House Bill 1127 (AS PASSED HOUSE AND SENATE)

By: Representatives DeLoach of the 127th, Lane of the 101st, Barnard of the 121st, Post 1, Parrish of the 102nd, and Oliver of the 121st, Post 2

A BILL TO BE ENTITLED

AN ACT

To provide a new charter for the City of Brooklet; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for ordinances and codes; to provide for a mayor and mayor pro tempore and certain duties, powers, and other matters relative thereto; to provide for administrative affairs and responsibilities; to provide for boards, commissions, and authorities; to provide for a city attorney, a city clerk, and other personnel and matters relating thereto; to provide for rules and regulations; to provide for a municipal court and the judge or judges thereof and other matters relative to those judges; to provide for the court´s jurisdiction, powers, practices, and procedures; to provide for the right of certiorari; to provide for elections; to provide for taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to provide for bonded and other indebtedness; to provide for auditing, accounting, budgeting, and appropriations; to provide for city contracts and purchasing; to provide for the conveyance of property and interests therein; to provide for a sewerage and drainage system and all matters relative thereto; to provide for streets, sidewalks, public places, and railroads and all matters relative thereto; to provide for bonds for officials; to provide for prior ordinances and rules, pending matters, and existing personnel; to provide for penalties; to provide for definitions and construction; to provide for severability; to provide for other matters relative to the foregoing; to repeal a specific Act; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I

INCORPORATION AND POWERS

SECTION 1-1.

Name and incorporation.

This city and the inhabitants thereof are hereby constituted and declared a body politic and corporate under the name and style Brooklet, Georgia, and by that name shall have perpetual succession. The City of Brooklet, in the County of Bulloch, is hereby incorporated.

SECTION 1-2.

Corporate boundaries.

(a) The boundaries of this city shall be those existing on the effective date of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this city at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of clerk of the city, or alternatively, in the office of the zoning administrator, and to be designated, as the case may be: "Official Map of the corporate limits/zoning classifications of the City of Brooklet, Georgia." Photographic, typed, or other copies of such map or description certified by the clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

(b) The city council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries or changes in zoning classifications. All such modifications shall be noted on such map by the zoning administrator. A redrawn map shall supersede for all purposes the entire map or maps which it is designated to replace.

SECTION 1-3.

Powers and construction.

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

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

SECTION 1-4.

Examples of powers.

The powers of the city shall include, but not be limited to, the following:

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

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

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

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

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

(6) 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 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted;

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

(8) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists within or outside 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;

(9) 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 general law, relating to both fire prevention and detection and to fire fighting; and to prescribe penalties and punishment for violations thereof;

(10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal and other sanitary service charge, tax, or fee for such services as may be necessary; to place for bid or otherwise privatize garbage, refuse, or trash collection as is deemed by the city as appropriate; to enforce the payment of such charges, taxes, or fees; and to provide for the manner and method of collecting such service charges;

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

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

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

(14) Jail sentences. To provide that persons given jail sentences in the city´s court may work out such sentences in any public works or on the streets, roads, drains, and parks in the city; to provide for commitment of such persons to any jail; or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;

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

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

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

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

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

(20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including, but not limited to, a system of waterworks, sewers and

drains, sewage or garbage disposal, gas works, electrical plants, transportation facilities, public airports, and any other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties; and to provide for the withdrawal of service for (A) refusal and failure to pay the same or (B) violation of any ordinance;

(21) Nuisance. To declare what shall constitute a nuisance within the limits of the City of Brooklet and to pass such ordinances as are necessary to prevent the same, and by ordinance to empower the municipal court of the city to abate same and authorize the removal of such nuisance within the city limits of the City of Brooklet and to punish the person, persons, firms, or corporations causing or allowing such nuisance to exist, and to provide for the assessment of the expense of the removal of such nuisance against such person, persons, firms, or corporations causing or continuing the same and to provide for the collection of such expense by execution, the execution to have the same force and effect as city tax executions;

(22) Penalties. To provide comprehensive penalties for the violation of ordinances. Whenever any act within the city is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of such provision shall be punishable by the imposition of a fine not to exceed $1,000.00, by imprisonment in the county jail for a period of time not to exceed 60 days, or by both such fine and imprisonment, or up to the limits of any penalty provided by state law for the ordinance;

(23) Planning and zoning. To provide comprehensive city planning for development by zoning; to provide for the position of a zoning administrator; and to provide subdivision regulations and the like as the city council deems necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;

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

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

(26) Public improvements. To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal and medical institutions, agencies, and facilities; and to provide any other public improvements, inside or outside the corporate limits of the city; to regulate the use of public improvements; and

for such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted;

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

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

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

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

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

(32) Roadways. To lay out, open, extend, widen, narrow, establish, or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; and to grant franchises and rights of way throughout the streets and roads and over the bridges and viaducts for the use of public utilities; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

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

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

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

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

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

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

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

SECTION 1-5.

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 or as provided by pertinent laws of the State of Georgia.

