
732 terminated under some provision of this charter, by ordinance or resolution of the mayor and  
733 council, or by the exercise of such authority delegated by mayor and council.

734 (c) No appointed officer and no employee of the city shall continue in such employment  
735 upon qualifying as a candidate for nomination or election to any public office.

736

## ARTICLE IV

737

## JUDICIAL BRANCH

738

## SECTION 4.10.

739

Creation; name.

740 There shall be a court to be known as the Municipal Court of the City of Dalton, Georgia.

741

## SECTION 4.11.

742

Chief judge; associate judge; prosecuting attorney.

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

745 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless  
746 that person shall have attained the age of 21 years, shall be a member in good standing of the  
747 State Bar of Georgia, and shall possess all qualifications required by law. All judges shall  
748 be appointed by the mayor and council.

749 (c) Compensation of the judges shall be fixed by the mayor and council.

750 (d) Judges shall serve terms and be removed as provided by general law.

751 (e) Before assuming office, each judge shall take the oath provided in Section 2.18 of this  
752 charter. The oath shall be entered upon the minutes of the proceedings of the mayor and  
753 council.

754 (f) The mayor and council may employ a qualified attorney to prosecute violations of city  
755 ordinances and other offenses over which the municipal court has jurisdiction upon such  
756 terms as the mayor and council may determine.

757 (g) The municipal court shall have a court administrator appointed by the mayor and council.



## SECTION 4.12.

## Convening.

The municipal court shall be convened at regular intervals as determined by the court administrator.

## SECTION 4.13.

## Jurisdiction; powers.

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

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

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

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

(e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court, and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for that person's appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited, and the judge presiding at such time shall issue an execution thereon by serving the defendant and the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the

782 event that cash or property is accepted in lieu of bond for security for the appearance of a  
783 defendant at trial, and such defendant fails to appear at the time and place fixed for trial, the  
784 cash so deposited shall be on order of the judge declared forfeited to the city, or the property  
785 so deposited shall have a lien against it for the value forfeited which lien shall be enforceable  
786 in the same manner and to the same extent as a lien for city property taxes.

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

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

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

797 SECTION 4.14.

798 Appeal.

799 Any person aggrieved by a decision of the municipal court shall have the right to appeal as  
800 provided by law.

801 SECTION 4.15.

802 Rules for court.

803 With the approval of the mayor and council, the court administrator shall have full power and  
804 authority to make reasonable rules and regulations necessary and proper to secure the

805 efficient and successful administration of the municipal court; provided, however, that the  
806 mayor and council may adopt in part or in total the rules and regulations applicable to  
807 municipal courts. The rules and regulations made or adopted shall be filed with the city  
808 clerk, shall be available for public inspection, and, upon request, a copy shall be furnished  
809 to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

810 ARTICLE V  
811 ELECTIONS AND REMOVAL

812 SECTION 5.10.  
813 Applicability of general law.

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

816 SECTION 5.11.  
817 Nonpartisan elections.

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

820 SECTION 5.12.  
821 Election by majority vote.

822 The candidates for mayor and councilmember who receive a majority of the votes cast in the  
823 applicable election shall be elected to a term of office. In the event no candidate receives a  
824 majority of the votes cast in said election, a run-off election shall be held between the two

825 candidates receiving the highest number of votes. Such runoff shall be held at the time  
826 specified by state election law, unless such run-off date is postponed by court order.

827 SECTION 5.13.  
828 Special elections.

829 The mayor and council shall have the power to call for a special election as provided by this  
830 charter or the laws of the State of Georgia. Any special election shall be held and conducted  
831 in accordance with Chapter 2 of Title 21 of the O.C.G.A. the "Georgia Election Code," as  
832 now or hereafter amended.

833 SECTION 5.14.  
834 Other provisions.

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

838 SECTION 5.15.  
839 Removal of officers.

840 (a) The mayor or a councilmember may be removed from office for any one or more of the  
841 causes provided in Title 45 of the O.C.G.A., or such other applicable laws as are or may  
842 hereafter be enacted.

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

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

(2) An order of the Superior Court of Whitfield County following a hearing on a complaint seeking such removal brought by any resident of the City of Dalton.

#### SECTION 5.16.

Registration; conduct of elections.

The mayor and council is authorized and empowered to designate and contract with the Whitfield County Registrar and Board of Elections to receive voter registration of city electors, qualify candidates, and to conduct city elections.

### ARTICLE VI

#### FINANCE

#### SECTION 6.10.

Property tax.

The mayor and council may assess, levy, and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the

867 state and county. This tax is for the purpose of raising revenues to defray the costs of  
868 operating the city government, of providing governmental services, for the repayment of  
869 principal and interest on general obligations, and for any other public purpose as determined  
870 by the mayor and council in its discretion.

871 SECTION 6.11.

872 Millage rate; due dates; payment methods.

873 The mayor and council, by ordinance, shall establish a millage rate for the city property tax,  
874 a due date, and the time period within which these taxes must be paid. The mayor and  
875 council, by ordinance, may provide for the payment of these taxes by installments or in one  
876 lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.  
877 The mayor and council may contract with the Whitfield County Tax Commissioner to collect  
878 taxes.

879 SECTION 6.12.

880 Occupation and business taxes.

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

## SECTION 6.13.

Administration fees; regulatory fees; permits.

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

## SECTION 6.14.

Franchises.

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

(b) If no franchise agreement is in effect, the mayor and council has the authority to impose a tax on gross receipts for the use of the city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations,

908 cable television and other telecommunications companies, gas companies, transportation  
909 companies, and other similar organizations.

910 SECTION 6.15.

911 Service charges.

912 The mayor and council by ordinance shall have the power to assess and collect fees, charges,  
913 and tolls for stormwater, solid waste collection, sanitary and health services, or any other  
914 services provided, or made available within and without the corporate limits of the city for  
915 the total cost to the city of providing or making available such services. If unpaid, such  
916 charges shall be collected as provided in Section 6.18 of this charter.

917 SECTION 6.16.

918 Special assessments.

919 The mayor and council by ordinance shall have the power to assess and collect the cost of  
920 constructing, reconstructing, widening, or improving any public way, street, sidewalk,  
921 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property  
922 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be  
923 collected as provided in Section 6.18 of this charter.

924 SECTION 6.17.

925 Construction; other taxes and fees.

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



## SECTION 6.18.

## Collection of delinquent taxes and fees.

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

## SECTION 6.19.

## General obligation bonds.

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

## SECTION 6.20.

## Revenue bonds.

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

950 SECTION 6.21.

951 Short-term loans.

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

954 SECTION 6.22.

955 Lease-purchase contracts.

956 The city may enter into multi-year lease, purchase, or lease-purchase contracts for the  
957 acquisition of goods, materials, real and personal property, services, and supplies provided  
958 the contract terminates without further obligation on the part of the city at the close of the  
959 calendar year in which it was executed and at the close of each succeeding calendar year for  
960 which it may be renewed. Contracts must be executed in accordance with the requirements  
961 of Code Section 36-60-13 of the O.C.G.A. or other such applicable laws as are or may  
962 hereafter be enacted.

963 SECTION 6.23.

964 Fiscal year.

965 The mayor and council shall set the fiscal year by ordinance. This fiscal year shall constitute  
966 the budget year and the year for financial accounting and reporting of each and every office,  
967 department, agency, and activity of the city government unless otherwise provided by state  
968 or federal law.

## SECTION 6.24.

## Preparation of budgets.

(a) The mayor and council shall provide a resolution on the procedures and requirements for the preparation and execution of an annual operating budget and a capital budget, including requirements as to the scope, content, and form of such budgets and plans.

(b) Budgets shall be prepared for the General Fund, Debt Service Fund, Capital Projects Fund, Special Revenue Funds, and any other fund deemed as necessary by the mayor and council or mandated by state law.

## SECTION 6.25.

## Submission of operating budget to mayor and council.

On or before a date fixed by the city council but not later than 30 days prior to the beginning of each fiscal year, the city administrator shall submit to the mayor and council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the city administrator containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other pertinent comments and information. The operating budget and the capital budget hereinafter provided for, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

## SECTION 6.26.

Action by mayor and council on budget.

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

(b) The mayor and council by voice vote shall adopt the final operating budget and the capital budget for the ensuing fiscal year not later than the first regularly scheduled meeting of each year. If the mayor and council fails to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly until such time as the mayor and council adopts a budget for the ensuing fiscal year. Adoption of the budgets shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation resolution adopted pursuant to Section 6.24 of this charter.

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

1009 SECTION 6.27.

1010 Tax levies.

1011 The mayor and council shall levy by ordinance such taxes as are necessary and authorized  
1012 by the laws of the State of Georgia. The taxes and tax rates set by such ordinance shall be  
1013 such that reasonable estimates of revenues from such levy shall at least be sufficient, together  
1014 with other anticipated revenues, fund balances, and applicable reserves, to equal the total  
1015 amount appropriated for each of the several funds set forth in the annual operating budget  
1016 for defraying the expenses of the general government of the city.

1017 SECTION 6.28.

1018 Changes in appropriations.

1019 The mayor and council by ordinance may make changes in the appropriations contained in  
1020 the current operating budget at any regular, special, or emergency meeting called for such  
1021 purpose.

