

House Bill 877

By: Representatives Jackson of the 68th, Bazemore of the 69th, Bonner of the 73rd, and Mathiak of the 82nd

A BILL TO BE ENTITLED
AN ACT

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

H. B. 877

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 ARTICLE I
21 INCORPORATION AND POWERS

22 SECTION 1.1.

23 Reincorporation.

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

28 SECTION 1.2.

29 Corporate boundaries.

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

39 (b) All future alterations of said map or description, as directed by the council to reflect
40 lawful changes in the corporate boundaries, shall be signed by the mayor and city clerk. A
41 redrawn map or description shall supersede, for all purposes, the entire map or maps and
42 description or descriptions which it is designated to replace.

43 SECTION 1.3.

44 General powers and construction.

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

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

52 SECTION 1.4.

53 Examples of powers.

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

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

63 (c) Building Regulation. To regulate and to license the erection and construction of
64 buildings and all other structures; to adopt building, housing, plumbing, fire safety, electrical,
65 gas, and heating and air conditioning codes; and to regulate all housing, and building trades;

66 (d) Business Regulation and Taxation. To levy and to provide for the collection of
67 regulatory fees and taxes on privileges, occupations, trades and professions as authorized by
68 Title 48 of the Official Code of Georgia Annotated, or other such applicable laws as are or

69 may hereafter be enacted; to permit and regulate the same; to provide for the manner and
70 method of payment of such regulatory fees and taxes; and to revoke such permits after due
71 process for failure to pay any city taxes or fees;

72 (e) Condemnation. To condemn property, inside or outside the corporate limits of the city,
73 for present or future use and for any corporate purpose deemed necessary by the governing
74 authority, utilizing procedures enumerated in Title 22 of the Official Code of Georgia
75 Annotated, or such other applicable laws as are or may hereafter be enacted;

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

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

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

88 (i) Fire Regulations. To fix and establish fire limits and from time to time to extend, enlarge
89 or restrict the same; to prescribe fire safety regulations not inconsistent with general law,
90 relating to both fire prevention and detection and to fire fighting; and to prescribe penalties
91 and punishment for violations thereof;

92 (j) Garbage Fees. To levy, fix, assess, and collect a garbage, refuse and trash collection and
93 disposal, and other sanitary service charge, tax, or fee for such services as may be necessary
94 in the operation of the city from all individuals, firms, and corporations residing in or doing

95 business therein benefitting from such services; to enforce the payment of such charges, taxes
96 or fees; and to provide for the manner and method of collecting such service charges;

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

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

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

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

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

114 (p) Municipal Agencies and Delegation of Power. To create, alter or abolish departments,
115 boards, offices, commissions and agencies of the city, and to confer upon such agencies the
116 necessary and appropriate authority for carrying out all the powers conferred upon or
117 delegated to the same;

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

- 121 (r) Municipal Property Ownership. To acquire, dispose of, lease, and hold in trust or
122 otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or
123 outside the property limits of the city;
- 124 (s) Municipal Property Protection. To provide for the preservation and protection of
125 property and equipment of the city, and the administration and use of same by the public; and
126 to prescribe penalties and punishment for violations thereof;
- 127 (t) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell and dispose of
128 public utilities, including but not limited to a system of waterworks, sewers and drains,
129 sewage disposal, stormwater management, gas works, electric light plants, cable television
130 and other telecommunications, transportation facilities, public airports, and any other public
131 utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties,
132 and to provide for the withdrawal of service for refusal or failure to pay the same;
- 133 (u) Nuisance. To define a nuisance and provide for its abatement whether on public or
134 private property;
- 135 (v) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the
136 authority of this charter and the laws of the State of Georgia;
- 137 (w) Planning and Zoning. To provide comprehensive city planning for development by
138 zoning; and to provide subdivision regulation and the like as the city council deems
139 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;
- 140 (x) Police and Fire Protection. To exercise the power of arrest through duly appointed
141 police officers, and to establish, operate, or contract for a police and a firefighting agency;
- 142 (y) Public Hazards: Removal. To provide for the destruction and removal of any building
143 or other structure which is or may become dangerous or detrimental to the public;
- 144 (z) Public Improvements. To provide for the acquisition, construction, building, operation
145 and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries,
146 markets and market houses, public buildings, libraries, public housing, airports, hospitals,
147 terminals, docks, parking facilities, or charitable, cultural, educational, recreational,

148 conservation, sport, curative, corrective, detentional, penal and medical institutions, agencies
149 and facilities; and to provide any other public improvements, inside or outside the corporate
150 limits of the city; to regulate the use of public improvements; and for such purposes, property
151 may be acquired by condemnation under Title 22 of the Official Code of Georgia Annotated,
152 or such other applicable laws as are or may hereafter be enacted;