ARTICLE II

GOVERNMENT STRUCTURE

SECTION 2-1.

City council creation; number; election.

The municipal government of the City of Brooklet shall consist of the mayor and five members of council who are constituted a body corporate under the name and style of the "Mayor and City Council of Brooklet," and by such name they shall have perpetual succession.

SECTION 2-2.

Terms and qualifications for office.

(a) The mayor and members of the city council shall serve for terms of four years and until their respective successors are duly elected and qualified. No person shall be eligible to serve as councilmember unless he or she has been a resident of the city for 12 months immediately preceding the election. Each member of the city council shall continue to reside within the city during his or her entire term of office and shall be registered and qualified to vote in the municipal elections of the city.

(b) Persons qualifying for the city council must have attained the age of 18 years.

(c) Persons qualifying for the position of mayor shall have attained the age of 18 years and must have been a resident of the City of Brooklet for at least 12 months.

SECTION 2-3.

Designation of council posts.

In order to provide for the staggered election of councilmembers, the council of the City of Brooklet is divided into five councilmember posts:

The position presently occupied by Councilman Randy Newman is designated Councilmember Post No. 1; the position presently occupied by Councilman Nicky Gwinnett is designated Councilmember Post No. 2; the position presently occupied by Councilperson Sylvia Prosser is designated Councilmember Post No. 3; the position presently occupied by Councilman Fred Rich is designated Councilmember Post No. 4; and the position presently occupied by Councilman Aubrey Wynn is designated Councilmember Post No. 5.

Elections shall be held in the year 2003 and thereafter every four years for the mayor and the councilmembers for Post Numbers 1 and 2, such individuals to be elected for four-year terms

of office. Elections shall be held in the year 2005 and thereafter every four years for councilmembers for Post Numbers 3, 4, and 5, such individuals to be elected for four-year terms of office.

SECTION 2-4.

Oath of office.

The oath of office to be administered to newly elected members of council and the mayor shall be as follows:

"I do solemnly swear or affirm that:

I will faithfully execute the office of _____ of the City of Brooklet, and to the best of my ability support and defend the Constitution of the United States, the Constitution of Georgia, and the charter, ordinances, and regulations of the City of Brooklet;

I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof;

I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which by the laws of the State of Georgia I am prohibited from holding;

I am otherwise qualified to hold said office according to the Constitution and laws of Georgia;

I have been a resident of the City of Brooklet for the time required by the Constitution and the laws of this state;

I will perform the duties of my office in the best interest of the City of Brooklet and to the best of my ability without fear, favor, affection, reward or expectation thereof."

SECTION 2-5.

Vacancy declared in office of mayor and council if officer changes residency to one outside city.

The mayor and each member of the council of the city shall reside within the corporate limits of the city during their terms of office. If any officer changes residency to one outside of the city, such office shall be declared vacant.

SECTION 2-6.

Filling vacancy in office of mayor or member of council.

(a) In case of a vacancy in the office of mayor or councilmember caused by death, resignation, failure to elect, or removal of residency, or for any other reason, the city will hold an election to elect a mayor or councilmember for the unexpired term, in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

(b) The mayor and councilmembers elected as provided in this section shall take the oath of office prescribed in Section 2-4 of this charter before entering upon the duties of office.

SECTION 2-7.

Mayor pro tempore; selection, function, duties.

The city council shall, at its first meeting after election and qualification, elect one of its members as mayor pro tempore, who shall, in the absence or disqualification of the mayor, be the presiding officer of the city council, shall be allowed to vote on all questions, and shall, in the absence or disqualification of the mayor, exercise all the functions of the office of mayor and all the duties, powers, rights, and privileges conferred by this charter upon the mayor.

SECTION 2-8.

Meetings, minutes, proceedings of council.

(a) The city council shall be presided over at its meetings by the mayor or, in his or her absence, by the mayor pro tempore. Three councilmembers shall constitute a quorum and shall be authorized to transact the business of the council. In the event vacancies in office result in less than a quorum of councilmembers holding office, then the remaining councilmembers in office shall constitute a quorum and shall be authorized to transact the business of the city council. A vote of a majority of the remaining councilmembers shall be required for the adoption of any ordinance, resolution, or motion. The council shall cause to be kept in a well-bound book an accurate record of all its proceedings, bylaws, acts, orders, ordinances, and resolutions, which book shall be fully indexed and open to the public. The council shall hold monthly, semimonthly, or weekly sessions as it may determine, and the mayor, mayor pro tempore, or three members of council may cause to be held such other and additional meetings as emergencies may require, in the discretion of the mayor, mayor pro tempore, or councilmembers.

(b) The city council shall have power and authority to enact such ordinances from time to time as it may deem necessary to enforce the provisions of this charter. Voting on the adoption of ordinances shall be taken by a voice vote and shall be recorded in the official minutes, but any member of the council shall have the right to request a roll-call vote. The affirmative vote of a majority of the members present shall be required for the adoption of any ordinance, resolution, or motion, except as otherwise provided in this charter.