1022 SECTION 6.29.

1023 Capital budget.

1024 (a) On or before the date fixed by the mayor and council, the city administrator shall submit  
1025 to the mayor and council a proposed capital improvements plan with a recommended capital  
1026 budget containing the means of financing the improvements proposed for the ensuing fiscal  
1027 year. The mayor and council shall have power to accept, with or without amendments, or  
1028 reject the proposed plan and proposed budget. The mayor and council shall not authorize an  
1029 expenditure for the construction of any building, structure, work, or improvement, unless the

1030 appropriations for such project are included in the capital budget, except to meet a public  
1031 emergency as provided in Section 2.24 of this charter.

1032 (b) The mayor and council shall adopt by ordinance the final capital budget for the ensuing  
1033 fiscal year. The city administrator may submit amendments to the capital budget to the  
1034 mayor and council at any time during the fiscal year, accompanied by recommendations.  
1035 Any such amendments to the capital budget shall become effective only upon adoption by  
1036 ordinance.

1037 SECTION 6.30.

1038 Unexpended appropriations and capital budgets.

1039 All unexpended appropriations and capital budgets shall lapse at the fiscal year-end without  
1040 any action of the mayor and council.

1041 SECTION 6.31.

1042 Independent audit.

1043 There shall be an annual independent audit of all city accounts, funds, and financial  
1044 transactions by the city auditor. The audit shall be conducted according to generally  
1045 accepted auditing principles. Any audit of any funds by the state or federal governments may  
1046 be accepted as satisfying the requirements of this charter. Copies of annual audit reports  
1047 shall be available at printing costs to the public.

1048 SECTION 6.32.

1049 Contracting procedures.

1050 No contract with the city shall be binding on the city unless:

1051 (a) It is in writing;

1052 (b) It is drawn by or submitted to and reviewed by the city attorney;

1053 (c) It is made or authorized by the mayor and council and such approval is entered in the  
1054 minutes kept by the mayor and council pursuant to Section 2.20 of this charter; and

1055 (d) It is signed by the mayor or a department head specifically authorized by the mayor and  
1056 council by ordinance or resolution.

1057 SECTION 6.33.

1058 Purchasing.

1059 The mayor and council shall by resolution prescribe procedures for a system of purchasing  
1060 for the city.

1061 SECTION 6.34.

1062 Sale and lease of city property.

1063 (a) Except as otherwise provided in this charter, the mayor and council may sell and convey  
1064 or lease any real or personal property owned or held by the city for governmental or other  
1065 purposes as now or hereafter provided by law.

1066 (b) The mayor and council may quitclaim any rights it may have in property not needed for  
1067 public purposes upon report by the city administrator and adoption of a resolution, both  
1068 finding that the property is not needed for public or other purposes and that the interest of the  
1069 city has no readily ascertainable monetary value.

1070 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place  
1071 of the city, a small parcel or tract of land is cut off or separated by such work from a larger  
1072 tract or boundary of land owned by the city, the mayor and council may authorize the city  
1073 administrator to sell and convey said cut off or separated parcel or tract of land to an abutting  
1074 or adjoining property owner or owners where such sale and conveyance facilitates the  
1075 enjoyment of the highest and best use of the abutting owner's property. Included in the sales  
1076 contract shall be a provision for the rights of way of said street, avenue, alley, or public  
1077 place. Each abutting property owner shall be notified of the availability of the property and  
1078 given the opportunity to purchase said property under such terms and conditions as set out  
1079 by ordinance. All deeds and conveyances heretofore and hereafter so executed and delivered  
1080 shall convey all title and interest the city has in such property, notwithstanding the fact that  
1081 no public sale after advertisement was or is hereafter made.

1082 SECTION 6.35.

1083 Insurance.

1084 The city shall maintain sufficient casualty and liability insurance coverage on all property  
1085 owned or operated by city personnel to adequately indemnify the city on claims of loss by  
1086 injured or aggrieved parties. The amounts of insurance coverage shall be set from time to  
1087 time by the city council in the form of a resolution as the need arises.

1088 ARTICLE VII

1089 INDEPENDENT CITY SCHOOL DISTRICT

1090 SECTION 7.10.

1091 Acknowledgment of establishment of Dalton City Public School District  
1092 and authority to continue and maintain the Dalton City Public School District.



1093 (a) Be it acknowledged that the City of Dalton has established an independent public school  
1094 district for the City of Dalton and organized a school board for the governance of said school  
1095 district, known as the Dalton City Public School District, pursuant to an Act consolidating,  
1096 amending, and codifying the various Acts incorporating the City of Dalton, approved  
1097 February 24, 1874 (Ga. L. 1874, p. 181), as amended, which school district and school board  
1098 are hereby affirmed.

1099 (b) Be it further acknowledged that Article VIII, Section V, Paragraph I of the Constitution  
1100 of this state provides that "[e]xisting county and independent school systems shall be  
1101 continued" and the city does authorize and recognize that Dalton City Public School District  
1102 shall continue to exist as an independent school district whose borders are coterminous with  
1103 the City of Dalton as now or in the future may exist.

1104 (c) Be it further acknowledged that the independent school district known as the Dalton City  
1105 Public School District has continued to operate and has not ceased in its functions and duties  
1106 since its creation.

1107 (d) Be it enacted by the authority aforesaid that the Board of Education of the Dalton City  
1108 Public School District is hereby authorized and empowered, and authority is granted to the  
1109 board of education to continue to maintain and control the Dalton City Public School  
1110 District, as an independent public school district in the city, through local taxation and other  
1111 means of support as permitted by Georgia law and in conformity with and as permitted by  
1112 Article VIII, Section V, Paragraph I of the Constitution of this state.

1113 SECTION 7.11.

1114 Election of board of education.

1115 The board of education and the election of the members of the Board of Education of the  
1116 Dalton City Public School District shall be governed by all applicable local Acts and any  
1117 applicable state law.

1118 SECTION 7.12.

1119 Organization of board of education.

1120 Be it further enacted by the authority aforesaid, that the officers of said board of education  
1121 shall be as provided by law and the policies of the board of education.

1122 SECTION 7.13.

1123 Powers and duties of board of education.

1124 Be it further enacted by the authority aforesaid that the Board of Education of the Dalton City  
1125 Public School District is hereby vested with all the authority and power provided for in the  
1126 Georgia Constitution and any applicable local acts and state law applicable to both county  
1127 and independent school districts, including, but not limited to, incurring debt; however, the  
1128 board of education shall be required to obtain approval from the mayor and council of the  
1129 City of Dalton prior to incurring any debt, and such approval shall be evidenced by resolution  
1130 or ordinance. The board of education shall faithfully perform the duties prescribed under the  
1131 local Acts and under any applicable state law.

1132 SECTION 7.14.

1133 Superintendent; appointment; qualifications; compensation.

1134 The board of education shall employ a superintendent for a definite term, in accordance with  
1135 applicable state law and board policy, and shall fix the superintendent's compensation.

## 1136 SECTION 7.15.

1137 Powers and duties of the superintendent.

1138 The superintendent shall be the chief administrative officer of the Dalton City Public School  
1139 District. The superintendent shall be responsible to the board for the administration of all  
1140 school district affairs placed in the superintendent's charge by or under this charter. As the  
1141 chief administrative officer of the school district, the superintendent shall faithfully perform  
1142 the duties prescribed by the board, by all applicable state laws, and by contract with the board  
1143 of education.

## 1144 SECTION 7.16.

1145 Accounting and payment of school taxes to board of education.

1146 All taxes levied for public education in the City of Dalton, including penalties and interest  
1147 for delinquent taxes, collected by Whitfield County for or on behalf of the City of Dalton  
1148 Public School District shall be accounted for and paid over to the board of education on a  
1149 monthly basis less the cost of collecting said taxes. For each monthly period, the board of  
1150 education shall request from the Whitfield County Tax Commissioner's Office, or other  
1151 appropriate tax collecting authority, an accounting of the taxes, penalties, and interest,  
1152 collected in such period. The board of education shall be responsible for the prorated cost  
1153 of collecting ad valorem taxes levied for the education of students in the City of Dalton.

## 1154 SECTION 7.17.

1155 Funds as trust funds.

1156 Be it further enacted by the authority aforesaid, that all assessments of taxes and all funds  
1157 arising from or collected under this Act may be by the City of Dalton, on all taxable property,

1158 necessary for the support, maintenance, and operation of public schools at a rate not to  
1159 exceed 14 mills, kept separate and distinct from other assessments and collections of the City  
1160 of Dalton, and are to be used solely for the purposes designated in this section. The  
1161 Whitfield County Tax Commissioner's Office, or other appropriate tax collecting authority,  
1162 shall keep a separate, full, and distinct itemized account showing all monies raised, when,  
1163 how, from whom, and for what purposes and the disposition of the same; and to whom,  
1164 when, and for what purposes paid out. Such levy and assessment may be made at 100  
1165 percent of the taxable property fair market value subject to any limitation by ordinance or  
1166 other law.

1167 ARTICLE VIII  
1168 BOARD OF WATER, LIGHT AND SINKING FUND COMMISSIONERS

1169 SECTION 8.10.  
1170 Organization of board.

1171 (a) At the first regular meeting in January of each year, the mayor and council of the City  
1172 of Dalton shall be authorized to elect a Board of Water, Light and Sinking Fund  
1173 Commissioners that consists of five members.

1174 (b) The Board of Water, Light and Sinking Fund Commissioners shall consist of five  
1175 commissioners appointed by the mayor and council who shall serve five-year terms. The  
1176 terms shall be staggered as in effect on the date of this charter. Any vacancy in a term of a  
1177 commissioner shall be filled for the expiration of that term by appointment of the mayor and  
1178 city council. Upon the expiration of the term of service of any commissioner so appointed,  
1179 the mayor and city council shall appoint a commissioner for a full term. Existing  
1180 commissioners as of the date of this charter shall serve out the balance of their terms.