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

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

157 (cc) Public Utilities and Services. To grant franchises or make contracts for, or impose taxes
158 on public utilities and public service companies; and to prescribe the rates, fares, regulations
159 and standards and conditions of service applicable to the service to be provided by the
160 franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public
161 Service Commission;

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

167 (ee) Retirement. To provide and maintain a retirement plan and other employee benefit
168 plans and programs for officers and employees of the city;

169 (ff) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of,
170 abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve,
171 maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within
172 the corporate limits of the city; and to grant franchises and rights-of-way throughout the
173 streets and roads, and over the bridges and viaducts for the use of public utilities; and to

174 require real estate owners to repair and maintain in a safe condition the sidewalks adjoining
175 their lots or lands, and to impose penalties for failure to do so;

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

183 (hh) Solid Waste Disposal. To provide for the collection and disposal of garbage, rubbish
184 and refuse, and to regulate the collection and disposal of garbage, rubbish and refuse by
185 others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper,
186 and other recyclable materials, and to provide for the sale of such items;

187 (ii) Special Areas of Public Regulation. To regulate or prohibit junk dealers, the
188 manufacture and sale of intoxicating liquors; to regulate the transportation, storage and use
189 of combustible, explosive and inflammable materials, the use of lighting and heating
190 equipment, and any other business or situation which may be dangerous to persons or
191 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical
192 performances, exhibitions, and shows of any kind, by taxation or otherwise; to license and
193 tax professional fortunetelling, palmistry, and massage parlors; and to restrict adult
194 bookstores to certain areas;

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

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

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

201 (mm) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
202 number of such vehicles; to require the operators thereof to be licensed; to require public
203 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
204 regulate the parking of such vehicles;

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

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

216 SECTION 1.5.

217 Exercise of powers.

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

246 seeking. A candidate for mayor shall, at the time of qualifying, designate that he or she is
247 seeking the office of mayor.

248 (b) The mayor and councilmembers in office on the effective date of this charter shall be
249 allowed to serve out the remainder of the terms to which they were elected. Elections shall
250 be held in the year 2025 and thereafter every four years for Posts 3, 4, and 5, such individuals
251 to be elected for four-year terms of office. Elections shall be held in the year 2027 and
252 thereafter every four years for mayor and for Posts 1 and 2, such individuals to be elected for
253 four-year terms of office.

254 SECTION 2.4.

255 Vacancies.

256 (a) A vacancy shall exist if the mayor or a councilmember resigns, dies, moves his or her
257 residence from the city, or is absent from four consecutive regular meetings of the governing
258 authority, except if granted a leave of absence by the council, which leave shall be entered
259 upon the minute books, or if he or she is adjudged incompetent or is convicted of
260 malfeasance in office, or of a felony, or any violation of election laws.

261 (b) A vacancy in the office of mayor or councilmember shall be filled at the next available
262 special election or general election. Such special election shall be called and held in the
263 manner prescribed by Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the
264 "Georgia Election Code," as it now exists or may hereafter be amended.

265 (c) In the case of a vacancy in the office of councilmember, such vacancy may be filled until
266 the next special or general election by a majority vote of the remaining councilmembers;
267 provided, however, that there shall be not more than one appointed councilmember on the
268 city council at any given time.

269 SECTION 2.5.

270 Compensation and expenses.

271 The mayor shall receive as compensation for his or her services \$25,000.00 per annum. Each
272 councilmember shall receive as compensation for his or her services \$20,000.00 per annum.

273 The mayor and councilmembers shall also be entitled to be reimbursed for their actual and
274 necessary expenses incurred in the performance of their duties.

275 SECTION 2.6.

276 Conflicts of interest; holding other offices.

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

279 (b) Conflict of Interest - No elected official, appointed officer, or employee of the city or any
280 agency or political entity to which this charter applies shall knowingly:

281 (1) Engage in any business or transaction, or have a financial or other personal interest,
282 direct or indirect, which is incompatible with the proper discharge of that person's official
283 duties or which would tend to impair the independence of the official's judgment or action
284 in the performance of those official duties;

285 (2) Engage in or accept private employment, or render services for private interests when
286 such employment or service is incompatible with the proper discharge of that person's
287 official duties or would tend to impair the independence of the official's judgment or action
288 in the performance of those official duties;

289 (3) Disclose confidential information, including information obtained at meetings which
290 are closed pursuant to Title 50, Chapter 14 of the Official Code of Georgia Annotated,
291 concerning the property, government, or affairs of the governmental body by which the
292 official is engaged without proper legal authorization; or use such information to advance
293 the financial or other private interest of the official or others;

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

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

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

304 (c) Disclosure - Any elected official, appointed officer, or employee who shall have any
305 financial interest, directly or indirectly, in any contract or matter pending before or within
306 any department of the city shall disclose such interest to the city council. The mayor or any
307 councilmember who has a financial interest in any matter pending before the city council
308 shall disclose such interest and such disclosure shall be entered on the records of the city
309 council, and that official shall disqualify himself or herself from participating in any decision
310 or vote relating thereto. Any elected official, appointed officer, or employee of any agency
311 or political entity to which this charter applies who shall have any financial interest, directly
312 or indirectly, in any contract or matter pending before or within such entity shall disclose
313 such interest to the governing body of such agency or entity.