(c) The city council shall hold regular meetings at such times and places as prescribed by ordinance. Unless otherwise modified by ordinance, the regularly scheduled monthly meeting of the mayor and city council shall be at 7:00 P.M. on the third Thursday of each month. Regular monthly meetings may be rescheduled in the event of conflicts or other circumstances.

(d) Special meetings of the city council may be held on call of the mayor or a majority of members of the city council. Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least 48 hours in advance of the meeting. Such notice to councilmembers shall not be required of the mayor and all councilmembers who are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember or mayor in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember´s or mayor´s presence. Only the business stated in the call may be transacted at the special meeting.

(e) All meetings of the city council shall be public to the extent required by law and notice to the public of special meetings shall be made fully as is reasonably possible 24 hours prior to such meetings.

(f) Executive sessions of the council may be held for the purpose of conducting business excepted from public access requirements as authorized by Code Sections 50-14-2 and 50-14-3 of the O.C.G.A. Where a meeting of the council is devoted in part to matters within the authorized exceptions to public access requirements, any portion of the meeting not subject to any such exceptions shall be open to the public. No executive session shall be held except pursuant to a majority affirmative vote of the city council taken in a public meeting. The minutes of the public meeting shall reflect the names of councilmembers present, those voting for the executive session, and the specific reasons for the executive session. Minutes of the executive session may be maintained by the clerk of the city council upon a majority vote of the council. Any such minutes shall be maintained in a confidential file and shall not be subject to disclosure, except that disclosures of such portions of minutes identifying real estate to be acquired by the council may only be delayed until such time as the acquisition of the real estate has been completed, terminated, or abandoned or court proceedings have been initiated.

(g) All councilmembers except the mayor shall have one vote each. As noted in Section 2-10 of this charter, the mayor shall have one vote if and only if there is a tie in the votes of the other councilmembers.

(h) The city council may have posted any measure, ordinance, or resolution at such place in the city as it may direct for the information of the public, or it may have the same published in any newspaper of the city, but failure to so post or publish any ordinance, measure, or resolution shall in no way operate to render the same void.

SECTION 2-9.

Committees.

(a) The mayor and city council shall create by ordinance such committees as they deem necessary to oversee the operation and provision of the city services and the administration of city government. The following committees shall be standing committees: police, fire, streets, water and sewer, finance, and solid waste disposal. Each committee shall consist of at least one councilmember.

(b) Each committee provided for in this section shall meet periodically with the department heads and other appropriate employees or appointees from the committee´s assigned area of services. The committee shall recommend to the mayor and the city council such policies and measures deemed necessary and expedient for the health, safety, and welfare of the city or for the implementation or improvement of the provisions of city services. Each committee shall oversee and recommend the preparation of annual budgetary requests to the mayor and city council for the committee´s assigned area of services. Each committee shall also review bids; review and recommend major construction and infrastructure repairs and improvements; hear policy appeals related to its department or assigned area of services; and perform such other duties as requested by the mayor and city council.

SECTION 2-10.

Mayor.

(a) The mayor is responsible for the orderly conduct of the meetings. In order to fulfill this duty, the mayor must enforce the rules of procedure that are adopted by the city council. The mayor shall be impartial and conduct the meetings in a fair manner. The mayor may not introduce motions or second a motion except that the mayor may introduce or second a motion to go into executive session.

(b) The mayor shall not vote, except in the case of a tie vote among the councilmembers, in which case the mayor may then vote to break the tie. The mayor shall propose appointments

to various boards, authorities, councils, and committees, which appointments must be subsequently ratified by majority of the city council, all subject to statutes of general application.

SECTION 2-11.

Compensation and expenses.

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

SECTION 2-12.

Holding other office; voting when personally interested; nepotism.

(a) Except as authorized by law, neither the mayor nor any councilmember shall hold any other city office or city employment during the term for which he or she has been elected.
(b) Neither the mayor nor any member of the city council shall vote upon, sign, or veto any ordinance, resolution, contract, or other matter in which he or she is personally interested.
(c) No immediate family member of the mayor or any councilmember shall be employed by the city during the term for which the mayor or councilmember has been elected.
(d) Neither the mayor of the city nor any member of the city council nor any other officer of the city shall be personally interested, directly or indirectly, in any contract made by the city or receive any profit or compensation for any purchase or sale of material or other article sold to the city or paid for out of the public revenues of the city.

SECTION 2-13.

Inquiries and investigations.

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

SECTION 2-14.

Rules of procedure.

(a) Main motion. In order for the council to take any official action on any subject, a councilmember must propose a main motion. A proposed main motion will not be recognized by the mayor until another councilmember agrees to second the motion. This section does not require the councilmember seconding the motion to support the motion. A councilmember may withdraw a main motion that he or she has made at any time before the council has voted on the motion.

(b) Debate. After the main motion is recognized by the mayor, the council shall debate the motion. The debate shall be managed by the mayor in a manner that is fair to all members of the council. During the course of the debate, councilmembers may introduce subsidiary motions that propose that the council take a particular action on a motion, i.e., to postpone indefinitely, amend, refer to committee, and postpone to a time certain. Subsidiary motions require a second before they can be voted on or debated. Motions to recess and adjourn require a second.