1181 (c) The authority, powers, and duties of said commissioners shall be regulated by such  
1182 ordinances as the mayor and council may prescribe, and as otherwise set forth in this  
1183 Article VIII.

1184 SECTION 8.11.

1185 General scope of authority, powers, and duties as to public utilities.

1186 (a) The Board of Water, Light and Sinking Fund Commissioners of the City of Dalton  
1187 (doing business as "Dalton Utilities") shall have entire control of all public utilities of the  
1188 City of Dalton, and such control shall extend into the newly annexed area of said city. Said  
1189 board shall have authority of extending the services of said utilities beyond the city limits of  
1190 the City of Dalton when in their judgment it is to the best interest of the city to do so.

1191 (b) The Board of Water, Light and Sinking Fund Commissioners of the City of Dalton,  
1192 doing business as "Dalton Utilities," shall have the power to control and operate any and all  
1193 public utilities that the convenience and necessity of the citizens of the City of Dalton  
1194 require, and have the right and power to operate any such public utilities within the City of  
1195 Dalton when the convenience and necessity of the citizens of the city are affected.

1196 (c) The Board of Water, Light and Sinking Fund Commissioners of the City of Dalton, doing  
1197 business as "Dalton Utilities," shall have entire control of the public utilities of the City of  
1198 Dalton and as a part of said control, the board shall have authority to make all contracts  
1199 necessary for the operation of said utilities; to buy all supplies and material needed, and to  
1200 make all necessary improvements and extensions, to employ all help necessary in the  
1201 operation of said utilities and all utility sectors thereof; to make all rates, rules, and  
1202 regulations for furnishing utility services to the inhabitants of said city and to enforce the  
1203 same; and to deal in every way with said utilities as a separate and distinct part of the city  
1204 government. Said board shall fix rates for utility services sufficiently high so as to bring in  
1205 sufficient revenue to maintain said public utilities and to provide for needed repairs,

1206 extensions, and improvements. Said board shall collect all monies due to said utilities and  
1207 shall pay all debts of said public utilities. No contract made by said board shall bind said city  
1208 but shall be binding upon said board which shall operate as a separate and distinct part of the  
1209 City of Dalton with the authority set forth in this section and pursuant to law and ordinances.  
1210 No monies shall be appropriated by the mayor and council of the City of Dalton to the  
1211 operation and improvement of said utilities, except that the board shall collect and receive  
1212 the principal and interest on the public debt as now provided by law. As used in this section,  
1213 the term "utility services" shall mean any and all services provided by the board through  
1214 various utility sectors as set forth in Section 8.12 of this charter, and otherwise as authorized  
1215 by law or ordinance, and is not intended to limit the board from providing utility services in  
1216 the future that are not set forth in Section 8.12 of this charter and that may be later authorized  
1217 by law or ordinance.

1218 SECTION 8.12.

1219 Utility sectors.

1220 (a) Public sewer system. The Board of Water, Light and Sinking Fund Commissioners of  
1221 the City of Dalton shall have power and authority to control and operate the public sewer  
1222 system in said city in such way and manner as the board deems appropriate, and for such  
1223 purpose they may employ competent engineers and superintendents, at such times and at  
1224 such salaries as may be agreed upon by the board. The board shall have entire control of the  
1225 public sewer system of the City of Dalton, and such control shall extend into all newly  
1226 annexed areas of said city. Said board shall have the power and authority to make all  
1227 contracts necessary for the operation of said public sewer system; to buy all supplies and  
1228 materials needed, and to make all necessary improvements and extensions, to employ all  
1229 clerical and other help necessary in the operation of said system; to make rates, rules, and  
1230 regulations for the furnishing of sewer service to residential, commercial, and industrial users

1231 of said system, and to enforce the same; and the power to control and operate such system  
1232 as the convenience and necessity of the citizens of the City of Dalton shall require. Said  
1233 board shall make no contracts for the price of using the public sewer system for a longer  
1234 period than two years, and at the expiration of any term or lease the price paid for the use  
1235 thereof shall be adjusted according to the regulations then established.

1236 (b) Communications and information services and facilities. The Board of Water, Light and  
1237 Sinking Fund Commissioners of the City of Dalton shall have the authority to construct,  
1238 acquire, control, operate, and provide as public utilities:

1239 (1) Communications services and facilities, and

1240 (2) Information services and facilities; of all kinds, without limitation, over or through all  
1241 media, including wireline and wireless, whether such services and facilities are now known  
1242 or are developed in the future, within or without the City of Dalton and within or without  
1243 Whitfield County, Georgia. Notwithstanding the foregoing, the specification of any such  
1244 services and facilities as public utilities is not intended to confer any additional power or  
1245 be in any way in derogation of the power and authority of the Georgia Public Service  
1246 Commission or any other regulatory body with respect to any such services and facilities,  
1247 or subject any such services or facilities to common carrier or public utility regulation. The  
1248 board shall have power and authority to control and operate the communications services  
1249 and facilities and the information services and facilities in said city in such way and manner  
1250 as the board deems appropriate, and for such purpose they may employ competent  
1251 engineers and superintendents, at such times and at such salaries as may be agreed upon  
1252 by the board. The board shall have entire control of the communications services and  
1253 facilities and the information services and facilities of the City of Dalton, wherever located,  
1254 and such control shall extend into all newly annexed areas of said city. Said board shall  
1255 have the power and authority to make all contracts necessary for the operation of said  
1256 communications services and facilities and the information services and facilities; to buy  
1257 all supplies and materials needed, and to make all necessary improvements and extensions,

1258 to employ all clerical and other help necessary in the operation of said facilities; to make  
1259 rates, rules, and regulations for the furnishing of communications services and facilities and  
1260 the information services and facilities to residential and industrial users of said facilities,  
1261 and to enforce the same; and the power to control and operate such communications  
1262 services and facilities and the information services and facilities as the convenience and  
1263 necessity of the citizens of the City of Dalton shall require.

1264 (c) Water system. The Board of Water, Light and Sinking Fund Commissioners of the City  
1265 of Dalton shall have power and authority to control and operate the water system in said city  
1266 in such way and manner as the board deems appropriate, and for such purpose they may  
1267 employ competent engineers and superintendents, at such times and at such salaries as may  
1268 be agreed upon by the board. The board shall have entire control of the public water system  
1269 of the City of Dalton, and such control shall extend into all newly annexed areas of said city.  
1270 Said board shall have the power and authority to make all contracts necessary for the  
1271 operation of said public water system; to buy all supplies and materials needed, and to make  
1272 all necessary improvements and extensions, to employ all clerical and other help necessary  
1273 in the operation of said system; to make rates, rules, and regulations for the furnishing of  
1274 water service to residential, commercial, and industrial users of said system, and to enforce  
1275 the same; and the power to control and operate such system as the convenience and necessity  
1276 of the citizens of the City of Dalton shall require. The board shall regulate the distribution  
1277 and use of the water in all places and for all purposes, where the same may be required, and  
1278 from time to time shall fix the price thereof, and the time of payment; and they shall erect  
1279 such number of public hydrants in such places as they may see fit, and direct in what manner  
1280 and for what purposes the same may be used, all of which they may change at their  
1281 discretion. Said board shall make no contracts for the price of using water for a longer period  
1282 than two years, and at the expiration of any term or lease the price paid for the use thereof  
1283 shall be adjusted according to the regulations then established. Said board shall have full  
1284 power and authority to require the payment, in advance, for the use or rent of water furnished



1285 by the utility in or upon any building, place, or premises, and in case prompt payment shall  
1286 not be made, they may shut off the water from such building, place, or premises, and shall  
1287 not be compelled to supply said building, place, or premises with water until such arrears,  
1288 with accrued interest thereon, shall be fully paid.

1289 (d) Electric system. The Board of Water, Light and Sinking Fund Commissioners of the  
1290 City of Dalton shall have power and authority to control and operate the electrical  
1291 transmission, distribution, and generation systems in said city in such way and manner as the  
1292 board deems appropriate, and for such purpose they may employ competent engineers and  
1293 superintendents, at such times and at such salaries as may be agreed upon by the board. The  
1294 board shall have entire control of the public electric generation and transmission systems of  
1295 the City of Dalton, and such control shall extend into all newly annexed areas of said city.  
1296 Said board shall have the power and authority to make all contracts necessary for the  
1297 operation of said electric generation, distribution, and transmission systems; to buy all  
1298 supplies and materials needed, and to make all necessary improvements and extensions, to  
1299 employ all clerical and other help necessary in the operation of said systems; to make rates,  
1300 rules, and regulations for the furnishing of electric service to residential, commercial, and  
1301 industrial users of said system, and to enforce the same; and the power to control and operate  
1302 such system as the convenience and necessity of the citizens of the City of Dalton shall  
1303 require. The board may acquire additional sources of supply of electric power within or  
1304 without the City of Dalton and within or without Whitfield County, Georgia. Said additional  
1305 sources of supply may include the whole of or any lesser interest in any electric generating  
1306 or distribution facilities within or without the State of Georgia and the whole of or any lesser  
1307 interest in any transmission lines running from any additional source of supply to and within  
1308 the City of Dalton. Any such additional source of supply may include the whole of or any  
1309 interest in a nuclear generating facility, including any or all nuclear fuel necessary for the  
1310 operation thereof. Said board shall make no contracts for the price of electricity for a longer  
1311 period than two years, and at the expiration of any term or lease the price paid for the use

1312 thereof shall be adjusted according to the regulations then established. The Board of Water,  
1313 Light and Sinking Fund Commissioners may enter agreements for the sale of surplus  
1314 electricity to others if and when there shall be any excess over and above the city's  
1315 requirements from time to time and may enter all contracts necessary or useful to assure  
1316 efficient and economical management of any such additional source of supply, including  
1317 transmission lines.