314 (d) Use of Public Property - No elected official, appointed officer, or employee of the city
315 or any agency or entity to which this charter applies shall use property owned by such
316 governmental entity for personal benefit or profit but shall use such property only in their
317 capacity as an officer or employee of the city.

318 (e) Ineligibility of Elected Official - Except where authorized by law, neither the mayor nor
319 any councilmember shall hold any other elective or appointive office in the city or otherwise
320 be employed by said government or any agency thereof during the term for which that

321 official was elected. No former mayor and no former councilmember shall hold any
322 appointive office in the city until one year after the expiration of the term for which that
323 official was elected.

324 (f) Political Activities of Certain Officers and Employees - No appointive officer of the city
325 shall continue in such employment upon qualifying as a candidate for nomination or election
326 to any public office. No employee of the city shall continue in such employment upon
327 qualifying for or election to any public office in this city or any other public office which is
328 inconsistent, incompatible or in conflict with the duties of the city employee. Such
329 determination shall be made by the mayor and council either immediately upon election or
330 at any time such conflict may arise.

331 SECTION 2.7.

332 Inquiries and investigations.

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

339 SECTION 2.8.

340 General power and authority of the city council.

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

343 (b) In addition to all other powers conferred upon it by law, the council shall have the
344 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and
345 regulations, not inconsistent with this charter and the Constitution and the laws of the State

346 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,
347 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,
348 or well-being of the inhabitants of the City of Fayetteville and may enforce such ordinances
349 by imposing penalties for violation thereof.

350 SECTION 2.9.

351 Eminent domain.

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

360 SECTION 2.10.

361 Oath of office.

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

364 "I do solemnly swear (or affirm) that I will faithfully perform the duties of _____ of
365 this city and that I will support and defend the charter thereof as well as the Constitution
366 and laws of the State of Georgia and of the United States of America. I am not the holder
367 of any unaccounted for public money due this state or any political subdivision or authority
368 thereof. I am not the holder of any office of trust under the government of the United
369 States, any other state, or any foreign state which I by the laws of the State of Georgia am
370 prohibited from holding. I am otherwise qualified to hold said office according to the

371 Constitution and laws of Georgia. I have been a resident of the City of Fayetteville for the
372 time required by the Constitution and laws of this state and by the municipal charter. I will
373 perform the duties of my office in the best interest of the City of Fayetteville to the best of
374 my ability without fear, favor, affection, reward, or expectation thereof."

375 SECTION 2.11.

376 Regular and special meetings.

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

379 (b) Special meetings of the city council may be held on call of the mayor or three members
380 of the city council. Notice of such special meetings shall be served on all other members
381 personally, or by telephone personally, at least 24 hours in advance of the meeting. Such
382 notice to councilmembers shall not be required if the mayor and all councilmembers are
383 present when the special meeting is called. Such notice of any special meeting may be
384 waived by a councilmember in writing before or after such a meeting, and attendance at the
385 meeting shall also constitute a waiver of notice on any business transacted in such
386 councilmember's presence. Only the business stated in the call may be transacted at the
387 special meeting.

388 (c) All meetings of the city council shall be public to the extent required by law and notice
389 to the public of special meetings shall be made fully as is reasonably possible as provided by
390 Code Section 50-14-1 of the Official Code of Georgia Annotated, or other such applicable
391 laws as are or may hereafter be enacted.

392 (d) Except as otherwise provided by law or ordinance, public participation at regular
393 meetings of the city council shall be permitted in accordance with the provisions of this
394 subsection.

395 (1) Public comments: At each regular meeting of the city council, a time for public
396 comment (the "public comment portion"), not to exceed 30 minutes, shall be made

397 available during which time members of the public may provide public comment on
398 matters of public concern related to city business. No public comment portion shall be
399 included at any emergency, special called, or work session meeting of the mayor and
400 council;

401 (A) Each member of the public wishing to address the city council shall have a total
402 of three minutes during which he or she may address the city council. No member of
403 the public may address the council during the public comment portion more than once
404 during any meeting. Each member must disclose his or her name and address for the
405 record.

406 (B) No member of the public shall repeat previously stated comments or opinions
407 previously stated to the city council during the meeting.

408 (C) No member of the public shall be permitted to make personal, impertinent,
409 slanderous or profane remarks to any member of the city council, staff or general
410 public. Any person who makes such remarks, or who utters loud, threatening, personal
411 or abusive language, or engages in any other disorderly conduct which disrupts,
412 disturbs or otherwise impedes the orderly conduct of any meeting shall, at the discretion
413 of the mayor or a majority of the city council, be barred from further audience before
414 the city council during that meeting.

