

House Bill 685

By: Representative Jasperse of the 11th

A BILL TO BE ENTITLED
AN ACT

1 To reincorporate and provide a new charter for the City of Jasper, Georgia; to provide for the
2 corporate limits of the city, the powers of the city, and the form and method of government
3 of the city; to provide for the administration of city affairs; to provide for the municipal court
4 of the city; to provide for elections for city offices; to provide for taxation by the city; to
5 provide for the financial management of the city; to provide for financial and fiscal affairs
6 of the city; to provide for municipal services and regulatory functions; to provide general
7 provisions; to provide for other matters relative thereto; to provide for specific repeal; to
8 provide an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I**INCORPORATION AND POWERS****SECTION 1.10.**

Incorporation.

The City of Jasper in Pickens County is reincorporated by the enactment of this charter and is constituted and declared a body politic and corporate under the name of the "City of Jasper." References in this charter to "the city" or "this city" refer to the City of Jasper. The city shall have perpetual existence. The legal situs of the city shall be Pickens County.

SECTION 1.11.

Corporate boundaries.

(a) The boundaries of this city 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 by local law or in the manner provided by general state 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 the city clerk of the city and to be designated, as the case may be: "Official Map or Description of the Corporate Limits of the City of Jasper, Georgia." Photographic, typed, or other copies of such map or description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as 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. A redrawn map shall supersede for all purposes the earlier map or maps which it is designated to replace but such earlier maps shall be retained in the office of the city clerk.

SECTION 1.12.**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 power of self-government not otherwise prohibited by this charter or general state 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 1.13.**Examples of powers.**

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

(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 Regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, fire safety, electrical, gas, and heating and air conditioning codes and other similar technical codes; and to regulate all housing, and building trades;

(5) 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 thereafter 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;

(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 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;

(9) Economic Development. To investigate, study, and undertake ways and means of prompting and encouraging the prosperous development and protection of businesses, industries, and commerce within the city and outside the city, including but not limited to making and preparing plans and policies for the promotion, establishment, development, and expansion of current or new businesses, commerce, and industry within and outside the city and including incentives for the establishment of jobs within the city;

(10) 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 storm water and establishment of a storm water utility, the management of solid and hazardous waste, the management of commercial waste, and other necessary actions for the protection of the environment;

(11) 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 firefighting; and to prescribe penalties and punishment for violations thereof;

(12) 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 in the operation of the city from all individuals, firms, and corporations residing in or doing business therein and benefiting from such services; to enforce the payment of such charges, taxes, or fees; and to provide for the manner and method of collecting such service charges to provide that said fees may be based upon the availability of the service as opposed to user fees;

(13) 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;

(14) Gifts. To accept or refuse gifts, donations, bequests, or grants from a 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;

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

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

(17) 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;

(18) Municipal Agencies and Delegation of Power. To create, alter, or abolish departments, boards, offices, commissions, and agencies of the city, including but not limited to any housing authority, and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;

(19) Municipal Debts. To appropriate and borrow money for the payment of debts to 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, or the laws of the United States of America;

(20) Municipal Property Ownership. To acquire, dispose of, lease, and hold in trust or otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the municipal limits of the city;

(21) 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;

(22) 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 disposal, storm water management, gas works, electric light plants, cable

136 television and other telecommunications, transportation facilities, public airports, and any
137 other public utility; and to fix the taxes, charges, rates, fares, fees, assessments,
138 regulations, and penalties; and to provide for the withdrawal of service for refusal or
139 failure to pay the same;

140 (23) Nuisance. To define a nuisance and provide for its abatement whether on public or
141 private property;

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

144 (25) Planning and Zoning. To provide comprehensive city planning for development by
145 zoning; and to provide subdivision regulation and the like as the city council deems
146 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;

147 (26) Police and Fire Protection. To exercise the power of arrest through duly appointed
148 police officers, and to establish, operate, or contract for a police and a firefighting
149 agency;

150 (27) Public Hazards: Removal. To provide for the destruction and removal of any
151 building or other structure which is or may become dangerous or detrimental to the
152 public;

153 (28) Public Improvements. To provide for the acquisition, construction, building,
154 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
155 cemeteries, markets and market houses, public buildings, libraries, public housing,
156 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
157 recreational, conservation, sport, curative, corrective, detentional, penal, and medical
158 institutions, agencies, and facilities; and to provide any other public improvements, inside
159 or outside the corporate limits of the city; to regulate the use of public improvements; and
160 for such purposes, property may be acquired by condemnation under Title 22 of the
161 O.C.G.A., or such other applicable laws as are or may hereafter be enacted;

(29) Public Peace. To provide for the prevention and punishment of loitering, disorderly conduct, drunkenness, riots, and public disturbances;

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

(31) Public Utilities and Services. To grant franchises or make contracts for, or impose taxes on public utilities and public service companies; 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 not in conflict with valid regulations of the Public Service Commission, or other applicable state laws of Georgia;

(32) 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;

(33) Retirement. To have the option to provide and maintain a retirement plan and other employee benefit plans and programs for elected officials, officers, and employees of the city;

(34) Roadways. To lay out, open, extend, widen, 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;

(35) Sewer Fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a sewage disposal plant

and sewerage system, and to levy on those to whom sewers and sewerage 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 connect fee or fees to those connected with the system;

(36) 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 have the option 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;

(37) Special Areas of Public Regulation. To regulate or prohibit junk dealers, the manufacture and sale of intoxicating liquors; to regulate the transportation, storage, and use of combustible, explosive, and inflammable materials, the use of lighting and heating equipment, to regulate the treatment of commercial waste or septage, or both, 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; to license and tax professional fortunetelling, palmistry, and massage parlors; and to restrict adult bookstores and other adult entertainment to certain areas;