1318 (e) Natural gas system. The Board of Water, Light and Sinking Fund Commissioners of the  
1319 City of Dalton shall have power and authority to control and operate the natural gas system  
1320 in said city in such way and manner as the board deems appropriate, and for such purpose  
1321 they may employ competent engineers and superintendents, at such times and at such salaries  
1322 as may be agreed upon by the board. The board shall have entire control of the public natural  
1323 gas system of the City of Dalton, and such control shall extend into all newly annexed areas  
1324 of said city. Said board shall have the power and authority to make all contracts necessary  
1325 for the operation of said natural gas system; to buy all supplies and materials needed, and to  
1326 make all necessary improvements and extensions, to employ all clerical and other help  
1327 necessary in the operation of said systems; to make rates, rules, and regulations for the  
1328 furnishing of natural gas service to residential, commercial, and industrial users of said  
1329 system, and to enforce the same; and the power to control and operate such system as the  
1330 convenience and necessity of the citizens of the City of Dalton shall require. Said board shall  
1331 make no contracts for the price of natural gas for a longer period than two years, and at the  
1332 expiration of any term or lease the price paid for the use thereof shall be adjusted according  
1333 to the regulations then established. The board may acquire additional sources of supply of  
1334 natural gas within or without the City of Dalton and within or without Whitfield County,  
1335 Georgia.

## SECTION 8.13.

Chief executive officer.

(a) The Board of Water, Light and Sinking Fund Commissioners shall appoint and employ a president and chief executive officer who shall be qualified by training, education, and experience for the overall management of the utility. He or she shall serve at the pleasure of said board, which shall fix salary, and shall have such authority as delegated by said board and as set forth in this section.

(b) The president and chief executive officer of the utility shall report to the Board of Water, Light and Sinking Fund Commissioners at its monthly meetings and at special meetings, and shall carry out and execute all policies and directives of said board.

(c) The president and chief executive officer of the utility shall, in consultation with the board, determine the number of employees necessary for the operation of the utility, and fix their duties and compensation. The prior consent of the Board of Water, Light and Sinking Fund Commissioners shall be required with respect to expenditures and contracts in excess of certain limits set by said board by resolution from time to time. The president and chief executive officer shall, in consultation with the board, have control of all actual construction and repairs, the immediate management of operation of the utility, and the enforcement and execution of all policies, programs, plans, and decisions made or adopted by the said board. The president and chief executive officer shall maintain permanent records regarding actions taken. The president and chief executive officer shall prepare plans and specifications, take bids, and let contracts, subject to the approval of said board. The president and chief executive officer shall prepare and submit to said board periodic reports on the utility's compliance with local, state and federal laws in the areas of safety, environmental matters, and civil rights. There shall be such other officers, executives, and employees of the utility as may be required. The officers, executives, and employees shall be appointed and removed by the president and chief executive officer subject to the provisions of applicable local,

1362 state, and federal laws or binding contracts entered into between employees and the Board  
1363 of Water, Light and Sinking Fund Commissioners. The president and chief executive officer  
1364 shall have such further power, duties, and responsibilities as may be assigned to him by said  
1365 board from time to time.

1366 (d) The president and chief executive officer shall enter into contracts and shall have the  
1367 authority to enter into contracts with vendors, customers, lenders, depositories, utilities,  
1368 engineering firms, consultants, and government agencies as may be necessary to effect  
1369 proper operations of the utility. The prior consent of the Board of Water, Light and Sinking  
1370 Fund Commissioners shall be required with respect to contracts in excess of certain limits  
1371 set by the board by resolution from time to time.

1372 (e) All checks, drafts, or other orders for payment of money, notes, or other evidences of  
1373 indebtedness issued in the name of the utility shall be signed by the chief financial officer  
1374 and countersigned by the president and chief executive officer, and may be signed by such  
1375 other officer or officers, agent or agents, of the utility and in such manner as may from time  
1376 to time be determined by the president and chief executive officer.

1377 (f) All funds of the utility shall be deposited from time to time to the credit of the utility in  
1378 such banks, trust companies, or other depositories as the president and chief executive officer  
1379 may select in consultation with the Board of Water, Light and Sinking Fund Commissioners.

1380 SECTION 8.14.

1381 Control over public utilities; rates, charges to comply with  
1382 councilmanic proceedings for issuance of revenue bonds or certificates.

1383 As by law and this charter, the Board of Water, Light and Sinking Fund Commissioners of  
1384 the City of Dalton shall have entire control over all public utilities owned or operated by said  
1385 city, within or without its limits, with authority to make all contracts necessary to operate  
1386 such utilities, to make all improvements and extensions thereto and to fix, impose, and

1387 collect the rates and charges made for services and commodities supplied by such public  
1388 utilities; provided, however, that such rates and charges shall always be such as to comply  
1389 with the provisions of any proceedings adopted by the mayor and council of said city  
1390 authorizing the issuance of revenue bonds or certificates payable from the revenues of such  
1391 public utilities, or any part thereof.

1392 SECTION 8.15.

1393 Right of eminent domain for public utilities.

1394 The City of Dalton shall have the right and power to condemn lands, rights of way for public  
1395 utilities, easements, or right to use property of any kind, whether or not the same is already  
1396 in use for such purpose, using the method of procedure provided under the general laws of  
1397 the State of Georgia, and said City of Dalton is hereby vested with the power of eminent  
1398 domain over private property for such purposes, whenever the Board of Water, Light and  
1399 Sinking Fund Commissioners shall deem it necessary to the proper management and control  
1400 of such public utilities that they exercise said power.

1401 SECTION 8.16.

1402 Investment of sinking funds.

1403 The Board of Water, Light and Sinking Fund Commissioners shall be authorized to control  
1404 the sinking funds collected by the city related to operation of the utility, to invest the same  
1405 in such manner, and in such securities, and upon such terms as the Board of Water, Light and  
1406 Sinking Fund Commissioners may deem to be to the best interest of said city.

## SECTION 8.17.

## Disposition of surplus funds and financial reporting.

If said utility has funds in excess of what is reasonably necessary for the operation of said utility and for contemplated improvements, the Board of Water, Light and Sinking Fund Commissioners shall pay a sum to the city treasury on an annual basis in an amount that is determined by the mayor and council in consultation with the board, subject to any ordinance, resolution, or other law now or hereinafter in effect which may limit, alter, or otherwise determine said payment. The board, through the president and chief executive officer, shall, at the request of the mayor and council of the city, provide to the mayor and council such regular and routine reports agreed upon by the mayor, council, and the board as may be necessary for the mayor and council to determine the financial status of the utility. The board shall act in a fiscally responsible manner so as to ensure to the greatest extent possible that excess funds will be available to be transferred to the city treasury.

## SECTION 8.18.

## Penalties for diversion of water, adulteration, injury to supply.

If any person or persons shall willfully or maliciously divert the water, or any portion thereof, from the water system of the city, or shall corrupt or render the same impure, or shall injure or destroy any canal, aqueduct, pipe, hydrant, conduit, machinery, or other property used or required for procuring or distributing water, such person or persons, their aiders and abettors, shall forfeit to the mayor and council, to be recovered in an action of trespass, treble the amount of damages, besides cost of said suit, which shall appear on trial to have been sustained; all such acts are declared to be misdemeanors under the laws of this state, and the parties found guilty thereof may be punished as prescribed in Code Section 17-10-3 of the O.C.G.A.

1431 ARTICLE IX  
1432 POLICE AND FIRE DEPARTMENTS

1433 SECTION 9.10.  
1434 Creation; composition.

1435 The City of Dalton shall have a police department consisting of a chief of police, to be  
1436 appointed by the mayor and council, and such other police officers as may be determined by  
1437 the chief of police. The City of Dalton shall have a fire department consisting of a fire chief,  
1438 to be appointed by the mayor and council, and such other firefighters as may be determined  
1439 by the fire chief.

1440 SECTION 9.11.  
1441 Age requirements for employment.

1442 No person shall be employed by the City of Dalton for work as a mandate peace officer or  
1443 mandate peace officer in training or certified firefighter or certified firefighter in training  
1444 unless such person has reached the age of 18 years, which shall be established by a birth  
1445 certificate or other proper proof of age acceptable to the mayor and council.

1446 SECTION 9.12.  
1447 Authority of chief of police to remove nuisances.

1448 The chief of police shall also be empowered to remove all nuisances within the corporate  
1449 limits of the city.

1450 SECTION 9.13.

1451 Duties of chief of police and authority to account for fines and fi. fas.

1452 The duties of the chief of police shall be those duties as are now imposed on the police chief  
1453 of the City of Dalton by law, and he or she shall be responsible for other duties and  
1454 responsibilities as may from time to time be placed upon the chief of police by mayor and  
1455 council. The city council may in their discretion require the chief of police to collect and  
1456 account for all fines and fi. fas.

1457 SECTION 9.14.

1458 Duties of fire chief.

1459 The duties of the fire chief shall be those duties as are now imposed on the fire chief of the  
1460 City of Dalton by law, and he or she shall be responsible for other duties and responsibilities  
1461 as may from time to time be placed upon the fire chief by mayor and council.