415 (2) Public hearings: For matters required by law, or by ordinance, to be accompanied
416 by a public hearing, such public hearing shall be undertaken in accordance with the
417 applicable law or ordinance requiring such public hearing. To the extent the law or
418 ordinance is silent as to the procedure to be undertaken at such public hearing, the
419 following provisions shall apply:

420 (A) For matters arising under the City of Fayetteville Unified Development Ordinance
421 (UDO), those wishing to speak in favor of the item before the council, including the
422 applicant, shall be given a total of 15 minutes to be heard; those wishing to speak
423 against the item before the council shall be given a total of 15 minutes to be heard. The

424 city council may extend the time for public hearings arising under the UDO by a
425 majority vote of the councilmembers.

426 (B) For other matters requiring a public hearing, but not arising under the UDO, there
427 shall be allotted 30 minutes for public hearing. Each person wishing to be heard on any
428 such matter shall limit his or her presentation to three minutes. All comments made
429 during such public hearing shall relate to the matter pending before the council and
430 shall not repeat previously stated comments and opinions. The city council may extend
431 the time for public hearings by a majority vote of the councilmembers.

432 SECTION 2.12.

433 Rules of procedure.

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

437 (b) All committees and committee chairs and officers of the city council shall be appointed
438 by the city council by majority vote from nominations made by the mayor and mayor pro tem
439 and shall serve at the pleasure of the city council. The city council shall have the power to
440 appoint new members to any committee at any time.

441 SECTION 2.13.

442 Quorum; voting.

443 A majority of the councilmembers shall constitute a quorum and shall be authorized to
444 transact business of the city council. Voting on the adoption of ordinances shall be by voice
445 vote and the vote shall be recorded in the journal, but any member of the city council shall
446 have the right to request a roll call vote and such vote shall be recorded in the journal.
447 Except as otherwise provided in this charter, the affirmative vote of three councilmembers
448 shall be required for the adoption of any ordinance, resolution, or motion.

449 SECTION 2.14.

450 Ordinance form; procedures.

451 (a) Every proposed ordinance should be introduced in writing and in the form required for
452 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
453 enacting clause shall be "It is hereby ordained by the governing authority of the City of
454 Fayetteville" and every ordinance shall so begin.

455 (b) An ordinance may be introduced by any councilmember and be read at a regular or
456 special meeting of the city council. Ordinances shall be considered and adopted or rejected
457 by the city council in accordance with the rules which it shall establish; provided, however,
458 an ordinance shall not be adopted the same day it is introduced, except for emergency
459 ordinances provided in Section 2.16. Upon introduction of any ordinance, the clerk shall as
460 soon as possible distribute a copy to the mayor and to each councilmember and shall file a
461 reasonable number of copies in the office of the clerk and at such other public places as the
462 city council may designate.

463 SECTION 2.15.

464 Action requiring an ordinance.

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

466 SECTION 2.16.

467 Emergencies.

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

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

485 (b) Such meetings shall be open to the public to the extent required by law and notice to the
486 public of emergency meetings shall be made as fully as is reasonably possible in accordance
487 with Code Section 50-14-1 of the Official Code of Georgia Annotated, or such other
488 applicable laws as are or may hereafter be enacted.

489 SECTION 2.17.

490 Codes of technical regulations.

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

494 (1) The requirements of Section 2.14 for distribution and filing of copies of the ordinance
495 shall be construed to include copies of any code of technical regulations, as well as the
496 adopting ordinance; and

497 (2) A copy of each adopted code of technical regulations, as well as the adopting
498 ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.18.

499 (b) Copies of any adopted code of technical regulations shall be made available by the clerk
500 for inspection by the public.

501 SECTION 2.18.

502 Signing; authenticating; recording; codification; printing.

503 (a) The clerk shall authenticate by the clerk's signature and record in full in a properly
504 indexed book kept for that purpose, all ordinances adopted by the council.

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

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

522 SECTION 2.19.

523 Powers and duties of mayor; veto.

524 (a) The mayor shall:

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

526 (2) Have a vote only in case of a tie;

527 (3) Be the ceremonial head of the city;

528 (4) Sign ordinances and resolutions on their final passage unless vetoed as provided in
529 subsection (b) of this section;

530 (5) Sign deeds, bonds and contracts when authorized by the city council to do so; and

531 (6) Perform other duties required by this charter and ordinances not inconsistent with this
532 charter.533 (b) The mayor shall have the authority to veto an ordinance or resolution adopted by the city
534 council by filing such veto in writing with the city clerk within five days of the city council
535 meeting at which such ordinance or resolution was adopted. Ordinances or resolutions
536 vetoed by the mayor shall be considered at the next regular meeting of the city council, and
537 the city council may pass the ordinance over the veto by the affirmative vote of four of its
538 members. Such vote shall be taken by ayes and nays and entered upon the minutes of such
539 meeting.