(c) Voting procedure. Voting on motions shall take place in accordance with the following provisions:

(1) If debate has been completed and no other councilmember wishes to speak, the mayor can call for the vote. If there are no objections, then the mayor can proceed with the vote; and

(2) If the mayor calls for the vote and there is an objection, a member of the council may move to vote immediately. If this motion is seconded and approved by a two-thirds´ vote, debate will stop. The mayor will then read the proposed motion to the council and ask for the votes of the councilmembers.

SECTION 2-15.

Ordinance form; procedures.

(a) All ordinances passed which amend, repeal, or in any way affect the Code must be numbered in accordance with the numbering system of the Code and printed for inclusion therein. In the case of repealed chapters, sections, and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed are omitted, in the case of repeal, shall be prima-facie evidence of such subsequent ordinances until such time that the Code and subsequent ordinances numbered or omitted are readopted as a new Code by the city council.

(b) Amendments to any of the provisions of the Code may be made by amending such provision by specific reference to the section number of the Code in the following language:

"Section _____ of the Code of Ordinances, City of Brooklet, Georgia, is hereby amended to read as follows ..."

The new section shall then be set out in full as desired.

(c) If a new section not heretofore existing in the Code is to be added, the following language may be used:

"The Code of Ordinances, City of Brooklet, Georgia, is hereby amended by adding a section (or article or chapter) to be numbered _____, which section reads as follows ..."

The new section may then be set out in full as desired.

(d) All sections, articles, chapters, or provisions desired to be repealed should be specifically repealed by section, article, or chapter number, as the case may be.

(e) An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however, that an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided for in Section 2-17 of this charter. Upon introduction of any ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk at such other public places as the city council may designate.

SECTION 2-16.

Action requiring an ordinance.

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

SECTION 2-17.

Emergencies.

To meet a public emergency affecting life, health, property, or public peace, the city council may convene on call of the mayor or three councilmembers and promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists, and describing the emergency in clear and

specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

SECTION 2-18.

Codes of technical regulations.

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

(1) The requirements of Section 2-15 of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and

(2) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2-19 of this charter.

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

SECTION 2-19.

Signing; authenticating; recording; codification; printing.

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

(b) The city 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 city council by ordinance and shall be published promptly, together with all amendments thereto and such codes of technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as the "The Code of the City of Brooklet, Georgia." Copies of the Code shall be furnished to all officers, departments, and agencies of the city and may be made available for purchase by the public at a reasonable price as fixed by the city council.

SECTION 2-20.

General power and authority.

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

SECTION 2-21.

Eminent domain.

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

ARTICLE III

ADMINISTRATION

SECTION 3-1.

Powers and duties of mayor.

The mayor shall:

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

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

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

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

(5) Vote on matters before the city council in the event of a tie vote and not be counted toward a quorum as any other councilmember;

(6) Prepare and submit to the city council a recommended annual budget;

(7) Fulfill such other executive and administrative duties as the city council shall by ordinance establish;

(8) Supervise the administration of the daily operations of the city and to see that all ordinances, resolutions, regulations, and policies of the council are faithfully executed and enforced; and

(9) Be the chief purchasing agent for the city and shall establish policies and procedures for procurement of all supplies and materials required by the city. The duty shall be fulfilled by either the mayor or his or her authorized designee. All purchase orders and contracts obligating the city for sums of less than $500.00 may be executed by the mayor. All contracts or purchase orders obligating the city for the expenditure of sums in excess of $500.00 shall, with the city council´s approval, be executed by the mayor.

SECTION 3-2.

Additional responsibilities.

The city council shall have full authority to assign additional responsibilities to the mayor or to restrict or modify the responsibilities previously assigned. The modification in responsibilities as contemplated herein may be established by the city council by ordinance, written directives to the mayor, modification of job descriptions, or by such other method as may be determined by the city council consistent with good management practices.

SECTION 3-3.

Officers and employees.

The mayor and city council have the power to appoint and, when necessary, to suspend the clerk, treasurer, attorney, judge, engineer, auditor, and such other officers and employees as are deemed necessary for the efficient administration and operation of the city government and the provisions of services. The mayor and city council shall have the power to create departments, offices, and agencies necessary for the administration of government and provision of services and shall have the power to hire, appoint, suspend, or remove subordinates in such departments, agencies, or offices; provided, however, that such appointments, suspensions, or removals shall be subject to the personnel policies adopted by the mayor and the city council. The appointment, suspension, or removal of any department head, the city clerk, the city engineer, city attorney, and city auditor shall be made directly by the mayor and city council, which shall establish a procedure for recruitment and review of candidates for open positions.

SECTION 3-4.

Oaths, bonds.

All officers, employees, and appointees shall take an oath to perform faithfully the duties of their respective offices and give such bond and security as may be required and set by the mayor and city council.

SECTION 3-5.

City clerk.