1462 SECTION 9.15.

1463 Chiefs constituted heads of departments; status; removal.

1464 The chief of police and the chief of the fire department of the City of Dalton shall be the  
1465 head of their respective departments, and shall hold office until removed by the mayor and  
1466 council. Such chiefs shall be appointed by the mayor and council of the City of Dalton. The  
1467 chief of police and the chief of the fire department may be removed, demoted, or discharged  
1468 at any time by the mayor and council of the City of Dalton.



1469 SECTION 9.16.

1470 Supervision and control of police officers and firefighters.

1471 All police officers shall be subject to the direction and control of the chief of police, and all  
1472 firefighters shall be subject to the direction and control of the chief of the fire department,  
1473 and each respective chief shall have the right to discharge or suspend any officer or  
1474 firefighter for incompetency, insubordination, or misconduct, and report such suspension or  
1475 discharge to the city administrator.

1476 SECTION 9.17.

1477 Salaries.

1478 The salaries of the chief of police, the chief of the fire department, and all officers and  
1479 firefighters shall be fixed by the city administrator from time to time.

1480 ARTICLE X

1481 ZONING AND PLANNING

1482 SECTION 10.10.

1483 Adoption of plan for districting city, regulating districts.

1484 The mayor and council may, in the interest of the public health, safety, order, convenience,  
1485 comfort, prosperity, or general welfare, adopt by ordinance a plan or plans for the districting  
1486 or zoning of the city for the purpose of regulating the location of trades, industries, apartment  
1487 houses, dwellings, or other uses of property, or for the purpose of regulating the height of  
1488 the buildings or other structures, or for the area or dimensions of the lots, or of the yards used  
1489 in connection with buildings or other structures, or for the purposes of regulating the

1490 alignment of buildings or other structures near street frontages. The zoning regulations may  
1491 be based upon any one or more of the purposes above described. The city may be divided  
1492 into such number of districts and zones, and such districts may be of such shape and area,  
1493 as the mayor and council shall deem best situated to accomplish the purposes of the zoning  
1494 regulations, including, but not limited to, unified zoning with Whitfield County. In the  
1495 determination and establishment of districts and regulations, classifications may be used  
1496 based on the nature or character of the trade, industry, profession, or other activity conducted  
1497 or to be conducted upon the premises, the number of persons, families or other group units  
1498 to reside in or use buildings, the public, quasi-public, or private nature of the use of premises,  
1499 or upon any other basis or bases relevant to the promotion of the public health, safety, order,  
1500 morals, conveniences, prosperity, or welfare.

1501 SECTION 10.11.

1502 Classification, regulation of residential districts.

1503 For the reasons above stated, said mayor and council shall have the further right and power,  
1504 in any districts proposed to be set aside primarily for residence purposes, to further classify  
1505 the use thereof, and to provide therein the class or classes of residents to be housed therein,  
1506 and to provide therein such other and similar regulations and restrictions as shall secure the  
1507 peace and good order of the city and residents thereof.

1508 SECTION 10.12.

1509 Amendment of zoning regulations.

1510 The City of Dalton, by and through its mayor and council, may from time to time amend or  
1511 change the regulations or districts established by the zoning ordinance.

1512 SECTION 10.13.

1513 Vote required to adopt, amend zoning regulations.

1514 No such ordinance or amendment thereto, authorized by any section of this article, shall be  
1515 adopted except by three-fourths vote of the mayor and council.

1516 ARTICLE XI

1517 AUTHORITIES AND COMMISSIONS

1518 DIVISION 1. DEVELOPMENT AUTHORITY

1519 SECTION 11.10.

1520 City of Dalton building authority.

1521 (a) The City of Dalton Building Authority, created pursuant to an Act consolidating,  
1522 amending, and codifying the various Acts incorporating the City of Dalton, approved  
1523 February 24, 1874 (Ga. L. 1874, p. 181), as amended, and is hereby affirmed, which is  
1524 deemed to be an instrumentality of the State of Georgia and a public corporation and in that  
1525 name, style, and title said body may contract and be contracted with, sue and be sued, plead  
1526 and be interpleaded, and complain and defend in all courts of law and equity. In the event  
1527 the name of said authority shall ever become the subject of change, the same may be  
1528 accomplished by an act of the General Assembly.

1529 (b) The said authority was created for the purpose of acquiring, constructing, equipping,  
1530 maintaining, and operating self-liquidating projects embracing buildings and facilities for  
1531 use by the City of Dalton, Georgia, for its governmental, proprietary and administrative  
1532 functions and for the use by such other agencies, authorities, departments, and political  
1533 subdivisions of the State of Georgia or the government of the United States as may contract  
1534 with the authority for the use of such facilities. The City of Dalton, Georgia, has the

1535 authority to lease or sell lands, buildings, or land and buildings now owned by the City of  
1536 Dalton, Georgia, to said authority by appropriate resolution of the mayor and council of said  
1537 city and upon such terms and conditions as said mayor and council shall prescribe; provided,  
1538 that such sales by the City of Dalton, Georgia, to the authority shall be for cash, and provided  
1539 that such leases shall not exceed 50 years in duration.

1540 (c) The authority shall consist of five members as follows:

1541 (1) One shall be the mayor of the City of Dalton, Georgia;

1542 (2) One shall be a member of the city council of said city to be appointed by said city  
1543 council;

1544 (3) One shall be a banker or other person having knowledge of financial matters, who is  
1545 a resident of the City of Dalton, to be appointed by the mayor and council of said city;

1546 (4) One shall be a businessman, who is a resident of the City of Dalton, to be appointed  
1547 by the mayor and council of said city; and

1548 (5) One shall be a citizen of the City of Dalton, who is a freeholder and qualified  
1549 registered voter of said city, to be appointed by the mayor and council of said city.

1550 The terms of office of the members who are the mayor and city councilmember shall be  
1551 concurrent with their terms of office as mayor and councilmember. The terms of office of  
1552 the remaining members of the authority shall be four years and until their successors are  
1553 appointed and qualified. Successors to such members and to the member who is a city  
1554 councilmember shall be appointed as the original members were appointed, as provided  
1555 herein, and any vacancies shall be filled by the appointing authority, as provided herein, for  
1556 the unexpired term. Immediately after such appointments, the members of such authority  
1557 shall enter upon their duties. The authority shall elect one of its members as chairperson, and  
1558 one as vice chairperson, and shall also elect a secretary and treasurer, which secretary and  
1559 treasurer need not necessarily be a member of the authority. Three members of the authority  
1560 shall constitute a quorum. No vacancy on the authority shall impair the right of the quorum  
1561 to exercise all the rights and perform all the duties of the authority. The members of the

1562 authority shall receive no compensation for their services but may be reimbursed by the  
1563 authority for their actual expenses necessarily incurred in the performance of their duties.  
1564 The authority shall make rules and regulations for its own government. It shall have  
1565 perpetual existence. In the event the number of the members of the authority, the  
1566 qualifications of the membership of the authority, or the manner in which the members of  
1567 the authority shall be selected shall ever become the subject of change, the same may be  
1568 accomplished by an act of the General Assembly.

1569 (d) As used in this article, the following words and terms shall have the following meanings:

1570 (1) The word "authority" shall mean the City of Dalton Building Authority.

1571 (2) The words "the City of Dalton" and "city" shall mean the corporate body created by  
1572 the General Assembly of Georgia under the name and style of "The City of Dalton."

1573 (3) The word "project" shall be deemed to mean and include one or a combination of two  
1574 or more of the following: buildings and facilities intended for use as courthouse, jail, police  
1575 station, fire station, administrative offices and other offices and related uses, and all  
1576 buildings, structures, electric, gas, steam, and water utilities and facilities of every kind and  
1577 character deemed by the authority necessary or convenient for the efficient operation of  
1578 any department, board, office, commission, or agency of the City of Dalton in the  
1579 performance of its governmental, proprietary and administrative functions, or of such  
1580 buildings and facilities intended for use by any division, department, institution, agency,  
1581 or political subdivision of the State of Georgia or the government of the United States.

1582 (4) The term "cost of the project" shall embrace the cost of construction, the cost of all  
1583 lands, properties, rights and easements, and franchises acquired, the cost of all machinery  
1584 and equipment, financing charges, interest prior to and during construction, cost of  
1585 engineering, architectural and legal expenses, of plans and specifications, and other  
1586 expenses necessary or incident to determining the feasibility or practicability of the project,  
1587 administrative expense, and such other expenses as may be necessary or incident to the  
1588 financing authorized in this section, the construction of any project, the placing of the same

in operation, and the condemnation of property necessary for such construction and operation. Any obligation or expense incurred for any of the foregoing purposes shall be regarded as a part of the cost of the project and may be paid or reimbursed as such out of the proceeds of revenue bonds issued under the provisions in this section.

(5) The terms "revenue bonds" and "bonds," as used in this section, shall mean revenue bonds under the provisions of the Revenue Bond Law, Code Section 36-82-60 of the O.C.G.A., et seq., and such type of obligations may be issued by the authority as authorized under said Revenue Bond Law, and in addition, shall also mean obligations of the authority, the issuance of which are hereinafter specifically provided for herein.

(6) Any project or combination of projects shall be deemed "self-liquidating" if, in the judgment of the authority, the revenues to be derived by the authority from rentals of said project or projects to the City of Dalton or agencies, authorities, departments, and political subdivisions of the State of Georgia and of the United States will be sufficient to pay the cost of maintaining, repairing, and operating the project and to pay the principal and interest of revenue bonds which may be issued for the cost of such project, projects, or combination of projects.