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

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

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

(41) Taxicabs, Ride Share Network Services, Transportation Referral Services, and Transportation Referral Service Providers. To regulate and license vehicles operated for

hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles, to regulate and license ride share network services, transportation referral services, and transportation referral service providers to the extent allowed by general law;

(42) Urban Redevelopment. To organize and operate an urban redevelopment program;

(43) Special Referendums. To hold special referendums to place policy issues or to conduct "straw polls" before the electors of the city; to hold such special referendums at the times allowed for special elections under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code" as now or hereafter amended;

(44) Water Fees. To levy a fee, charge, or water tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a water treatment plant and water system, and to levy on those who use water and the water system, a water service fee, water tax for the use of water, 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 water connect fee or fees to those connected with the system;

(45) 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 or desirable to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated herein; and to exercise all powers now or in the future authorized to be exercised by other 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 granting powers, but shall be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

SECTION 1.14.**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, ELECTIONS, AND REMOVAL****SECTION 2.10.****City council creation; composition; number; election.**

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

(b) The mayor and councilmembers shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or councilmember unless he shall have been a resident of this city for 12 months immediately preceding the election of mayor or councilmembers; each such person shall continue to reside within the city during said period of service and shall be registered and qualified to vote in municipal elections of this city.

SECTION 2.11.**Elections.**

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

(b) All elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code." Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under the "Georgia Election Code." The city may choose to contract with the Pickens County Board of Elections to coordinate, organize, advertise, conduct, and operate any election for the City of Jasper.

(c) The mayor and councilmembers who are in office on the effective date of this Act shall serve until the expiration of the term of office to which they were elected and until their successors are elected and qualified.

(d) For the purpose of electing members of the city council, the City of Jasper shall consist of one election district with five numbered posts. Each person seeking election shall designate the post for which they seek election.

(e) On the first Tuesday in November, 2021, and on such day quadrennially thereafter, there shall be elected two councilmembers being for Post 1 and Post 2. Then, on the Tuesday next following the first Monday in November, 2023, and on such day quadrennially thereafter, there shall be elected a mayor and three councilmembers being for Post 3, Post 4, and Post 5. The terms of the offices shall begin at the time of taking the oath of office as provided in Section 2.21.

SECTION 2.12.**Vacancies in office.**

(a)(1) The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this charter or the general laws of the State of Georgia.

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

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

SECTION 2.13.**Nonpartisan elections.**

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

SECTION 2.14.

Election by plurality.

The candidate receiving a plurality of the votes cast for any city office shall be elected. Runoff elections shall be held and conducted in accordance with the provisions of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

SECTION 2.15.

Compensation and expenses.

The mayor shall receive compensation of \$500.00 per month and each councilmember shall receive compensation of \$250.00 per month. The mayor and council shall also be entitled for reimbursement for expenses actual and necessary incurred by them in accordance with procedures set by the city council. The city council shall be authorized to change their compensation and expenses for their services as provided by ordinance and in accordance with Chapter 35 of Title 36 of the O.C.G.A.

SECTION 2.16.

Trustees and prohibitions.

(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 or any agency or political entity to which this charter applies shall knowingly:

(1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties

or which would tend to impair the independence of his judgment or action in the performance of his official duties;

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

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

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

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

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

(c) Any elected official, appointed officer, or employee who has any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such private interest to the city council. The mayor or any councilmember who has a private interest in any matter pending before the city council shall disclose such private interest and such disclosure shall be entered on the records of the city council, and he shall disqualify himself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity in which this charter applies who shall have any private financial interest,

356 directly or indirectly, in any contract or matter pending before or within such entity shall
357 disclose such private interest to the governing body of such agency or entity.

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

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

365 (f) Except as authorized by law, no member of the city council including the mayor shall
366 hold any other elective City of Jasper office or other City of Jasper employment during the
367 term for which he was elected. The provisions of this subsection shall not apply to any
368 person holding employment on the effective date of this Act.

369 **SECTION 2.17.**

370 Removal of officers.

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

- 373 (1) Incompetence, misfeasance, or malfeasance in office;
374 (2) Conviction of a crime that is a felony or a crime involving moral turpitude;
375 (3) Failure at any time to possess any qualifications of office as provided by this charter
376 or by law;
377 (4) Knowingly violating Section 2.16 or any other express prohibition of this charter;
378 (5) Abandonment of office or neglect to perform the duties thereof; or
379 (6) Failure for any cause to perform the duties of office as required by this charter or by
380 state law.

381 (b) Removal of any officer pursuant to subsection (a) of this section shall be accomplished
382 by the unanimous vote of the entire remaining councilmembers after an investigative hearing.
383 In the event an elected officer is sought to be removed by the action of the city council, such
384 officer shall be entitled to a written notice specifying the ground or grounds for removal and
385 to a public hearing which shall be held not less than ten days after the service of such written
386 notice. Any elected officer sought to be removed from office as provided in this section shall
387 have the right of appeal from the decision of the city council to the Superior Court of Pickens
388 County. Such appeal shall be governed by the same rules as govern appeals to the superior
389 court from the probate court.

390 **SECTION 2.18.**

391 Exercise of powers.

392 All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or
393 employees shall be carried into execution as provided by the Constitution of Georgia, by
394 general law, or by this charter. If general law and this charter make no provision, such shall
395 be carried into execution as provided by ordinance.

396 **SECTION 2.19.**

397 Inquiries and investigations.

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

SECTION 2.20.

General power and authority of the mayor and city council.

(a) Except as otherwise provided by this charter, the mayor and city council shall be vested with all the powers of government of this city as provided in Article I.