The city clerk shall be ex officio treasurer of the city, and the duties of the office shall be prescribed by the mayor and city council. The clerk shall be required to give such bond and security as the city council may fix, conditioned upon faithful performance of the duties of treasurer of the city; provided, however, that the mayor and city council shall retain authority to separate by ordinance the office of clerk and treasurer, prescribe duties of each office, fix salaries, and require bonds and security.

SECTION 3-6.

Administrative and service departments.

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

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

(c) There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the mayor and city council, be responsible for administration and direction of the affairs and operations of his or her department or agency.

(d) All appointed officers and directors of departments shall receive compensation as determined by council.

SECTION 3-7.

Boards, commissions, and authorities.

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

(b) All members of boards, commissions, and authorities of the city shall be appointed by the mayor and city 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.

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

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

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

(f) Any member of a board, commission, or authority may be removed from office for cause by a vote of three members of the city council during a regular or called meeting of the city council.

SECTION 3-8.

City attorney.

The mayor and council may appoint a city attorney and shall provide for the payment of such attorney for services rendered to the city. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the council as directed; shall advise the city council, mayor, and other officers and employees of the city concerning legal aspects of the city´s affairs; and shall perform such other duties as may be required by him or her by virtue of his or her position as city attorney.

SECTION 3-9.

City clerk.

At the first regular meeting in January of each year, the mayor and council shall elect a clerk, a city marshal, and such other officers as they shall deem necessary. The mayor and council shall set the fees and salaries, set the amount of bond to be given by each, and prescribe the duties of each. Such officers shall hold their offices for one year and until their successors are elected and qualified; provided, however, that any of said officers may be removed at any time by a majority vote of the mayor and council for neglect of duty, incapacity, or misconduct in office. The city clerk shall be custodian of the official city seal, maintain city council records required by this charter, and perform such other duties as may be required by the city council.

SECTION 3-10.

City treasurer.

The mayor and council shall appoint a city treasurer to collect all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of this charter and the ordinances of the city and to enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes by the city. The city treasurer shall also be responsible for the general duties of a treasurer and fiscal officer. The city treasurer may be the same person as the city clerk.

SECTION 3-11.

City accountant.

The mayor and council shall appoint a city accountant to perform the duties of an accountant. The mayor and council shall provide for payment of such accountant for services rendered to the city. The city accountant shall perform the duties as prescribed by mayor and council.

SECTION 3-12.

Personnel policies.

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

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

(2) The administration of the position, classification and pay plan, methods of promotion and application of service ratings thereto, and transfer of employees within the classification plan;

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

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

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

SECTION 3-13.

Applicability of general law.

All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

SECTION 3-14.

Regular elections; time of holding.

On the first Tuesday of November of the odd-numbered years beginning 2003 and on that day thereafter, there shall be a municipal general election. The terms of office shall be in accord with this charter and shall begin at the time of taking the oath of office which shall be at the January council meeting the year following the election.

SECTION 3-15.

Nonpartisan elections.

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

SECTION 3-16.

Election by plurality.

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

SECTION 3-17.

Special elections; vacancies.

In the event that the office of mayor or councilmember by reason of death, resignation, or other cause shall become vacant, the mayor shall order an election to fill such vacancy for the unexpired term of such official. A minimum of ten days´ notice, in writing, shall be given of such election by posting notices in at least three public places in the city. In the event that the office of mayor is vacated, the call for election shall be issued by the mayor pro tempore and, if there is no mayor pro tempore, the call shall be issued by the council. A person elected to fill such vacancy shall fill such vacancy for the unexpired term only.

SECTION 3-18.

Removal of officers.

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

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

(2) Conviction of a crime involving moral turpitude;

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

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

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

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

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

(1) By the vote of three councilmembers after an investigative hearing. 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. 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 Bulloch County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or

(2) By an order of the Superior Court of Bulloch County, Georgia, following a hearing on a complaint seeking such removal brought by any resident of the City of Brooklet.

ARTICLE IV

JUDICIAL BRANCH

SECTION 4-1.

Creation; name.

There shall be a court to be known as the Municipal Court of the City of Brooklet.

SECTION 4-2.

Judge of the Municipal Court of the City of Brooklet.

(a) The Municipal Court of the City of Brooklet shall be presided over by a judge appointed by the mayor and council. The judge may also be removed for cause by a vote of three members of the city council. Compensation of the judge shall be determined by the mayor and council.

(b) No person shall be qualified or eligible to serve as a judge on the municipal court unless he or she shall have attained the age of 21 years and shall be a member of the State Bar of Georgia.

(c) Before assuming office, the judge shall take an oath, given by the mayor, that he or she will honestly and faithfully discharge the duties of his or her office to the best of his or her ability and without fear, favor, or partiality.

SECTION 4-3.

Convening.

The municipal court shall be convened at regular intervals as determined by the mayor and council.

SECTION 4-4.

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 be in excess of $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 60 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 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 by the judge presiding at such time, and an execution issued 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 event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the property so deposited shall have a lien against it for the value forfeited which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

(h) The municipal court 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.