(e) The authority shall have the powers:

(1) To have a seal and alter the same at pleasure;

(2) To acquire by purchase, lease, or otherwise, and to hold, lease and dispose of real and personal property of every kind and character for its corporate purposes;

(3) To acquire in its own name by purchase, on such terms and conditions and in such manner as it may deem proper or by condemnation in accordance with the provisions of any and all existing laws applicable to the condemnation of property for public use, real property, or rights of easements therein, or franchises necessary or convenient for its corporate purposes, and to use the same so long as its corporate existence shall continue and to lease or make contracts with respect to the use of or dispose of the same in any manner it deems to the best advantage of the authority, the authority being under no

1616 obligation to accept and pay for any property condemned as provided herein except from  
1617 the funds provided herein, and in any proceedings to condemn, such orders may be made  
1618 by the court having jurisdiction of the suit, action, or proceedings as may be just to the  
1619 authority and to the owners of the property to be condemned, and no property shall be  
1620 acquired as provided herein upon which any lien or other incumbrance exists, unless at the  
1621 time such property is so acquired a sufficient sum of money be deposited in trust to pay  
1622 and redeem the fair value of such lien or incumbrance;

1623 (4) To appoint and select officers, agents, and employees, including engineering,  
1624 architectural and construction experts, fiscal agents and attorneys, and fix their  
1625 compensation;

1626 (5) To make contracts and leases and to execute all instruments necessary or convenient,  
1627 including contracts for construction of projects and leases of projects or contracts with  
1628 respect to the use of projects which it causes to be erected or acquired, and the City of  
1629 Dalton and any divisions, departments, institutions, agencies, counties, or political  
1630 subdivisions of the State of Georgia are hereby authorized to enter into contracts, leases,  
1631 or agreements with the authority upon such terms and for such purposes as they deem  
1632 advisable; and without limiting the generality of the above, authority is specifically granted  
1633 to the said city and any division, department, institution, agency, or political subdivision  
1634 of the State of Georgia to enter into lease contracts and related agreements for the use of  
1635 any structure, building, or facility or a combination of any two or more structures,  
1636 buildings, or facilities of the authority for a term not exceeding 50 years and any division,  
1637 department, institution, agency, or political subdivision of the State of Georgia may  
1638 obligate itself to pay an agreed sum for the use of such property and the City of Dalton  
1639 may enter into lease contracts and related agreements for the use of any structure, building,  
1640 or facility or a combination of two or more structures, buildings, or facilities of the  
1641 authority for a term not exceeding 50 years upon a majority vote of its governing body and  
1642 may obligate itself to pay an agreed sum for the use of such property so leased and also

1643 obligate itself as a part of the undertaking to pay the cost of maintaining, repairing, and  
1644 operating the property furnished by and leased from the authority;

1645 (6) To construct, erect, acquire, own, repair, remodel, maintain, add to, extend, improve,  
1646 equip, operate, and manage projects, as hereinabove defined, to be located on property  
1647 owned by or leased by the authority, the cost of any such project to be paid in whole or in  
1648 part from the proceeds of revenue bonds of the authority or from such proceeds and any  
1649 grant from the United States of America or any agency or instrumentality thereof;

1650 (7) To accept loans, grants of money, or materials, or property of any kind from the United  
1651 States of America or any agency, or instrumentality thereof upon such terms and  
1652 conditions as the United States of America or such agency or instrumentality may impose.

1653 (8) To borrow money for any of its corporate purposes and to issue negotiable revenue  
1654 bonds payable solely from funds pledged for that purpose, and to provide for the payment  
1655 of the same and for the rights of the holders thereof;

1656 (9) To exercise any power usually possessed by private corporations performing similar  
1657 functions, which is not in conflict with this charter, the Constitution, and laws of this state;  
1658 and

1659 (10) To do all things necessary or convenient to carry out the powers expressly given in  
1660 this charter.

1661 (f) The authority, or any authority or body which has or which may in the future succeed to  
1662 the powers, duties, and liabilities vested in the authority created hereby, shall have power  
1663 and is hereby authorized at one time, or from time to time, to provide by resolution for the  
1664 issuance of negotiable revenue bonds, for the purpose of paying all or any part of the cost  
1665 as defined of any one or more projects. The principal and interest of such revenue bonds  
1666 shall be payable solely from the special fund in this section provided for such payment. The  
1667 bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding the  
1668 maximum limit prescribed in the Revenue Bond Law, Code Section 36-82-60 of the  
1669 O.C.G.A. et seq., or any amendment thereto, shall be payable semiannually, shall mature at



1670 such time or times not exceeding 30 years from their date or dates, shall be payable in such  
1671 medium of payment as to both principal and interest as may be determined by the authority,  
1672 and may be made redeemable before maturity, at the option of the authority at such price or  
1673 prices and under such terms and conditions as may be fixed by the authority in the resolution  
1674 providing for the issuance of the bonds. Such revenue bonds or obligations shall be issued  
1675 pursuant to and in conformity with the Revenue Bond Law, Code Section 36-82-60 of the  
1676 O.C.G.A. et seq., and all procedures pertaining to such issuance and the conditions thereof  
1677 shall be the same as those contained in said Revenue Bond Law and any amendments  
1678 thereto.

1679 (g) The authority shall determine the form of the bonds, including any interest coupons to  
1680 be attached thereto, and shall fix the denomination or denominations of the bonds and the  
1681 place or places of payment of principal and interest thereof which may be at any bank or  
1682 trust company within or without the state. The bonds may be issued in coupon or registered  
1683 form or both, as the authority may determine, and provision may be made for the registration  
1684 of any coupon bond as to the principal alone and also as to both the principal and interest.  
1685 (h) In case any officer whose signature shall appear on any bonds or whose facsimile  
1686 signature shall appear on any coupon shall cease to be an officer before the delivery of such  
1687 bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as  
1688 if or she had remained in office until such delivery. All such bonds shall be signed by the  
1689 chairperson of the authority and attested by the secretary and treasurer of the authority and  
1690 the official seal of the authority shall be affixed thereto and any coupons attached thereto  
1691 shall bear the facsimile signatures of the chairperson and secretary and treasurer of the  
1692 authority. Any bond may be signed, sealed, and attested on behalf of the authority by such  
1693 persons as at the actual time of the execution of such bonds shall be duly authorized or hold  
1694 the proper office, although at the date of delivery and payment of such bonds such persons  
1695 may not have been so authorized or shall not have held such office.

1696 (i) All revenue bonds issued under the provisions of this section shall be fully negotiable for  
1697 all purposes and shall have and are hereby declared to have all of the qualifications of  
1698 negotiable instruments under the laws of the state. Such bonds are declared to be issued for  
1699 an essential public and governmental purpose and the said bonds and the income thereof  
1700 shall be exempt from all taxation within the state.

1701 (j) The authority may sell such bonds in such manner and for such price as it may determine  
1702 to be for the best interest of the authority.

1703 (k) The proceeds of such bonds shall be used solely for the payment of the cost of the  
1704 project or projects, and unless otherwise provided in the resolution authorizing the issuance  
1705 of the bonds or in the trust indenture, additional bonds may in like manner be issued to  
1706 provide the amount of any deficit, which unless otherwise provided in the resolution  
1707 authorizing the issuance of the bonds or in the trust indenture shall be deemed to be of the  
1708 same issue and shall be entitled to payment from the same fund without preference or  
1709 priority of the bonds first issued for the same purpose. If the proceeds of the bonds of any  
1710 issue shall exceed the amount required for the purpose for which such bonds are issued, the  
1711 surplus shall be paid into such funds as may be provided in the resolution authorizing the  
1712 issuance of the bonds or in the trust indenture.

1713 (l) Prior to the preparation of definitive bonds, the authority may, under like restrictions,  
1714 issue interim receipts, interim certificates, or temporary bonds, with or without coupons  
1715 exchangeable for definitive bonds upon the issuance of the latter.

1716 (m) The authority may also provide for the replacement of any bond which shall become  
1717 mutilated or be destroyed or lost.

1718 (n) Such revenue bonds may be issued without any other proceedings. In the discretion of  
1719 the authority, revenue bonds of a single issue may be issued for the purpose of any particular  
1720 project. Any resolution, providing for the issuance of revenue bonds upon the provisions  
1721 hereof, shall become effective immediately upon its passage and need not be published or

1722 posted, and any such resolution may be passed at any regular or special or adjourned meeting  
1723 of the authority by a majority of the quorum as provided in this chapter.

1724 (o) Revenue bonds issued by the authority hereunder shall not be deemed to constitute a  
1725 debt of the City of Dalton, Georgia, nor of any municipality, county, authority, or political  
1726 subdivision of the State of Georgia or instrumentality of the United States government which  
1727 may contract with such authority. No contracts entered into by the authority with any such  
1728 municipality, county, authority, or political subdivision of the State of Georgia or  
1729 instrumentality of the United States government shall create a debt of the respective  
1730 municipalities, counties, authorities, or political subdivisions of the State of Georgia within  
1731 the meaning of Article IX, Section V, Paragraph I of the Constitution of the State of Georgia,  
1732 but any such municipality, county, authority, or political subdivision of the State of Georgia  
1733 may obligate itself to pay the payments required under such contracts from monies received  
1734 from taxes and from any other source without creating a debt within the meaning of Article  
1735 IX, Section V, Paragraph I of the Constitution of the State of Georgia.