(b) In addition to all other powers conferred upon it by law, the council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with this charter and the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of Jasper and may enforce such ordinances by imposing penalties for violation thereof.

SECTION 2.21.

Organization meeting.

The city council shall meet for organization on the first Monday in January of each year or as soon thereafter as practical. The meeting shall be called to order by either the mayor, mayor pro tem, or the most senior councilmember that is not being sworn in and the oath of office shall be administered by the city clerk to the newly elected members. If for any reason the city clerk is not available, then the oath may be given by the city manager or the city attorney. The oath is as follows:

"I do solemnly (swear)(affirm) that I will faithfully perform the duties of (mayor)(councilmember) of this city and that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America. 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 I by the laws of the State of Georgia 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 Jasper for the time required by the Constitution and laws of this state and by the municipal charter. I will perform the duties of my office in the best interest of the City of Jasper to the best of my ability without fear, favor, affection, reward, or expectation thereof."

SECTION 2.22.

Regular and special meetings.

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

(b) Special meetings of the city council may be held on call of the mayor or two other members of the city council. Notice of such special meetings shall be served on all other members personally, by telephone personally, or by electronic communication with verified receipt, at least 24 hours in advance of the meeting. Such notice to councilmembers shall not be required if all city councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember 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 presence. Except where waiver by all members is effected by their presence or in writing, only the business stated in the call may be transacted at the special meeting.

(c) All meetings of the city council shall be public to the extent required by general state law and notice to the public of all meetings shall be made as required by general state law.

SECTION 2.23.**Rules of procedure.**

(a) The city council shall adopt its rules of procedure and order of business consistent with the provisions of this charter and shall provide for keeping minutes of its proceedings according to general state law, and which shall be a public record.

(b) All committees and committee chairmen and officers of the city council shall be appointed by the mayor with the consent of the city council. The mayor with the consent of the city council shall have the power to remove members of any committee and the power to appoint new members to any committee, at any time.

SECTION 2.24.**Quorum; voting.**

(a) Except as otherwise provided in subsection (b) of this section, the mayor and three councilmembers or the mayor pro tem and three councilmembers shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of resolutions, ordinances, and motions shall be taken by voice vote and the ayes and nays shall be recorded in the minutes, but any member of the city council shall have the right to request a roll-call vote. Except as otherwise provided in this charter, the affirmative vote of three councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

(b) An abstention or recusal noted on the record shall be counted as a negative vote.

(c) 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 business for the city council. A vote of a majority of the remaining councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

SECTION 2.25.

Ordinance form; procedure; notice and reading.

(a) Every proposed ordinance shall be introduced in writing and in the form required for final adoption, subject to such changes as may be made and voted on by the city council. The enacting clause shall be: "The city council of the City of Jasper hereby ordains..." Every ordinance shall so begin.

(b) An ordinance may be introduced by the mayor or any member of the city council and adopted at one regular or special meeting of the mayor and city council.

(c) Upon passage, all ordinances shall be signed by the mayor, or mayor pro tempore if presiding, and the city clerk.

(d) Failure to comply with the technical requirements of this section shall not invalidate an ordinance if the intention of the governing authority that the ordinance be effective is evident.

SECTION 2.26.

Organization meeting.

Notwithstanding any other provisions of this charter, acts of the city council which have the force and effect of law may be done by ordinance or resolution of the city council, except that any act of the city council to amend the charter or the code of ordinances or any other act required by general state law to be done by ordinance shall be done by ordinance.

SECTION 2.27.**Emergencies.**

To meet a public emergency affecting life, health, property, city administration, or public peace, the city council may convene on call of the mayor or two city 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. Any emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 60 days following the date upon which it is 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 2.28.**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.
- (b) Copies of any adopted code of technical regulations shall be made available by the city clerk for distribution or for purchase at a reasonable price.

514

SECTION 2.29.

515

Signing; authenticating; recording; codification; printing.

516

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

519

(b) The city council shall provide for the preparation of a general codification of all of the ordinances and resolutions of the city having the force and effect of law. The general codification shall be adopted by the city council and shall be published as soon as is practicable, together with all amendments thereto and such codes of technical regulations and other rules and regulations as the city council may specify. This codification shall be known and cited officially as "The Official Code of the City of Jasper, 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 city council.

527

(c) The city council shall cause each ordinance and each amendment to this charter to be published as soon as is practicable following its adoption, and the published ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city 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 codification currently in effect and shall be suitable in form for incorporation therein. The city council shall make such further arrangements as deemed desirable with respect to reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the code.

536

SECTION 2.30.

Chief elected officer; delegation of powers.

The mayor shall be the chief elected officer of this city. The mayor shall possess all of the executive powers granted to the city under the Constitution and laws of the State of Georgia, and all the executive powers contained in this charter, except as otherwise specifically provided in this Act. The mayor, if appointed by the city council as an interim city manager for a temporary 90 day time period, which may be extended for further 90 day time periods as authorized by the city council, shall have the authority to delegate any one or more executive powers to a person or persons employed by the city and qualified in management and administration. The mayor shall receive no additional compensation due to serving as temporary city manager. The mayor may recommend an officer whose title shall be city manager and who shall be the chief executive officer and head of the administrative branch of the city government. The city manager shall be appointed by the mayor and city council and may only be removed by the mayor and city council. As chief elected officer, the mayor will supervise the city manager at the direction of the city council. The city manager shall administratively handle the operations of the city on a daily basis.

SECTION 2.31.

Powers and duties of mayor.