540 SECTION 2.20.

541 Mayor pro tem; selection; duties.

542 At its first regular meeting after new councilmembers have taken office following each
543 general election, the city council shall, by majority vote, elect a councilmember to serve as
544 mayor pro tem. If the city council fails to elect a councilmember to serve as mayor pro tem,
545 the councilmember who received the highest number of votes when last elected shall serve
546 as mayor pro tem. The mayor pro tem shall preside at all meetings of the city council when
547 the mayor is absent. The city council by a majority vote shall elect a new presiding officer

571 (3) If the manager has not requested a public hearing within the time specified in
572 paragraph (2) above, the city council may adopt a final resolution for removal, which may
573 be made effective immediately, by an affirmative vote of a majority of all its members. If
574 the manager has requested a public hearing, the city council may adopt a final resolution
575 for removal, which may be made effective immediately, by an affirmative vote of a
576 majority of all its members at any time after the public hearing.

577 (b) The manager may continue to receive a salary until the effective date of a final resolution
578 of removal.

579 SECTION 3.3.

580 Acting city manager.

581 By letter filed with the city clerk, the manager shall designate, subject to approval of the city
582 council, a qualified city administrative officer to exercise the powers and perform the duties
583 of manager during the manager's temporary absence or physical or mental disability. During
584 such absence or disability, the city council may revoke such designation at any time and
585 appoint another officer of the city to serve until the manager shall return or the manager's
586 disability shall cease.

587 SECTION 3.4.

588 Powers and duties of the city manager.

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

593 (1) Appoint and, when the manager deems it necessary for the good of the city, suspend
594 or remove all city employees and administrative officers the manager appoints, except as
595 otherwise provided by law or personnel ordinances adopted pursuant to this charter. The

596 manager may authorize any administrative officer who is subject to the manager's direction
597 and supervision to exercise these powers with respect to subordinates in that officer's
598 department, office or agency;

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

601 (3) Attend all city council meetings except for closed meetings held for the purposes of
602 deliberating on the appointment, discipline or removal of the city manager and have the
603 right to take part in discussion but not vote;

604 (4) See that all laws, provisions of this charter, and acts of the city council, subject to
605 enforcement by the manager or by officers subject to the manager's direction and
606 supervision, are faithfully executed;

607 (5) Prepare and submit the annual operating budget and capital budget to the city council;

608 (6) Submit to the city council and make available to the public a complete report on the
609 finances and administrative activities of the city as of the end of each fiscal year;

610 (7) Make such other reports as the city council may require concerning the operations of
611 city departments, offices and agencies subject to the manager's direction and supervision;

612 (8) Keep the city council fully advised as to the financial condition and future needs of the
613 city, and make such recommendations to the city council concerning the affairs of the city
614 as the manager deems desirable; and

615 (9) Perform other such duties as are specified in this charter or as may be required by the
616 city council.

617 SECTION 3.5.

618 Council interference with administration.

619 Except for the purpose of inquiries and investigations under Section 2.7, the city council or
620 its members shall deal with city officers and employees who are subject to the direction and

621 supervision of the manager solely through the manager, and neither the city council nor its
622 members shall give orders to any such officer or employee, either publicly or privately.

623 SECTION 3.6.

624 Administrative and service departments.

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

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

632 (c) All appointive officers and directors of departments shall receive such compensation as
633 prescribed by ordinance or resolution.

634 (d) There shall be a director of each department or agency who shall be its principal officer.
635 Each director shall, subject to the direction and supervision of the city manager, be
636 responsible for the administration and direction of the affairs and operations of that director's
637 department or agency.

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

642 SECTION 3.7.

643 Boards, commissions, and authorities.

644 (a) The city council shall create by ordinance such boards, commissions and authorities to
645 fulfill any investigative, quasi-judicial or quasi-legislative function the city council deems

646 necessary, and shall by ordinance establish the composition, period of existence, duties and
647 powers thereof.

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

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

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

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

659 (f) No member of a board, commission or authority shall assume office until that person has
660 executed and filed with the clerk of the city an oath obligating himself to faithfully and
661 impartially perform the duties of that member's office, such oath to be prescribed by
662 ordinance and administered by the mayor.

663 (g) All board members serve at-will and may be removed at any time by three members of
664 the city council unless otherwise provided by law.

665 (h) Except as otherwise provided by this charter or by law, each board, commission or
666 authority of the city shall elect one of its members as chair and one member as vice-chair,
667 and may elect as its secretary one of its own members or may appoint as secretary an
668 employee of the city. Each board, commission or authority of the city government may
669 establish such bylaws, rules and regulations, not inconsistent with this charter, ordinances
670 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or
671 the conduct of its affairs. Copies of such bylaws, rules and regulations shall be filed with the
672 clerk of the city.