1736 (p) In the discretion of the authority, any issue of such revenue bonds may be secured by a  
1737 trust indenture by and between the authority and a corporate trustee, which may be any trust  
1738 company or bank having the powers of a trust company within or outside of the state. Such  
1739 trust indenture may pledge or assign fees, tolls, revenues, and earnings to be received by the  
1740 authority, including the proceeds derived from the sale from time to time of any surplus  
1741 property of the authority, both real and personal. Either the resolution providing for the  
1742 issuance of revenue bonds or such trust indenture may contain such provisions for protecting  
1743 and enforcing the rights and remedies of the bondholders as may be reasonable and proper  
1744 and not in violation of law, including covenants setting forth the duties of the authority in  
1745 relation to the acquisition of property, the construction of the project, the maintenance,  
1746 operation, repair and insurance of the property, and the custody, safeguarding, and  
1747 application of all monies, including the proceeds derived from the sale of property of the  
1748 authority, both real and personal, and may also provide that any project shall be constructed

1749 and paid for under the supervision and approval of consulting engineers, architects employed  
1750 or designated by the authority, and satisfactory to the original purchasers of the bonds issued  
1751 therefor and may also require that the security given by contractors and by any depository  
1752 of the proceeds of the bonds, revenues, or other monies be satisfactory to such purchasers,  
1753 and may also contain provisions concerning the conditions, if any, upon which additional  
1754 revenue bonds may be issued. It shall be lawful for any bank or trust company incorporated  
1755 under the laws of this state to act as such depository and to furnish such indemnifying bonds  
1756 or pledge such securities as may be required by the authority. Such indenture may set forth  
1757 the rights and remedies of the bondholders and of the trustee, and may restrict the individual  
1758 right of action of bondholders as is customary in trust indentures securing bonds and  
1759 debentures of corporations. In addition to the foregoing, such trust indenture may contain  
1760 such other provisions as the authority may deem reasonable and proper for the security of  
1761 the bondholders. All expenses incurred in carrying out such trust indenture may be treated  
1762 as a part of the cost of maintenance, operation, and repair of the project affected by such  
1763 indenture.

1764 (q) The authority shall, in the resolution providing for the issuance of revenue bonds or in  
1765 the trust indenture, provide for the payment of the proceeds of the sale of the bonds to any  
1766 officer or person who or any agency, bank, or trust company which shall act as trustee of  
1767 such funds and shall hold and apply the same to the purposes hereof, subject to such  
1768 regulations as are herein provided and such regulations as may be provided in such  
1769 resolution or trust indenture.

1770 (r) The revenues, fees, tolls, and earnings derived from any particular project or projects,  
1771 regardless of whether or not such fees, earnings, and revenues were produced by a particular  
1772 project for which bonds have been issued and any monies derived from the sale of any  
1773 properties, both real and personal of the authority, unless otherwise pledged and allocated,  
1774 may be pledged and allocated by the authority to the payment of the principal and interest  
1775 on revenue bonds of the authority as the resolution authorizing the issuance of the bonds or

1776 in the trust instrument may provide, and such funds so pledged from whatever source  
1777 received, which said pledge may include funds received from one or more or all sources,  
1778 shall be set aside at regular intervals as may be provided in the resolution or trust indenture,  
1779 into a sinking fund which said sinking fund shall be pledged to and charged with the  
1780 payments of:

- 1781 (1) The interest upon such revenue bonds as such interest shall fall due;
- 1782 (2) The principal of the bonds as the same shall fall due;
- 1783 (3) The necessary charges of paying agent or agents for paying principal and interest; and
- 1784 (4) Any premium upon bonds retired by call or purchase as hereinabove provided.

1785 The use and disposition of such sinking fund shall be subject to such regulations as may be  
1786 provided in the resolution authorizing the issuance of the revenue bonds or in the trust  
1787 indenture, but, except as may otherwise be provided in such resolution or trust indenture,  
1788 such sinking fund shall be a fund for the benefit of all revenue bonds without distinction or  
1789 priority of one over another. Subject to the provisions of the resolution authorizing the  
1790 issuance of the bonds or in the trust indenture surplus monies in the sinking fund may be  
1791 applied to the purchase or redemption of bonds and any such bonds so purchased or  
1792 redeemed shall forthwith be cancelled and shall not again be issued.

1793 (s) Any holder of revenue bonds issued under the provisions hereof or any of the coupons  
1794 appertaining thereto, and the trustee under the trust indenture, if any, except to the extent the  
1795 rights herein given may be restricted by resolution passed before the issuance of the bonds  
1796 or by the trust indenture, may, either at law or in equity, by suit, action, mandamus, or other  
1797 proceedings, protect, and enforce any and all rights under the laws of the State of Georgia  
1798 or granted hereunder such resolution or trust indenture, and may enforce and compel  
1799 performance of all duties required herein or by such resolution or trust indenture, to be  
1800 performed by the authority, or any officer thereof, including the fixing, charging, and  
1801 collecting of revenues, fees, tolls, and other charges for the use of the facilities and services  
1802 furnished.

1803 (t) The authority is hereby authorized to provide by resolution for the issue of revenue bonds  
1804 of the authority for the purpose of refunding any revenue bonds issued under the provisions  
1805 hereof and then outstanding, together with accrued interest thereon. The issuance of such  
1806 revenue refunding bonds, the maturities and all other details thereof, the rights of the holders  
1807 thereof, and the duties of the authority in respect to the same, shall be governed by the  
1808 foregoing provisions hereof insofar as the same may be applicable.

1809 (u) Any action to protect, or enforce any rights under the provisions of this section or any  
1810 suit or action against such authority shall be brought in the superior court of Whitfield  
1811 County, Georgia, and any action pertaining to validation of any bonds issued under the  
1812 provisions of this section shall likewise be brought in said court which shall have exclusive,  
1813 original jurisdiction of such actions.

1814 (v) Bonds of the authority shall be confirmed and validated in accordance with the  
1815 procedure of the Revenue Bond Law, Code Section 36-82-60 of the O.C.G.A., et seq. The  
1816 petition for validation shall also make party defendant to such action any municipality,  
1817 county, authority, subdivision, or instrumentality of the State of Georgia or the United States  
1818 government or any department or agency of the United States government, if subject to be  
1819 sued, which has contracted with the authority for the services and facilities of the project for  
1820 which bonds are to be issued and sought to be validated and such municipality, county,  
1821 authority, subdivision, or instrumentality shall be required to show cause, if any, why such  
1822 contract or contracts and the terms and conditions thereof should not be inquired into by the  
1823 court and the validity of the terms thereof be determined and the contract or contracts  
1824 adjudicated as security for the payment of any such bonds of the authority. The bonds when  
1825 validated and the judgment of validation shall be final and conclusive with respect to such  
1826 bonds, against the authority issuing the same, and any municipality, county, authority,  
1827 subdivision, or instrumentality of the United States government, if a party to the validation  
1828 proceedings, contracting with the said The City of Dalton Building Authority.

1829 (w) While any of the bonds issued by the authority remain outstanding, the powers, duties,  
1830 or existence of said authority or of its officers, employees, or agents shall not be diminished  
1831 or impaired in any manner that will affect adversely the interest and rights of the holders of  
1832 such bonds, and no other entity, department, agency, or authority will be created which will  
1833 compete with the authority to such an extent as to affect adversely the interest and rights of  
1834 the holders of such bonds, nor will the state itself so compete with the authority. The  
1835 provisions of this section shall be for the benefit of the authority and the holders of any such  
1836 bonds, and upon the issuance of bonds under the provisions hereof, shall constitute a contract  
1837 with the holders of such bonds.

1838 (x) All monies received pursuant to the authority hereof, whether as proceeds from the sale  
1839 of revenue bonds, as grants, or other contributions, or as revenues, income, fees, and  
1840 earnings shall be deemed to be trust funds to be held and applied solely as provided for  
1841 herein.

1842 (y) It is hereby declared that the authority will be performing an essential governmental  
1843 function in the exercise of the power conferred upon it hereunder and that the authority shall  
1844 be required to pay no taxes or assessments upon any of the property acquired by it or under  
1845 its jurisdiction, control, possession, or supervision, or upon its activities in the operation and  
1846 maintenance of the buildings erected or acquired by it or any fees, rentals, or other charges  
1847 for the use of such buildings, or other income received by the authority.

1848 (z) The authority shall have the same immunity and exemption from liability for torts and  
1849 negligence as the State of Georgia has and the officers, agents, and employees of the  
1850 authority when in performance of the work of the authority shall have the same immunity  
1851 and exemption from liability for torts and negligence as the officers, agents, and employees  
1852 of the State of Georgia. The authority may be sued in the same manner as private  
1853 corporations may be sued on any contractual obligation of the authority.

1854 (aa) The property of the authority shall not be subject to levy and sale under legal process  
1855 except such property, revenue, income, or funds as may be pledged, assigned, mortgaged,

1856 or conveyed to secure an obligation of the authority, and any such property, revenue, funds,  
1857 or income may be sold under legal process or under any power granted by the authority to  
1858 enforce payment of the obligation.