(i) The municipal court judge of the city is authorized to issue warrants for the arrest of all persons charged, upon affidavits made before the judge, with having committed within the limits of the City of Brooklet offenses against any ordinance of the city or penal law of the state, and to take examination of such persons, and the same to discharge or commit to the county jail or let to bail, according to law, to answer such charge before the court having jurisdiction, all of which warrants shall be addressed to "the chief of police of Brooklet, Georgia, or any lawful policeman thereof, and to all and singular the sheriffs, deputy sheriffs, and constables of this state," and any one of the officers shall have the same authority to execute the warrants as the sheriffs of this state have to execute criminal warrants.

SECTION 4-5.

Certiorari.

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

SECTION 4-6.

Rules of court.

With the approval of the city council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the city council may adopt in part or in toto the rules and regulations applicable to superior courts.

ARTICLE V

MUNICIPAL CLAIMS

SECTION 5-1.

Execution to enforce collection.

The city council shall have the authority to enforce by execution the collection of any debt or claim due or to become due to the city for taxes, license fees, rents, impounding fees, fines, and forfeitures, for laying sewers and mains, and for abating nuisances, and for any and all levies, assessments, debts, or demands, due or to become due to the city; the executions to be issued by the clerk of the city council, signed by him or her and the mayor of the city, directed to the chief of police of the City of Brooklet, and to all and singular the sheriffs, deputy sheriffs, and constables of this state, by any one of whom the same may be executed, and who are authorized to levy the same upon the property against which it is issued, or on the property of the owner against whom such execution shall issue, and the same to be sold as provided by Code Section 48-5-350, et seq., of the O.C.G.A. in cases of sales for taxes.

SECTION 5-2.

Payment of costs of execution, sale thereunder.

The cost of the issuing and levying of any execution authorized by this charter, and of the sale of any property under the same, shall be paid by the person against whom the execution

shall issue, or paid out of the proceeds of the property levied on and sold; and the city council is authorized to prepare and establish a fee bill of the cost.

SECTION 5-3.

Time, place, manner of execution; sale, delivery of title, possession.

It shall be the duty of the chief of police to levy all executions in favor of the city, and, after advertising for 30 days as sheriff´s sales are advertised, he or she shall sell the property levied upon before the courthouse door in Bulloch County, on a regular sheriff´s sale day, within the legal hours of sheriff´s sales, at public outcry, to the highest bidder, and execute titles to purchaser, and shall have the same power to place the purchaser in possession as sheriffs of the state have; provided, however, that, should any of the property levied upon, as before provided, remain in the hands of the levying officer and be of a perishable nature or liable to deteriorate in value from keeping, or should there be an expense attending the keeping of the same (the same not being real estate), it may be sold as in such cases provided in Code Sections 9-13-163 and 9-13-164 of the O.C.G.A., except that the order to sell shall be obtained from the mayor. In the event the executions are levied by any person authorized to levy and execute the same and not by the chief of police, the time, place, and manner of sale shall be the same as if levied by the chief of police.

SECTION 5-4.

Force, effect of execution.

The executions issued shall have the same force and binding effect as other executions for taxes; in case they are for ad valorem taxes due the city, and in case they are for other taxes, licenses, fines, forfeitures, or demands due the city, shall have the same force and binding effect as executions issued from the superior courts and justice courts of this state, and may be levied by any officer to whom they are directed, upon any property in the state to execution.

SECTION 5-5.

Defenses to executions.

The same right and privilege shall belong to the person against which executions are issued to file an illegality to the execution, and to any person not a party to the execution to file a claim to the property levied on and give bond, as if the executions issued from a superior court of this state. The paper connected with claim or illegality cases shall be returned to that

court, according to the amount involved, in Bulloch County, as provided by the laws of Georgia, which has jurisdiction to try such claims and illegalities. In the event the real estate levied on lies in another county, then the paper connected with claim or illegality cases shall be returned to the court in the county where the land lies, according to the amount involved, which has jurisdiction to try similar claims and illegalities.

SECTION 5-6.

Officer conducting execution sale to execute title, deliver possession.

In all cases, the officer conducting a sale under the execution shall execute title to the property sold and put the purchaser in possession of the same.

ARTICLE VI

FINANCE

SECTION 6-1.

Property tax.

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

SECTION 6-2.

Millage rate; due dates; payment methods.

The city council shall establish a millage rate for the city property tax, a due date, and a time period within which these taxes must be paid.

SECTION 6-3.

Occupation and business taxes.

The city council by ordinance shall have the power to levy such occupation or business taxes as are not denied by law. Such taxes may be levied on both individuals and corporations who transact business in this city or who practice or offer to practice any profession or calling therein to the extent such persons have a constitutionally sufficient nexus to this city to be

so taxed. The city council may classify businesses, occupations, professions, or callings for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 5-1 of this charter.

SECTION 6-4.

Licenses; permits; fees.