As the chief elected officer of his city, the mayor shall:

- (1) Supervise the city manager at the direction of the city council and all departments to see that all laws, resolutions, and ordinances of the city are faithfully executed;
- (2) Consult with the city manager as to the appointment or removal of any officers, department heads, and employees of the city except as otherwise provided for in this charter;

- 561 (3) Provide for the coordination of administrative activities as the coordinator between
562 the city manager and the city council;
- 563 (4) Exercise review over the city manager's and finance director's preparation and
564 submission to the city council a recommended annual operating budget and
565 recommended capital budget;
- 566 (5) Ensure that the city manager and/or finance director shall submit to the city council
567 at least quarterly a statement covering the financial conditions of the city and from time
568 to time such other information as the city council may request;
- 569 (6) Prepare and set each meeting's agenda after consultation with the city manager and
570 confirmation by the city manager as to the agenda;
- 571 (7) Preside over all meetings of the city council;
- 572 (8) Call special meetings of the city council as provided for in Section 2.22;
- 573 (9) Participate in the discussion of all matters brought before the city council and vote
574 on such matters only in the case of a tie vote;
- 575 (10) Recommend to the city council such measures relative to the affairs of the city,
576 improvement of the government, and promotion of the welfare of its inhabitants as he
577 may deem expedient;
- 578 (11) Suspend any appointed city employee or officer for cause, said suspension to be in
579 effect until the next meeting of the council wherein the question of the employee's or
580 officer's capability shall be decided by the council;
- 581 (12) Require any department or agency of the city to submit written reports whenever
582 deemed expedient;
- 583 (13) Sign all written contracts, and sign ordinances, and other instruments executed by
584 the city which by law are required to be in writing. If for any reason the mayor is not
585 available, then the instruments may be signed by the mayor pro tempore or the city
586 manager and one councilmember;

(14) Upon the express authorization of the city council, and subject to any conditions imposed by the city council, perform the duties of city manager for a temporary 90 day time period, which may be extended for further 90 day time periods as authorized by the city council, should that office not be filled or be vacant for any reason, on a temporary basis, until that office is filled. The mayor shall receive no additional compensation due to serving as temporary city manager;

(15) Perform such other duties as may be required by general state law, this charter, or ordinance; and

(16) Perform such other duties in coordination with the city manager that provide oversight for all departments to remain in compliance with all city, state, and federal mandates and regulations.

SECTION 2.32.

Mayor pro tempore.

The city council at the first regular meeting after January 1 shall elect from its membership a mayor pro tempore for a term of two years. In the event that no decision is reached at such first regular meeting, the city council shall elect from its membership, within ten days following such meeting, the mayor pro tempore; otherwise the current mayor pro tempore will continue for another year. The mayor pro tempore shall perform the duties of the mayor during the mayor's absence or inability to act and shall fill out any unexpired term in the office of mayor, in which case a new mayor pro tempore shall be elected by majority vote of the city council. A councilmember performing the duties of mayor due to a councilmember's position of mayor pro tempore retains the councilmember's right to vote on city matters.

SECTION 2.33.

City manager and acting city manager.

(a) The mayor and council shall appoint a city manager who shall be the chief executive officer and the head of the administrative branch of the city government. The city manager shall be chosen by the mayor and council solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter outlined. No person elected as a mayor or as a councilmember of the City of Jasper shall, subsequent to such election, be eligible for appointment as city manager until two years have elapsed following the expiration of the term for which he was elected. The city manager shall be appointed for such term as the mayor and council shall prescribe, however, he may be removed by a super majority vote of four councilmembers by the mayor and council which removal may be effective instantly if so provided by such resolution and, in the event of removal, the city manager's entitlement to continue receiving compensation shall be governed by the provisions of his contract of employment. The action of the mayor and council in removing the city manager shall be final and conclusive and not subject to review, and this provision shall, by operation of law, be and become a part of any contract of employment between the city manager and the City of Jasper. In the case of absence, disability, or suspension of the city manager, or in case of a vacancy in the office, the mayor and council may designate a qualified person to temporarily perform the duties of the city manager during such absence, disability, suspension, or vacancy.

(b) The city manager shall receive such compensation as may be prescribed by the mayor and council.

(c) The city manager shall, unless otherwise authorized by the mayor and council, devote all of his working time and attention to the affairs of the city and shall be responsible to the

635 mayor and council for the efficient administration of all of the affairs of the city over which
636 he has jurisdiction.

637 (d) The city manager shall have the following powers and duties:

638 (1) To see that all laws and ordinances of the city are enforced;

639 (2) To appoint, subject to the confirmation of the mayor and council, the heads of such
640 departments as the mayor and council shall from time to time establish, and to appoint,
641 without the confirmation of the mayor and council, such other officers and employees as
642 may be necessary and proper. Provided that excepted from this power of appointment
643 are its officers and employees who, by this Act, are appointed or elected by the mayor
644 and council;

645 (3) To remove department heads of the City of Jasper only after formal consultation with
646 the mayor and council; to remove other officers and employees of the City of Jasper
647 without the consent of the mayor and council. Provided that he shall not have the right
648 to remove those officers and employees who, by this Act, are appointed or elected by the
649 mayor and council;

650 (4) To fix all salaries and compensation of the department heads of the various city
651 departments within the minimum and maximum limits prescribed by council, and to fix
652 all salaries and compensation of all other city employees lawfully employed by him;

653 (5) To exercise supervision and control of all departments of the city that are now or may
654 hereafter be created by the mayor and council, except as otherwise provided for in this
655 Act;

656 (6) To attend all meetings of the mayor and council, with a right to take part in the
657 discussion but having no vote. The city manager shall be entitled to notice of all special
658 meetings of the mayor and council;

659 (7) To recommend to the mayor and council the adoption of such measures, ordinances,
660 and resolutions as he may deem necessary or expedient;