673 SECTION 3.8.

674 City attorney.

675 (a) The city council shall appoint a city attorney, together with such assistant city attorneys
676 as may be authorized, and shall provide for the payment of such attorney or attorneys for
677 services rendered to the city. The city attorney shall be responsible for providing for the
678 representation and defense of the city in all litigation in which the city is a party; may be the
679 prosecuting officer in the municipal court; shall attend the meetings of the council as
680 directed; shall advise the city council, mayor, and other officers and employees of the city
681 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
682 required by virtue of the person's position as city attorney.

683 (b) The city attorney is not a public official of the city and does not take an oath of office.
684 The city attorney shall at all times be an independent contractor. A law firm, rather than an
685 individual, may be designated as the city attorney.

686 SECTION 3.9.

687 City clerk.

688 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk
689 shall be custodian of the official city seal and city records; maintain city council records
690 required by this charter; and perform such other duties as may be required by the city
691 council.

692 SECTION 3.10.

693 Position classification and pay plans.

694 The city manager shall be responsible for the preparation of a position classification and pay
695 plan which shall be submitted to the city council for approval. Such plan may apply to all
696 employees of the city and any of its agencies, departments, boards, commissions or
697 authorities. When a pay plan has been adopted, the city council shall not increase or decrease

698 the salary range applicable to any position except by amendment of such pay plan. For
699 purposes of this section, all elected and appointed city officials are not city employees.

700 SECTION 3.11.

701 Personnel policies.

702 All employees serve at-will and may be removed from office at any time unless otherwise
703 provided by ordinance.

704 ARTICLE IV

705 MUNICIPAL COURT

706 SECTION 4.1.

707 Creation; name.

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

709 SECTION 4.2.

710 Chief judge; other judges.

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

713 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
714 that person shall have attained the age of 21 years and shall possess all qualifications
715 required by law. All judges shall be appointed by the city council and shall serve until a
716 successor is appointed and qualified.

717 (c) Compensation of the judges shall be fixed by ordinance.

718 (d) Judges shall serve a term and may be removed as provided by general law.

719 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge
720 will honestly and faithfully discharge the duties of the office to the best of that person's

721 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of
722 the city council.

723 SECTION 4.3.

724 Convening.

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

726 SECTION 4.4.

727 Jurisdiction; powers.

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

730 (b) The municipal court shall have authority to punish those in its presence for contempt,
731 provided that such punishment shall not exceed ten days in jail and a fine as authorized by
732 law.

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

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

740 (e) The municipal court shall have authority to establish bail and recognizances to ensure
741 the presence of those charged with violations before said court, and shall have discretionary
742 authority to accept cash or personal or real property as surety for the appearance of persons
743 charged with violations. Whenever any person shall give bail for that person's appearance
744 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
745 presiding at such time, and an execution issued thereon by serving the defendant and the

746 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the
747 event that cash or property is accepted in lieu of bond for security for the appearance of a
748 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
749 the cash so deposited shall be on order of the judge declared forfeited to the city, or the
750 property so deposited shall have a lien against it for the value forfeited which lien shall be
751 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

762 SECTION 4.5.

763 Rules for court.

764 With the approval of the city council, the judge shall have full power and authority to make
765 reasonable rules and regulations necessary and proper to secure the efficient and successful
766 administration of the municipal court; provided, however, that the city council may adopt in
767 part or in toto the rules and regulations applicable to municipal courts. The rules and
768 regulations made or adopted shall be filed with the city clerk and shall be available for public
769 inspection.

770 SECTION 4.6.

771 Petitions for review.

772 The right to seek petitions for review from the decision and judgment of the municipal court
773 shall exist in all criminal cases and ordinance violation cases, and such petitions shall be
774 made to the Superior Court of Fayette County under the laws of the State of Georgia
775 regulating appeals to the superior courts.

776 ARTICLE V

777 ELECTIONS AND REMOVAL

778 SECTION 5.1.

779 Applicability of general law.

780 All primaries and elections shall be held and conducted in accordance with the Georgia
781 Election Code (Title 21, Chapter 2 of the Official Code of Georgia Annotated) as now or
782 hereafter amended.

783 SECTION 5.2.

784 Non-partisan elections.

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

787 SECTION 5.3.

788 Election by majority.

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

790 SECTION 5.4.

791 Other provisions.

792 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe
793 such rules and regulations it deems appropriate to fulfill any options and duties under the
794 Georgia Election Code.

795 SECTION 5.5.

796 Removal of officers.

797 (a) The mayor, councilmembers, or other appointed officers provided for in this charter shall
798 be removed from office for any one or more of the causes provided in Title 45 of the Official
799 Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

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

802 (1) Following a hearing at which an impartial panel shall render a decision. In the event
803 an elected officer is sought to be removed by the action of the city council, such officer
804 shall be entitled to a written notice specifying the ground or grounds for removal and to a
805 public hearing which shall be held not less than ten days after the service of such written
806 notice. The city council shall provide by ordinance for the manner in which such hearings
807 shall be held. Any elected officer sought to be removed from office as herein provided
808 shall have the right of appeal from the decision of the city council to the Superior Court of
809 Fayette County. Such appeal shall be governed by the same rules as govern appeals to the
810 superior court from the probate court.