1859 SECTION 11.11.  
1860 Downtown Dalton development authority.

1861 The General Assembly created in and for the City of Dalton, the downtown Dalton  
1862 development authority for the purpose of the redevelopment of the downtown Dalton area.  
1863 Said authority shall have the power to employ engineers and planners, to contract for the  
1864 construction of buildings and other facilities, and to contract with the City of Dalton for the  
1865 construction, reconstruction, altering, changing and closing of streets and alleys. The  
1866 authority shall have the power to issue bonds and revenue certificates, and to pledge  
1867 revenues and to levy and collect taxes within said districts for the retirement of said  
1868 indebtedness. No taxes shall be levied by said authority on property used for residential  
1869 purposes or used for school or church purposes. The authority shall have the right and power  
1870 of eminent domain for the purpose of acquiring property in the carrying out of its aims and  
1871 objectives.

1872 DIVISION 2. AIRPORT AUTHORITY

1873 SECTION 11.12.  
1874 Short title.

1875 This section shall be known and may be cited as the "City of Dalton Airport Authority  
1876 Ordinances."



1877 SECTION 11.13.

1878 Purposes.

1879 The City of Dalton airport authority, was created pursuant to an Act consolidating,  
1880 amending, and codifying the various Acts incorporating the City of Dalton, approved  
1881 February 24, 1874, (Ga. L. 1874, p. 181), as amended, and is hereby affirmed. The City of  
1882 Dalton airport authority's purposes shall be to oversee the day-to-day operation and general  
1883 management of the existing airport and landing field of the City of Dalton for the use of  
1884 aircraft and related aeronautical activities.

1885 SECTION 11.14.

1886 Membership.

1887 The City of Dalton airport authority shall be composed of five individuals with qualifications  
1888 as provided in this section, all of whom shall be appointed by the mayor and council of the  
1889 City of Dalton pursuant to passage of appropriate resolutions. The members of the City of  
1890 Dalton airport authority shall be designated by the mayor and council to serve terms for  
1891 terms of five years. The terms of the members of such authority shall be staggered as in  
1892 effect on the date of this charter. Upon the death, resignation, or other event creating a  
1893 vacancy in the seat of any member of the authority, the mayor and council shall fill the  
1894 vacancy by appointing a qualified individual to fill the unexpired term of the vacating  
1895 member through passage of an appropriate resolution of the mayor and council. For  
1896 purposes of determining the time of the regular expiration of any term of office of any  
1897 member of the authority, a year shall be deemed to run from the date of the first regular  
1898 meeting of the mayor and council in January of any calendar year until the first regular  
1899 meeting of the mayor and council in the succeeding calendar year. A member of the

1900 authority must, at the time of appointment by the mayor and council and at all times  
1901 thereafter, during the tenure of service on the authority possess the following qualifications:  
1902 (1) Maintain a permanent residence within Whitfield County, Georgia; and  
1903 (2) Be not less than 18 years of age.

1904 SECTION 11.15.  
1905 Ex officio members.

1906 The city administrator or his or her successor in office shall be a nonvoting ex officio  
1907 member of the authority who shall be entitled to participate in all meetings of the authority.

1908 SECTION 11.16.  
1909 Meetings.

1910 The authority shall meet at such times as may be necessary to transact the business and fulfill  
1911 its public purpose but the authority shall hold an organizational meeting each year within 30  
1912 days of the first meeting of the mayor and council in January. At each organizational  
1913 meeting, the members of the authority shall elect one of its members as its chairperson and  
1914 another member as secretary. The term of the chairperson and secretary shall be for a period  
1915 beginning with their election by the authority and expiring with the organizational meeting  
1916 of the authority in the following year or upon their death, resignation, or vacancy in the  
1917 position of authority member for whatever reason, whichever shall earlier occur. In the  
1918 event of a death, resignation, or vacancy in the position of authority member of the  
1919 chairperson or secretary of the authority, the members of the authority shall elect one of their  
1920 members to fill the vacant office for the expiration of the term of office. The chairperson  
1921 and secretary of the authority may be elected by the authority members for succeeding terms  
1922 during their tenure. A meeting of the authority may be held upon call of the chairperson, or

1923 any two members of the authority, or upon call of the city administrator as a nonvoting ex  
1924 officio member. A quorum for the transaction of business of the authority shall consist of  
1925 three voting members of the authority. Each voting member of the authority shall have one  
1926 vote on all matters and issues to be decided. A vote of the majority of the members of the  
1927 authority present in person and voting at any meeting of the authority shall carry on any  
1928 decision to be made.

1929 SECTION 11.17.  
1930 Compensation.

1931 No member of the authority shall be paid any salary or compensation for his or her service.  
1932 However, the mayor and council shall be authorized in its discretion to set by ordinance a  
1933 mileage allowance and per diem expense for members of the authority traveling or in  
1934 attendance on official business of the authority. The salary and employment benefits of any  
1935 staff members of the authority shall be determined by the mayor and council through the  
1936 budgetary processes of the mayor and council.

1937 SECTION 11.18.  
1938 Staff.

1939 The authority shall be authorized to hire, contract with, or appoint an airport manager and  
1940 such other employees as they deem necessary to carry out the business, affairs, and public  
1941 purposes of the authority provided compensation and any related benefits to said employees  
1942 of the authority are included within the budget for the authority set by the mayor and council  
1943 of the City of Dalton. Further, the authority may employ or retain such expert or consultant  
1944 services as required to carry on its operations and meet its public purposes subject to the  
1945 budgetary allowances as set by the mayor and council.

1946 SECTION 11.19.

1947 Budget.

1948 The authority through its chairperson shall submit an annual request for budget to the mayor  
1949 and council or its designated committee at the times and in the form directed by the mayor  
1950 and council.

1951 SECTION 11.20.

1952 Legal services.

1953 The city attorney shall serve as counsel and legal adviser to the authority and shall perform  
1954 such legal services as the authority shall request.

1955 SECTION 11.21.

1956 Powers.

1957 Subject to any general limitations enacted by the mayor and council as well as the budgetary  
1958 allowances or limitations imposed by the mayor and council and the rights and interests of  
1959 any holder of bonds or obligations issued by the City of Dalton relating to or affecting  
1960 property owned, operated, or leased by the city for airport and related aeronautical activities,  
1961 the authority shall have and exercise the following powers:

1962 (1) To have a seal and alter the same at its pleasure;

1963 (2) To appoint, select, and employ officers, agents and employees including engineering,  
1964 architectural, and construction experts, and fiscal agents and fix their respective  
1965 compensation subject to its budgetary limitations;

1966 (3) To oversee the day-to-day operations and general management of the airport and  
1967 landing field; however, such power shall not include the power to make or terminate

1968 contracts or leases with respect to land, which powers are expressly reserved to the mayor  
1969 and council; and  
1970 (4) To promulgate rules and regulations for air and ground operations on the airport and  
1971 landing field all in conformity with applicable provisions of federal, state and local laws,  
1972 statutes, ordinances, and regulations.

1973 SECTION 11.22.

1974 Monies payable to general fund.

1975 All revenues collected by the authority on leases, franchises, hangar rentals, service fees,  
1976 surplus property sales, and from any other source shall be properly accounted for and paid  
1977 over to the general fund of the City of Dalton. The mayor and council shall establish  
1978 accounts and audit procedures for revenues collected by the authority and shall implement  
1979 same at all times.

1980 ARTICLE XII

1981 GENERAL PROVISIONS

1982 SECTION 12.10.

1983 Bonds for officials.

1984 The officers and employees of this city, both elective and appointive, shall execute such  
1985 surety or fidelity bonds in such amounts and upon such terms and conditions as the mayor  
1986 and council shall from time to time require by ordinance or as may be provided by law.

1987 SECTION 12.11.

1988 Prior ordinances.

1989 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent  
1990 with this charter are hereby declared valid and of full effect and force until amended or  
1991 repealed by the mayor and council.

1992 SECTION 12.12.

1993 Pending matters.

1994 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,  
1995 contracts, and legal or administrative proceedings shall continue and any such ongoing work  
1996 or cases shall be completed by such city agencies, personnel, or offices as may be provided  
1997 by the mayor and council.

1998 SECTION 12.13.

1999 Construction.

2000 (a) Section captions in this charter are informative only and are not to be considered as a  
2001 part thereof.

2002 (b) The word "shall" is mandatory and the word "may" is permissive.

2003 (c) The singular shall include the plural, the masculine shall include the feminine, and vice  
2004 versa.

2005 SECTION 12.14.

2006 Severability.

2007 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall  
2008 be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect  
2009 or impair other parts of this charter unless it clearly appears that such other parts are wholly  
2010 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the  
2011 legislative intent in enacting this charter that each article, section, subsection, paragraph,  
2012 sentence, or part thereof be enacted separately and independent of each other.

2013 SECTION 12.15.

2014 Specific repealer.

2015 (a) An Act consolidating, amending, and codifying the various Acts incorporating the City  
2016 of Dalton, approved February 24, 1874 (Ga. L. 1874, p. 181), and all amendatory Acts  
2017 thereto are hereby repealed in their entirety.

2018 (b) All laws and parts of laws relating to or affecting the City of Dalton in force when this  
2019 charter shall take effect are hereby repealed and superseded to the extent that the same are  
2020 inconsistent with the provisions of this charter and no further.

2021 (c) All other laws and parts of laws shall continue in force until repealed, amended,  
2022 modified or superseded.

2023 (d) Insofar as the provisions of this charter are the same in terms or in substance and effect  
2024 as provisions of law in force when this charter shall take effect, relating to or affecting the  
2025 City of Dalton, the provisions of this charter are intended to be not a new enactment but a  
2026 continuation of such provisions of law, and this charter shall be so construed and applied.

2027

## SECTION 12.16.

2028

Repealer.

2029 All laws and parts of laws in conflict with this Act are repealed.