(8) To make and execute all lawful contracts, except as otherwise provided for herein, on behalf of the city as to matters within his jurisdiction, except such as may be otherwise provided by law or by ordinances passed by the mayor and council;

(9) In accordance with the city's budgeting process, submit to the mayor and council for their consideration a budget of the proposed expenditures of the city for the ensuing year, the probable revenue for that year and from what sources it is expected. Said annual budget shall be divided by calendar months and shall show in as much detail as practicable the amount allotted to each department of the city government. Said budget, as submitted by the city manager, shall be subject to the approval of the mayor and council who may make such changes therein as they shall deem advisable. Upon the approval of said annual budget by said mayor and council, thereafter, no part of any amount allotted to any department shall be expended by the city manager on account of any other department except in accordance with a budget amendment approved by the mayor and council;

(10) To keep the mayor and council at all times fully advised as to the financial condition and needs of the city;

(11) To make a full report to the mayor and council at the first meeting thereof in each month, showing the operations and expenditures of each department of the city government for the preceding month;

(12) To perform such other duties as may be required by ordinance or resolution of the mayor and council;

(13) To be the purchasing agent for the city and make all purchases of supplies for the various departments of the city and shall approve all vouchers for the same; provided, however, that the mayor and council, at their first meeting after the approval of this Act and at their first meeting of each calendar year thereafter, shall fix a maximum monetary limit with the city manager, as such purchasing agent for the city, shall not exceed in any single purchase without the prior approval of the mayor and council. During said

688 calendar year for which such annual monetary limit is adopted, the mayor and council
689 may from time to time amend this maximum monetary limit either upwards or
690 downwards. Further, the mayor and council may, by resolution, require competitive bids
691 on purchases under such rules and regulations as the mayor and council may from time
692 to time prescribe;

693 (14) Before entering upon the discharge of his duties, give such bond, conditioned in
694 such manner, as the mayor and council shall require and the city manager shall have
695 authority to require of all employees under his jurisdiction such bond, under such
696 conditions as he shall require, and all of such bonds shall be payable to the City of Jasper,
697 and its successors, for the benefit of the city and all premiums on all such bonds shall be
698 paid by the city; and

699 (15) Within 30 days after the end of each calendar year, submit a detailed financial report
700 of the affairs of the city, which report shall be audited by the city auditor.

701 (e) The city manager shall be designated and given authority to delegate duties as the
702 purchasing agent and the personnel officer of the City of Jasper. The city manager shall have
703 responsibility for preparing and implementing the budget following budgetary review and
704 adoption by the city council in a regular meeting. All department heads employed by the city
705 shall be administratively accountable to the city manager. All appointed officers or other
706 agents employed by the legislative body shall be administratively communicative with the
707 city manager.

708

ARTICLE III

709

ADMINISTRATIVE AFFAIRS

710

SECTION 3.10.

711

Administrative and service departments.

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

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

719 (c) All appointive officers and directors of departments shall receive such compensation as
720 prescribed by ordinance or resolution, as appropriate.

721 (d) There shall be a director of each department or agency who shall be its principal officer.
722 Each director shall, subject to the direction and supervision of the city manager, be
723 responsible for the administration and direction of the affairs and operation of his department
724 or agency.

725 (e) All appointive officers and directors under the supervision of the city manager shall be
726 nominated by the city manager with confirmation of appointment by the city council. All
727 appointive officers and directors shall be employees at-will and subject to removal or
728 suspension at any time by the city manager or otherwise provided by law or ordinance.

SECTION 3.11.**Boards, commissions, and authorities.**

(a) The city council shall create by ordinance or resolution as appropriate such boards, commissions, and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative functions as the city council deems necessary and shall by ordinance or resolution as appropriate 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 subject to consent of the city council for such terms of office and in such manner as shall be provided by ordinance or resolution as appropriate, except where other appointing authority, term of office, or manner of appointment is prescribed by this charter or general state law.

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

(d) Except as specifically authorized by general law or authorized by the city council, 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 herein for original appointment, except as otherwise provided by this charter, by general law, or by resolution.

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

(g) Any member of the board, commission, or authority having an indefinite term may be removed from office for any reason by a majority vote of the city council. Any member of

754 the board, commission, or authority having a definite term may be removed from office for
755 causes analogous to those in Section 2.16 by a majority vote of the city council.

756 (h) Except as otherwise provided by this charter or by general state law, each board,
757 commission, or authority of the city shall elect one of its members as chairman and one
758 member as vice-chairman and one member as secretary. Each board, commission, or
759 authority of the city government may establish such bylaws, rules, and regulations, not
760 inconsistent with this charter, ordinances of the city, or general state law, as it deems
761 appropriate and necessary for the fulfillment of its duties or the conduct of its affairs and
762 which are approved by the city council, copies of which shall be filed with the city clerk of
763 the city.

764 **SECTION 3.12.**

765 City attorney.

766 (a) Appointment; qualifications; term. The city council shall appoint a city attorney who
767 shall be a member of the State Bar of Georgia and shall have actively practiced law for a
768 minimum of five years. The city attorney shall serve at the pleasure of the city council.

769 (b) Duties of the city attorney; compensation. It shall be the duty of the city attorney to
770 serve as legal advisor to the mayor, city council, city manager, and other city officials with
771 respect to the affairs of the city; to draw proposed ordinances when requested to do so; to
772 inspect and determine the legality and form of all agreements, contracts, franchises, and other
773 instruments with which the city may be concerned; to attend meetings of the city council
774 upon request of the city council; and to perform such other duties as may be required by
775 virtue of the position of city attorney. The compensation of the city attorney shall be set by
776 the city council.