The city council by ordinance shall have the power to require any individuals or corporations who transact business in this city or who practice or offer to practice any profession or calling therein to obtain a license or permit for such activity from the city and pay a reasonable fee for such license or permit where such activities are not now regulated by general law in such a way as to preclude city regulations. Such fees may reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected as provided in Section 5-1 of this charter. The city council by ordinance may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety, and welfare necessitates.

SECTION 6-5.

Franchises.

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

SECTION 6-6.

Service charges.

The city council, by ordinance, shall have the power to assess and collect fees, charges, and tolls for sewers, sanitary and health services, or any other services provided or made available within and outside the corporate limits of the city for the total cost to the city of providing or making available such services. If unpaid, such charges shall be collected as provided in Section 5.1 of this charter.

SECTION 6-7.

Special assessments.

The city council, by ordinance, shall have the power to assess and collect the cost of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutter, sewer, or other utility mains and appurtenances from the abutting property owners, under such terms and conditions as are reasonable. If unpaid, such charges shall be collected as provided in Section 5.1 of this charter.

SECTION 6-8.

Construction; other taxes.

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

SECTION 6-9.

Collection of delinquent taxes and fees.

The city council may provide generally for the collection of delinquent taxes, fees, or other revenue due the city under Sections 5.1 through 5.6 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.fa.´s; 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 licenses for failure to pay any city taxes or fees; and providing for the assignment or transfer of tax executions.

SECTION 6-10.

General obligation bonds.

The city 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 issues by municipalities in effect at the time said issue is undertaken.

SECTION 6-11.

Revenue bonds.

Revenue bonds may be issued by the city 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.

SECTION 6-12.

Short-term loans.

The city may obtain short-term loans and must repay such loans no later than December 31 of each year, unless otherwise provided by law.

SECTION 6-13.

Fiscal year.

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

SECTION 6-14.

Preparation of budgets.

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

SECTION 6-15.

Budget.

Prior to the beginning of each fiscal year, the mayor and council shall adopt a budget. The budget as finally 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. If the city council fails to adopt the budget by the beginning of the fiscal year, the amounts appropriated 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 city

council adopts a budget for the ensuing fiscal year. Following adoption of the budget, the city council shall levy such taxes as are necessary. The taxes and the tax rates set shall be such that reasonable estimates of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual budget for defraying the expenses of the general government of this city.

SECTION 6-16.

Changes in appropriations.

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

SECTION 6-17.

Independent audits.

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

SECTION 6-18.

Contracting procedures.

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

(1) It is in writing; and

(2) It is made or authorized by the city council and such approval is entered in the city council journal of proceedings pursuant to paragraph (9) of Section 3-1 of this charter.

SECTION 6-19.

Sale of city property.

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

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

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

ARTICLE VII
PLUMBING AND DRAINAGE

SECTION 7-1.
Authority for establishing, maintaining, and extending a sewerage and drainage system.

The mayor and council for the city shall have authority to provide for the establishment and maintenance extension from time to time of a system of sewerage and drainage for the city and shall have power and authority to contract with any person or persons for the purchase of lands or premises to be used in connection therewith, whether inside or outside the city, and shall have the authority and power to condemn private property, either inside or outside the city, in the manner provided for by law for such purposes. The mayor and council shall have authority to purchase all machinery and plants, to make all contracts with the inhabitants of the city and with others for the furnishing of sewerage and drainage, and to do any and all things necessary for the establishment, operation, maintenance, and extension of the system of sewerage and drainage.

SECTION 7-2.
Same —bond election authorized.

The mayor and council of the city shall have the authority and they are empowered to incur debt, including issuing general obligation or revenue bonds, for the purpose of establishing, improving, and extending a system of sewerage and drainage for the city, and for the purpose

of carrying out the provisions of Section 7-1 of this charter, in the manner consistent with the Constitution of the State of Georgia and the general laws of the State of Georgia.

SECTION 7-3.

Power, authority over pipes, sewers, private drains.

(a) The mayor and city council shall have full power and authority over and absolute control of all pipes, sewers, and private drains for filthy waters or other substances or fluids in the city; and full power and authority to limit or prescribe their location and structure, use, and preservation and to make such regulations concerning them in all particulars as may seem best for the preservation of the health of the inhabitants of the city. They shall have full power and authority over and absolute control of all receptacles or drains for filthy water or other fluids or substances to be used within the corporate limits of the city. They shall have power and authority to condemn and destroy any individual sewage disposal facilities or systems or other receptacle or drain now in use or hereafter to be erected and put in use which do not conform to and are not of the kind prescribed for use by the mayor and council of the city or Bulloch County Health Department, or both, or which may be detrimental to the public health.

