

House Bill 1586

By: Representative Gaines of the 120<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide a new charter for the Town of Bogart; to provide for reincorporation, boundaries,  
2 and powers of the town; to provide for the examples of powers; to provide for the governing  
3 structure of such town and the powers, duties, authority, elections, terms, method of filling  
4 vacancies, and compensation of the town council; to provide for eminent domain; to provide  
5 for meetings, rules of procedure, quorums, and voting; to provide for ordinances; to provide  
6 for emergency ordinances; to provide for codes of technical regulation; to provide for  
7 authentication, recording, and codification of ordinances; to provide for the office of mayor  
8 and certain duties and powers relative to the office of mayor; to provide for a mayor pro tem;  
9 to provide for boards, commissions and authorities; to provide for a town attorney, town  
10 clerk, and other personnel; to provide for the establishment of a municipal court and the  
11 judge or judges thereof; to provide for practices and procedures; to provide for taxation,  
12 permits, and fees; to provide for franchises, service charges, and other charges; to provide  
13 for service charges and assessments; to provide for bonded and other indebtedness; to  
14 provide for accounting and budgeting; to provide for contracting and purchasing; to provide  
15 for sale of town property; to provide for bonds for officers; to provide for prior ordinances,  
16 current employees, and pending matters; to provide for penalties; to provide for definitions  
17 and construction; to provide for charter reviews; to provide for severability; to provide for  
18 related matters; to repeal specific Acts; to repeal conflicting laws; and for other purposes.

H. B. 1586

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 **ARTICLE I**  
21 **INCORPORATION AND POWERS**

22 **SECTION 1.10.**  
23 **Reincorporation.**

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

27 **SECTION 1.11.**  
28 **Corporate boundaries.**

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

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

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**SECTION 1.12.**

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General powers and construction.

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(a) The town shall have all powers possible for a municipality 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. The town shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

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

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**SECTION 1.13.**

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Examples of powers.

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

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(1) Animal regulations - to regulate and license or to prohibit the keeping or running at large of animals and fowl;

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(2) Appropriations and expenditures - to make appropriations for the support of the government of the town; 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 town;

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(3) 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 to regulate all housing and building trades;

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(4) Business regulation 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

65 of the Official Code of Georgia Annotated, or other such applicable laws as are or may  
66 hereafter be enacted; to permit and regulate the same; to provide for the manner and  
67 method of payment of such regulatory fees and taxes; and to revoke such permits after  
68 due process for failure to pay any town taxes or fees;

69 (5) Condemnation - to condemn property, inside or outside the corporate limits of the  
70 town, for present or future use and for any corporate purpose deemed necessary by the  
71 governing authority, utilizing procedures enumerated in Title 22 of the Official Code of  
72 Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;

73 (6) Contracts - to enter into agreements and contracts with other governmental entities  
74 and private persons or firms and corporations;

75 (7) Emergencies - to establish procedures for determining or proclaiming that an  
76 emergency situation exists within the town and carrying out all reasonable provisions  
77 deemed necessary to deal with such an emergency for the protection, safety, health and  
78 well-being of the citizens of the town;

79 (8) Environmental protection - to protect and preserve the natural resources, environment  
80 and vital areas of the town, the region, and the state through the preservation and  
81 improvement of air quality, the restoration and maintenance of water resources, the  
82 control of erosion and sedimentation, the management of stormwater and establishment  
83 of a stormwater utility, the management of solid and hazardous waste, and other  
84 necessary actions for the protection of the environment;

85 (9) Fire regulations - to fix and establish fire limits and from time to time to extend,  
86 enlarge, or restrict the same and to describe fire safety regulations not inconsistent with  
87 Georgia law, relating to both fire prevention and firefighting, and to prescribe penalties  
88 and punishments for violations thereof;

89 (10) Garbage fees - to levy, fix, assess, and collect a garbage, refuse and trash collection  
90 and disposal, and other sanitary service charge, tax, or fee for such services as may be  
91 necessary in the operation of the town from all individuals, firms, and corporations

92 residing in or doing business therein benefitting from such services; to enforce the  
93 payment of such charges, taxes or fees; and to provide for the manner and method of  
94 collecting such service charges;

95 (11) General health, safety and welfare - to define, regulate and prohibit any act,  
96 practice, conduct or use of property which is detrimental to the health, sanitation,  
97 cleanliness, welfare, and safety of the inhabitants of the town; and to provide for the  
98 enforcement of such standards;

99 (12) Gifts - to accept or refuse gifts, donations, bequests, or grants from any source for  
100 any purposes related to the powers and duties of the town and the general welfare of its  
101 citizens on such terms and conditions as a donor or grantor may impose;

102 (13) Health and sanitation - to prescribe standards of health and sanitation and to  
103 provide for the enforcement of such standards;

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

110 (15) Motor vehicles - to regulate operation of motor vehicles and exercise control over  
111 all traffic including parking upon and across streets, roads, alleys, and walkways of the  
112 town;