SECTION 3.13.**City clerk.**

(a) The city manager shall appoint an officer who shall perform the duties of the city clerk, subject to the approval of the mayor and city council. The city clerk shall keep a journal of the proceedings of the city council, maintain a safe place for all records and documents pertaining to the affairs of the city, and perform such other duties as may be required by law or as the mayor and city council may approve in a regular meeting.

(b) Generally, the city clerk is administratively responsible to the city council and is the city council's representative at city hall, but in some instances the city clerk is administratively responsible to the city manager. Councilmembers may ask the city clerk to complete administrative duties such as gathering information, reports, minutes and performing clerical duties so that the city council will have needed information and materials to make well-informed decisions for the city.

(c) Day-to-day work involves directing and supervising the work of personnel involved in performing utility billing, property tax collection, and accounts receivable.

(d) The city clerk shall collect all taxes, fees, and other monies owed to the city, subject to applicable provisions of this charter, ordinances, or state law.

(e) The city clerk shall also enforce all laws and city ordinances related to the collection of delinquent taxes and the sale or foreclosure for nonpayment of taxes and other indebtedness to the city.

(f) The city clerk is also designated as the ex officio sheriff for the city so as to enable such officer to do all things required by the city charter, and state law as to the collection of city taxes, including, but not limited to, conducting levies and sales under tax executions and collecting all costs, penalties, interest, and permissible charges associated with any actions taken in such capacity.

802 (g) The city clerk shall be designated as the city's record custodian and ensures that all
803 records are properly maintained in accordance to the established records retention policy as
804 adopted by the city council.

805 **SECTION 3.14.**

806 Finance director.

807 (a) The city manager shall appoint a city finance director, subject to the approval of the
808 mayor and city council.

809 (b) The finance director is responsible for managing, planning, directing, and maintaining
810 the city's financial operations. Day-to-day work involves accounting, contract reviews of a
811 financial nature, payroll, special taxation oversight, reviews expenditure reports and
812 purchasing functions for the City of Jasper. The major duties and responsibilities of this
813 position include but are not limited to providing technical leadership in accounting
814 compliance, budgeting, overseeing and directing annual audits, investment opportunities and
815 debt administration, as well as insuring proper record retention policies are strictly followed
816 related to all financial matters. The finance director may also serve as the city treasurer, and
817 shall provide quarterly financial reports to the city council and monthly reports to the city
818 manager and department heads. On a day-to-day basis, the finance director shall be subject
819 to the direction, supervision, and oversight of the city manager. The finance director shall
820 be responsible for carrying out the general duties of a fiscal officer of the city and shall
821 perform such other duties as may be provided by the governing body or the city manager.
822 The finance director shall have the responsibility of grant and special tax administration and
823 oversight.

SECTION 3.15.

Personnel policies.

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

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

(2) The administration of a position classification and pay plan;

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

(4) Instituting civil service regulations for employees and as to which, personnel decisions of the city manager, mayor, and city council would be subject;

(5) Such other personnel policies as may be necessary to provide for adequate and systematic handling of the personnel affairs of the City of Jasper; and

(6) Notwithstanding the foregoing, all employees and personnel of the city are at will employees, unless the city council enters into a written employment contract or creates by ordinance a personnel system providing for removal of employees only for cause.

SECTION 3.16.

Comprehensive land use plan.

A comprehensive land use plan shall be adopted by the city council and official updates to this plan shall be made as provided by general state law.

842 **ARTICLE IV**
843 **JUDICIAL BRANCH**

844 **SECTION 4.10.**
845 Creation; name.

846 There shall be a court to be known as the Jasper Municipal Court.

847 **SECTION 4.11.**
848 Chief judge; associate judge.

849 (a) The municipal court shall be presided over by a chief municipal judge and such
850 part-time, full-time, or stand-by associate judges as shall be provided by resolution.

851 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
852 he shall have attained the age of 25 years, have ten years law experience, and is a member
853 of the State Bar of Georgia. No other officers of the City of Jasper may serve as the chief
854 municipal judge. All judges shall be appointed by the city council. Upon the effective date
855 of this charter, the present presiding chief municipal judge may be eligible to continue
856 holding office subject to the approval of the city council.

857 (c) Compensation of the judges shall be fixed by resolution of the city council.

858 (d) Judges may be removed during their appointed term in accordance with the procedures
859 established by state law.

860 (e) Before entering on the duties of his office, each judge not presently serving at the time
861 of enactment of the charter shall take an oath given by the mayor that he will honestly and
862 faithfully discharge the duties of his office to the best of his ability without fear, favor, or
863 partially. The oath shall be similar in form as set out in Section 2.21 and shall be entered
864 upon the minutes of the city council.

865 **SECTION 4.12.**
866 Clerk of municipal court.

867 The mayor and/or city manager shall appoint, in consultation with the chief municipal judge
868 of the Jasper Municipal Court, a municipal employee to serve as the clerk of the municipal
869 court. The clerk of the municipal court shall attend all hearings and be responsible for all
870 records of said municipal court.

871 **SECTION 4.13.**
872 Convening.

873 The municipal court shall be convened at regular intervals as designated by procedure set by
874 the city council.

875 **SECTION 4.14.**
876 Jurisdiction; power.

877 (a) The municipal court shall try and punish violations of all city ordinances and such
878 violations of state law allowed to be tried in municipal court under the general laws of the
879 State of Georgia.

880 (b) The municipal court shall have authority to punish those in its presence for contempt,
881 provided that such punishment shall not exceed \$1,000.00 or 180 days in jail or both, or as
882 allowed by state law.