(b) The mayor and city council shall also have full power and authority to compel all property owners to connect individual sewage disposal facilities or systems or other receptacles or drains on the premises of such property owners with the sanitary sewer of the city, under such rules and regulations as may be prescribed by them; and if such property owner shall fail to connect any individual sewage disposal facilities or system or other receptacles or drain within the time and in the manner prescribed, which time shall not be less than 30 days, the city authorities may cause such connection to be made and provide all necessary fixtures therefor and assess the cost of the same against the real estate of the property owner and against the real estate so improved, which is declared to be a first lien on the real estate, superior to all other liens except liens for taxes; and the chief of police or marshal shall levy the same on the real estate, and advertise and sell the same in the manner as sheriff´s sales under judgment and execution. The city may become the purchaser thereof if it chooses to offer the highest bid therefor at the sale. The officer making the sale is authorized to execute to the purchaser a deed to the property so sold, which shall pass the title thereto as fully and completely as sheriff´s deeds under sales made by judgment and execution, and he or she shall proceed at once to dispossess the owner and put the purchaser in possession. The city authorities shall also have the right, power, and authority to arrest and prosecute the owner of such property and, if upon trial before the municipal court he or she is found guilty, to punish the owner for maintaining a nuisance.

(c) The city authorities or any agent of the city shall have the right, power, and authority to enter and go upon or into any private house or other building for the purpose of inspecting the individual sewage facilities or systems and other drains and pipes, to remove the same whenever condemned, and to insert the connections and fixtures necessary to connect the same with the sanitation sewers of the city, without being deemed a trespasser or becoming responsible in any way to the owner or any tenant in possession of the same.

ARTICLE VIII

STREETS, SIDEWALKS, PUBLIC PLACES, AND RAILROADS

SECTION 8-1.

General authority over streets, lanes, sideways, and public places.

The mayor and city council shall have full and complete power and authority over all the streets, lanes, alleys, sidewalks, crossings, parks, and public lands of the city. They shall have full and complete power and authority to manage, control, direct, work, grade, drain, and pave the same, or cause the same to be done. They shall have full and complete power and authority to remove or cause to be removed any building, stall, booth, tent, steps, gate, fence, post, wire, pole, or other obstruction or nuisance thereon; and if the owner of the same shall fail or refuse to remove the same within such reasonable time as may be fixed by the mayor and city council, after notice thereto served upon such owner or his or her agent or tenant in charge, then the city authorities may remove the same at the owner´s expense, and execution shall issue against the owner for the expenses thereof, which owner shall be also subject to punishment for maintaining a nuisance. They shall have full and complete power and authority to regulate, lay out, open, grade, drain, and control new streets, lanes, alleys, crossings, and sidewalks whenever, in their discretion, it may be necessary or proper to do so. They shall have full and complete power and authority to condemn property and exercise the right of eminent domain for the purpose of laying out and opening new streets, lanes, alleys, and sidewalks and for extending, widening, straightening, grading, draining, or in any manner whatever changing the grade, street lines, and sidewalks of the city. Whenever the mayor and city council shall desire to exercise the power and authority granted in this section, they may do so whenever the land to be condemned is in the hands of an owner, trustee, executor, administrator, guardian, agent, or other fiduciary in the manner provided by Article IV, Section II, Paragraph V of the Constitution of the State of Georgia and Code Section 22-1-1, et seq., of the O.C.G.A.

SECTION 8-2.

Authority to vacate, close, or abandon streets or alleys to sell or alienate same.

The mayor and city council are given the authority to vacate, close, or abandon certain streets or alleys or both when in the opinion of the mayor and city council the vacating, closing, or abandonment of the streets or alleys will not inconvenience the general public. The mayor and city council are given the right to sell or alienate streets or alleys or both and to give a title thereto as in other cases of sales of municipal property.

SECTION 8-3.

Bonds for street improvements.

The mayor and city council shall have power and authority to issue bonds for the purpose of street improvements including, but not limited to, paving in accordance with the Constitution and general laws of the State of Georgia.

ARTICLE IX

GENERAL PROVISIONS

SECTION 9-1.

Bonds for officials.

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

SECTION 9-2.

Existing ordinances, resolutions, rules, and regulations.

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

SECTION 9-3.

First election under this charter.

The first municipal election shall be the first Tuesday in November in 2003 at which time the appropriate council seats as designated in Section 2-3 of this charter shall be elected. All persons giving notice of candidacy for a city council seat shall designate the post being sought. Future elections to post positions shall be conducted as is provided by this charter.

SECTION 9-4.

Existing personnel and officers.

Except as specifically provided otherwise by this charter, all personnel and officers of the city and their rights, privileges, and powers shall continue beyond the time this charter takes effect as if the personnel and officers were appointed, hired, or elected under this charter.

SECTION 9-5.

Pending matters.

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

SECTION 9-6.

Construction.

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

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

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

(d) The term "gender" shall be interpreted as a word importing the masculine gender only and shall extend and be applied to females and to firms, partnerships, and corporations as well as to males or any other legal entity under federal or state law.

SECTION 9-7.

Severability.

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

SECTION 9-8.

Specific repealer.

An Act incorporating the City of Brooklet in the County of Bulloch, approved August 21, 1906 (Ga. L. 1906, p. 548), is repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety. All other laws and parts of laws in conflict with this charter are repealed.

SECTION 9-9.

Effective date.

This charter shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 9-10.

General repealer.

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