811 (2) By an order of the Superior Court of Fayette County following a hearing on a
812 complaint seeking such removal brought by any resident of the city of Fayetteville.

813 ARTICLE VI
814 FINANCE

815 SECTION 6.1.

816 Property tax.

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

823 SECTION 6.2.

824 Millage rate; due dates; payment methods.

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

829 SECTION 6.3.

830 Occupation and business taxes.

831 The city council, by ordinance, shall have the power to levy such occupation or business
832 taxes as are not denied by law. The city council may classify businesses, occupations or
833 professions for the purpose of such taxation in any way which may be lawful and may
834 compel the payment of such taxes as provided in Section 6.9.

835 SECTION 6.4.

836 Regulatory fees; permits.

837 The city council, by ordinance, shall have the power to require businesses or practitioners
838 doing business within this city to obtain a permit for such activity from the city and pay a
839 reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect
840 the total cost to the city of regulating the activity, and if unpaid, shall be collected as
841 provided in Section 6.9.

842 SECTION 6.5.

843 Franchises.

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

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

860 SECTION 6.6.

861 Service charges.

862 The city council, by ordinance, shall have the power to assess and collect fees, charges,
863 assessments, and tolls for sewers, sanitary and health services, or any other services provided
864 or made available within and without the corporate limits of the city. If unpaid, such charges
865 shall be collected as provided in Section 6.9.

866 SECTION 6.7.

867 Special assessments.

868 The city council, by ordinance, shall have the power to assess and collect the cost of
869 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
870 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
871 owners. If unpaid, such charges shall be collected as provided in Section 6.9.

872 SECTION 6.8.

873 Construction; other taxes and fees.

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

877 SECTION 6.9.

878 Collection of delinquent taxes and fees.

879 The city council, by ordinance, may provide generally for the collection of delinquent taxes,
880 fees, or other revenue due the city under Sections 6.1 through 6.8 by whatever reasonable
881 means as are not precluded by law. This shall include providing for the dates when the taxes
882 or fees are due; late penalties or interest; issuance and execution of fi.fa.'s; creation and
883 priority of liens; making delinquent taxes and fees personal debts of the persons required to

884 pay the taxes or fees imposed; revoking city permits for failure to pay any city taxes or fees;
885 and providing for the assignment or transfer of tax executions.

886 SECTION 6.10.

887 General obligation bonds.

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

892 SECTION 6.11.

893 Revenue bonds.

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

897 SECTION 6.12.

898 Short-term loans.

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

901 SECTION 6.13.

902 Lease-purchase contracts.

903 The city may enter into multiyear lease, purchase or lease-purchase contracts for the
904 acquisition of goods, materials, real and personal property, services, and supplies provided
905 the contract terminates without further obligation on the part of the municipality at the close
906 of the calendar year in which it was executed and at the close of each succeeding calendar

907 year for which it may be renewed. Contracts must be executed in accordance with the
908 requirements of Code Section 36-60-13 of the Official Code of Georgia Annotated, or other
909 such applicable laws as are or may hereafter be enacted.

910 SECTION 6.14.

911 Fiscal year.

912 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
913 budget year and the year for financial accounting and reporting of each and every office,
914 department, agency and activity of the city government unless otherwise provided by state
915 or federal law.

916 SECTION 6.15.

917 Preparation of budgets.

918 The city council shall provide an ordinance on the procedures and requirements for the
919 preparation and execution of an annual operating budget, a capital improvement plan and a
920 capital budget, including requirements as to the scope, content and form of such budgets and
921 plans.

922 SECTION 6.16.

923 Submission of operating budget to city council.

924 On or before a date fixed by the city council but not later than 30 days prior to the beginning
925 of each fiscal year, the city manager shall submit to the city council a proposed operating
926 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
927 city manager containing a statement of the general fiscal policies of the city, the important
928 features of the budget, explanations of major changes recommended for the next fiscal year,
929 a general summary of the budget, and such other pertinent comments and information. The
930 operating budget and the capital budget hereinafter provided for, the budget message, and

931 all supporting documents shall be filed in the office of the city clerk and shall be open to
932 public inspection.

933 SECTION 6.17.

934 Action by city council on budget.

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

940 (b) The city council, by ordinance, shall adopt the final operating budget for the ensuing
941 fiscal year not later than the first day of such fiscal year. If the city council fails to adopt the
942 budget by this date, the amounts appropriated for operation for the current fiscal year shall
943 become the appropriations for the new fiscal year. Adoption of the budget shall take the
944 form of an appropriations ordinance setting out the estimated revenues in detail by sources
945 and making appropriations according to fund and by organizational unit, purpose, or activity
946 as set out in the budget preparation ordinance adopted pursuant to Section 6.15.