883 (c) The municipal court may fix punishment for offenses within its jurisdiction not
884 exceeding a fine of \$1,000.00 or imprisonment for 180 days or both or may sentence any
885 offender upon conviction to community service for the city on the streets, sidewalks, squares,
886 or other public places for a period not exceeding 180 days, or as allowed by state law. A fine

887 levied by the municipal court shall not be subject to suspension, stay, or probation except
888 that, if the fine will impose an economic hardship on the defendant, the judge of the
889 municipal court, in his sole discretion, may order the defendant to pay such fine in
890 installments or under an order of probation, and such order may be enforced through a
891 contempt proceeding.

892 (d) The municipal court shall have authority to establish a schedule of fees to defray the cost
893 of operations/enforcement and shall be entitled to reimbursement of the cost of jail fees,
894 administrative and/or processing fees, technology fees, and court costs for violations of
895 municipal and state law. An assessment for such fees shall be in addition to any fines or
896 statutory fees, or both, assessed. An assessment for court costs shall not exceed \$200.00 and
897 an assessment for technology fees shall not exceed \$25.00 or as allowed by state law. The
898 city council can establish higher assessments by amending this provision by way of the
899 procedures established by state law.

900 (e) The municipal court shall have authority to establish bail and recognizances to ensure
901 the presence of those charged with violations before said court and shall have discretionary
902 authority to accept cash or personal or real property as surety for the appearance of persons
903 charged with violations. Whenever any person shall give bail for his appearance and shall
904 fail to appear at the time fixed for trial, his bond shall be forfeited by the judge presiding at
905 such time. In the event that cash or property is accepted in lieu of bond for security for the
906 appearance of a defendant at trial and if such defendant fails to appear at the time and place
907 fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the
908 city, or the property so deposited shall have a lien against it for the value forfeited, which lien
909 shall be enforceable in the same manner and to the same extent as a lien for city property
910 taxes.

911 (f) The municipal court shall have the authority to bind prisoners over to the appropriate
912 court when it appears by probable cause that state law has been violated and a jury trial is
913 requested.

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

917 (h) The municipal court may compel the presence of all parties necessary to a proper
918 disposal of each case by the issuance of summonses, subpoenas, and warrants which may be
919 served as executed by an officer as authorized by this charter or by general state law. All
920 judges of the municipal court and the clerk of the municipal court are authorized to issue
921 warrants for the arrest of persons charged with offenses against any ordinance of the city or
922 as to violations of state law. A fee not to exceed \$200.00 will be assessed to all warrants
923 issued or as allowed by state law.

924 (i) The municipal court is specifically vested with all of the jurisdiction and powers
925 throughout the entire area of this city granted by general state laws to mayor's, recorder's, and
926 police courts, and particularly by such laws as authorize the abatement of nuisances and
927 prosecution of traffic violations.

928 **SECTION 4.15.**

929 **Certiorari.**

930 The right of certiorari from the decision and judgment of the municipal court shall exist in
931 all cases, and such certiorari shall be obtained under the sanction of a judge of the
932 appropriate court of Pickens County under the laws of the State of Georgia regulating the
933 granting and issuance of writs of certiorari.

934 **SECTION 4.16.**

935 Rules for court.

936 With the approval of the city council, the judge shall have the full power and authority to
937 make reasonable rules and regulations necessary to secure the proper administration of the
938 municipal court and to require the prosecution by a prosecuting officer or by a city council
939 appointed solicitor; provided, however, that the city council may adopt in part or in whole
940 the rules and regulations for procedure in the superior court under the general laws of the
941 State of Georgia. The rules and regulations made or adopted shall be filed with the city clerk
942 shall be available for public inspection, and, upon request, a copy shall be furnished to all
943 defendants in municipal court proceedings.

944 **SECTION 4.17.**

945 Probation.

946 The Jasper Municipal Court may establish rules and regulations to allow those convicted of
947 ordinances or violations of state law to serve their sentence pursuant to such terms of
948 probation as may be set by the municipal judge. The municipal court may establish or
949 contract for probation services as determined are necessary for the proper operation of the
950 court by the municipal judge and as approved by the city council.

951 **ARTICLE V**
952 **FINANCE**

953 **SECTION 5.10.**
954 **Property tax.**

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

961 **SECTION 5.11.**
962 **Millage rate; due dates; payment methods.**

963 The city council, by ordinance, shall establish a millage rate for the city property tax, a due
964 date, and in what length of time these taxes must be paid. The city council, by ordinance,
965 may provide for the payment of these taxes by installments or in one lump sum and may
966 authorize the voluntary payment of taxes prior to the time when due.

967 **SECTION 5.12.**
968 **Occupation and business taxes.**

969 The city council, by ordinance, shall have the power to levy such occupation or business
970 taxes as are not denied by general state law. Such taxes may be levied on both individuals
971 and corporations who transact business in this city or who practice or offer to practice any

972 profession or calling therein to the extent such persons have a constitutionally sufficient
973 nexus to this city to be so taxed. The city council may classify businesses, occupations,
974 professions, or callings for the purpose of such taxation in any way which may be lawful and
975 compel the payment of such taxes as provided in Section 5.18.

976 **SECTION 5.13.**

977 Licenses; permits, fees.

978 The city council, by ordinance, shall have the power to require any individuals or
979 corporations who transact business in this city or who practice or offer to practice any
980 profession or calling therein to obtain a license or permit for such activity from the city and
981 pay a reasonable fee for such license or permit where such activities are not now regulated
982 by general state law in such a way as to preclude city regulation. Such fees, if unpaid, shall
983 be collected as provided in Section 5.18. The city council, by ordinance, may establish
984 reasonable requirements for obtaining or keeping such licenses as the public health, safety,
985 and welfare necessitates.