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

951 SECTION 6.18.

952 Tax levies.

953 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates
954 set by such ordinances shall be such that reasonable estimates of revenues from such levy
955 shall at least be sufficient, together with other anticipated revenues, fund balances and

956 applicable reserves, to equal the total amount appropriated for each of the several funds set
957 forth in the annual operating budget for defraying the expenses of the general government
958 of this city.

959 SECTION 6.19.

960 Changes in appropriations.

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

965 SECTION 6.20.

966 Capital budget.

967 (a) On or before the date fixed by the city council but no later than 30 days prior to the
968 beginning of each fiscal year, the city manager shall submit to the city council a proposed
969 capital improvements plan with a recommended capital budget containing the means of
970 financing the improvements proposed for the ensuing fiscal year. The city council shall have
971 power to accept, with or without amendments, or reject the proposed plan and proposed
972 budget. The city council shall not authorize an expenditure for the construction of any
973 building, structure, work or improvement, unless the appropriations for such project are
974 included in the capital budget, except to meet a public emergency as provided in
975 Section 2.16.

976 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
977 year not later than the first day of such fiscal year. No appropriation provided for in a prior
978 capital budget shall lapse until the purpose for which the appropriation was made shall have
979 been accomplished or abandoned; provided, however, the city manager may submit
980 amendments to the capital budget at any time during the fiscal year, accompanied by

981 recommendations. Any such amendments to the capital budget shall become effective only
982 upon adoption by ordinance.

983 SECTION 6.21.

984 Independent audit.

985 There shall be an annual independent audit of all city accounts, funds and financial
986 transactions by a certified public accountant selected by the city council. The audit shall be
987 conducted according to generally accepted auditing principles. Any audit of any funds by
988 the state or federal governments may be accepted as satisfying the requirements of this
989 charter. Copies of annual audit reports shall be available to the public, upon payment of such
990 costs as required by Code Section 50-18-70, et seq. of the Official Code of Georgia
991 Annotated.

992 SECTION 6.22.

993 Contracting procedures.

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

- 995 (1) It is in writing;
- 996 (2) It is drawn by or submitted to and reviewed by the city attorney, and as a matter of
997 course, is signed by the city attorney to indicate such drafting or review; and
- 998 (3) It is made or authorized by the city council and such approval is entered in the city
999 council journal of proceedings pursuant to Section 2.12.

1000 SECTION 6.23.

1001 Centralized purchasing.

1002 The city council may by ordinance prescribe procedures for a system of centralized
1003 purchasing for the city.

SECTION 6.24.

1004

1005

Sale and lease of city property.

1006

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

1008

(b) The city council may quitclaim any rights it may have in property not needed for public purposes upon report by the city manager 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 has no readily ascertainable monetary value.

1012

(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 city manager to sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners where such sale and conveyance facilitates the enjoyment of the highest and best use of the abutting owner's property. Included in the sales contract shall be a provision for the rights-of-way of said street, avenue, alley or public place. Each abutting property owner shall be notified of the availability of the property and given the opportunity to purchase said property under such terms and conditions as set out by ordinance. 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.

1023

1024 ARTICLE VII
1025 GENERAL PROVISIONS

1026 SECTION 7.1.

1027 Prior ordinances.

1028 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent
1029 with this charter are hereby declared valid and of full effect and force until amended or
1030 repealed by the city council.

1031 SECTION 7.2.

1032 Pending matters.

1033 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
1034 contracts and legal or administrative proceedings shall continue and any such ongoing work
1035 or cases shall be completed by such city agencies, personnel or offices as may be provided
1036 by the city council.

1037 SECTION 7.3.

1038 Construction.

1039 (a) Section captions in this charter are informative only and are not to be considered as a part
1040 thereof.

1041 (b) The word "shall" is mandatory and the word "may" is permissive.

1042 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1043 versa.

1044 SECTION 7.4.

1045 Severability.

1046 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
1047 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
1048 or impair other parts of this charter unless it clearly appears that such other parts are wholly
1049 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
1050 legislative intent in enacting this charter that each article, section, subsection, paragraph,
1051 sentence or part thereof be enacted separately and independent of each other.

1052 SECTION 7.5.

1053 Effective date.

1054 This Act shall become effective on July 1, 2025.

1055 SECTION 7.6.

1056 Specific repealer.

1057 (a) An Act to reincorporate the City of Fayetteville in the County of Fayette, approved
1058 March 4, 1970 (Ga. L. 1970, p. 2243), is hereby repealed in its entirety and all amendatory
1059 acts thereto are likewise repealed in their entirety.

1060 (b) An Act to create a restated charter for the City of Fayetteville, adopted September 12,
1061 1997 (Ga. L. 1997, p. 4756), is hereby repealed in its entirety and all amendatory acts thereto
1062 are likewise repealed in their entirety.

1063 SECTION 7.7.

1064 General repealer.

1065 All laws and parts of laws in conflict with this Act are repealed.