986 **SECTION 5.14.**

987 Franchises.

988 The city council shall have the power to grant franchises for the use of the city's street and
989 alleys for the purposes of railroads, street railways, telephone companies, electric companies,
990 and other similar organizations. The city council shall determine the duration, provisions,
991 terms, whether the same shall be exclusive or nonexclusive, and the consideration for such
992 franchises. The city council shall have the right to set franchise fees as to state franchises as
993 allowed by the general laws of the State of Georgia.

994 **SECTION 5.15.**

995 Services charges.

996 The city council, by ordinance, shall have the power to assess and collect fees, charges, and
997 tolls for law enforcement, fire, emergency, water, zoning, sewer, sanitary, health services,
998 and any other services rendered within and without the corporate limits of the city, or as to
999 providing the availability of said services, or both. If unpaid, such charges shall be collected
1000 as provided in Section 5.18.

1001 **SECTION 5.16.**

1002 Special assessments.

1003 The city council, by ordinance, shall have the power to assess and collect the cost of
1004 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
1005 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
1006 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be
1007 collected as provided in Section 5.18.

1008 **SECTION 5.17.**

1009 Construction; other taxes.

1010 The city council shall be empowered to levy any other tax allowed now or hereafter by state
1011 law and the special mention of any right, power, or authority in this article shall not be
1012 construed as limiting in any way the general powers of this city to govern its local affairs.

SECTION 5.18.

Collection of delinquent taxes and fees.

The city council, by ordinance, may provide generally for the collection of delinquent taxes, fees, charges, or other revenue due the city by whatever reasonable means as are not precluded by general state law, including but not limited to the termination of city services such as water or sewer, or both. 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 licenses for failure to pay any city taxes or fees, allowing exceptions for hardship, and providing for the assignment or transfer of tax executions.

SECTION 5.19.

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

SECTION 5.20.

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 5.21.**Short-term loans.**

Any short-term loan obtained by the city must be repaid by December 31 of the year in which the loan was obtained unless otherwise provided by present or future state law.

SECTION 5.22.**Fiscal year.**

The city council shall set the fiscal year by resolution. 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, unless otherwise provided by general state or federal law.

SECTION 5.23.**Action by city council on budget.**

(a) The city council shall adopt and may thereafter amend an annual budget, by resolution, except that the budget as finally adopted and amended 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 amount set out in the adopted budget for each organizational unit 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 unless by a majority vote of the city council.

SECTION 5.24.

Tax levies.

After adoption of the budget, in a timely fashion, the city council shall levy, by ordinance, such taxes as are necessary. The taxes and tax rates set by such ordinance 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 total amount of the operating budget for defraying the expenses of the general government of this city.

SECTION 5.25.

Changes in appropriations.

The city council, by majority vote, may make changes by resolution in the appropriations contained in the current operating budget at any regular meeting or special or emergency meeting called for such purpose.

SECTION 5.26.

Independent audit.

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 as required by general state law. The audit shall be conducted according to generally accepted auditing standards. Any audit of any funds by the state or federal governments may be accepted by satisfying the requirements of this charter. Copies of all audit reports shall be available at printing cost to the public.

SECTION 5.27.

Contracting procedures.

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

(1) It is in writing;

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

(3) It is made or authorized by and approved by the city council and such approval is entered in the city council minutes.

SECTION 5.28.

Centralized purchasing.

The city council may prescribe procedures for a system of centralized purchasing for the city.

SECTION 5.29.

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 provided by general state law.

(b) The city council may quitclaim any rights it may have in property not needed for public purposes upon and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the city is of 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 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 city manager to execute and deliver in the name of the city a deed conveying said cutoff or separated parcel

1099 or tract of land to an abutting or adjoining property owner or owners in exchange for rights
1100 of way of said street, avenue, alley, or public place or in settlement of any alleged damages
1101 sustained by said abutting or adjoining property owner. All deeds and conveyances
1102 heretofore and hereafter so executed and delivered shall convey all title and interest the city
1103 has in such property, notwithstanding the fact that no public sale after advertisement was or
1104 is hereafter made.

1105 **ARTICLE VI**
1106 **GENERAL PROVISIONS**

1107 **SECTION 6.10.**
1108 **Official bonds.**

1109 The officers and employees of this city, both elective and appointive, shall execute such
1110 official bonds in such amounts and upon such terms and conditions as the city council shall
1111 from time to time require by ordinance or as may be provided by state law.

1112 **SECTION 6.11.**
1113 **Prior ordinances.**

1114 All ordinances, bylaws, rules, and regulations now in force in the city not inconsistent with
1115 this charter are declared valid and of full effect and force until amended or repealed by the
1116 city council.

SECTION 6.12.

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 dealt with by such city agencies, personnel, or offices as may be provided by the city council.

SECTION 6.13.

Penalties.

The city council is authorized to provide that as to violations of any provisions of ordinances duly ordained by the city council for which a penalty is not specifically provided by general state law are a misdemeanor and shall be punishable by a fine not exceeding \$1,000.00 or by imprisonment not to exceed 180 days, or both.

SECTION 6.14.

Effective date.

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

SECTION 6.15.

Specific repealer.

An Act incorporating the City of Jasper in Pickens County, approved March 2, 1983 (Ga.L. 1983, p. 3534), as amended, is hereby repealed except the boundaries by prior local act

1137 (including but not limited to Ga.L. 1953, p. 206, Ga.L. 1983, p. 3534, Ga.L. 1993, p. 4934,
1138 Ga.L. 1994, p. 4819, and Ga.L. 2001, p. 3787, notwithstanding the repeal of said Acts by this
1139 provision), and prior act of the city, previously or hereafter, shall not be affected by this Act.

1140 **SECTION 6.16.**

1141 Repealer.

1142 All laws and parts of laws in conflict with this Act are repealed except as provided herein.