113 (16) Municipal agencies and delegation of power - to create, alter or abolish departments,  
114 boards, offices, commissions, and agencies of the town and to confer upon such agencies  
115 the necessary and appropriate authority to carry out all powers conferred upon or  
116 delegated to the same;

117 (17) Municipal debts - to appropriate and borrow money for the payment of the debts of  
118 the town, and to issue bonds for the purpose of raising revenue to carry out a new project,

119 program, or adventure authorized by this charter or the laws of the State of Georgia; and  
120 to obtain and to apply for grants for the purpose of this paragraph;

121 (18) Municipal property ownership - to acquire, dispose of, lease, or hold in trust or  
122 otherwise any real, personal, or mixed property, in fee simple or lesser interest inside or  
123 outside the limits of the town;

124 (19) Municipal property protection - to provide for the preservation and protection of  
125 property and equipment of the town, and the administration and use of same by the  
126 public; and to prescribe penalties and punishment for violations thereof;

127 (20) Municipal utilities - to acquire, lease, construct, operate, maintain, sell and dispose  
128 of public utilities, including but, not limited to, a system of waterworks, sewers and  
129 drains, sewage disposal, stormwater management, gas works, electric light plants, cable  
130 television and other telecommunications, transportation facilities, public airports, and any  
131 other public utility; and to fix the taxes, charges, rates, fares, fees, assessments,  
132 regulations and penalties; and to provide for the withdrawal of service for refusal or  
133 failure to pay the same;

134 (21) Nuisance - to define a nuisance and to provide for its abatement whether it is on  
135 public or private property;

136 (22) Penalties - to provide penalties for violation of any ordinance adopted pursuant to  
137 the authority of this charter and the laws of the State of Georgia;

138 (23) Planning and zoning - to provide comprehensive town planning for any  
139 development by zoning and to provide subdivision regulation and the like as the town  
140 council deems necessary and reasonable to ensure a safe, healthy, and aesthetically  
141 pleasing community;

142 (24) Police and fire protection - to exercise the power of arrest through duly appointed  
143 police officers and to establish, operate, or contract for a police and a firefighting agency;

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

146 (26) Public improvements - to provide for the acquisition, construction, building,  
147 operation and maintenance of public ways, parks and playgrounds, recreational facilities,  
148 cemeteries, markets and market houses, public buildings, libraries, public housing,  
149 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,  
150 recreational, conservation, sport, curative, corrective, detentional, penal and medical  
151 institutions, agencies and facilities; and to provide any other public improvements, inside  
152 or outside the corporate limits of the town; to regulate the use of public improvements;  
153 and for such purposes, property may be acquired by condemnation under Title 22 of the  
154 Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter  
155 be enacted;

156 (27) Public peace - to provide for the prevention and punishment of loitering, disorderly  
157 conduct, drunkenness, riots, and public disturbances;

158 (28) Public transportation - to organize and operate such public transportation systems  
159 as are deemed beneficial;

160 (29) Public utilities and services - to grant franchises or make contracts for, or impose  
161 taxes on public utilities and public service companies; and to prescribe the rates, fares,  
162 regulations and standards and conditions of service applicable to the service to be  
163 provided by the franchise grantee or contractor, insofar as not in conflict with valid  
164 regulations of the Public Service Commission;

165 (30) Regulation of roadside areas - to prohibit or regulate and control the erection,  
166 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any  
167 and all of the structures or obstructions upon or adjacent to the rights of way of the streets  
168 and roads within the town and to prescribe penalties and punishment for violation of such  
169 ordinances;

170 (31) Retirement - to provide and maintain a retirement plan or other employee benefit  
171 plans and programs for officers and employees of the town;

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

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

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

190 (35) Special areas of public regulation - to regulate or prohibit junk dealers, the  
191 manufacture and sale of intoxicating liquors; to regulate the transportation, storage and  
192 use of combustible, explosive and inflammable materials, the use of lighting and heating  
193 equipment, and any other business or situation which may be dangerous to persons or  
194 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical  
195 performances, exhibitions, and shows of any kind, by taxation or otherwise; to license  
196 and tax professional fortune telling, palmistry, and massage parlors; and to restrict adult  
197 bookstores to certain areas;

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

200 (37) Taxes - to levy and provide for the assessment, valuation, revaluation, and  
201 collection of taxes on all property subject to taxation and to levy and collect such other  
202 taxes as may be allowed now or in the future by law;

203 (38) Taxicabs - to regulate and license vehicles operated for hire in the town; to limit the  
204 number of such vehicles; to require the operators thereof to be licensed; to require public  
205 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to  
206 regulate the parking of such vehicles;

207 (39) Urban redevelopment - to organize and operate an urban redevelopment program;  
208 and

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

220 **SECTION 1.14.**

221 Exercise of powers.

222 All powers, functions, rights, privileges and immunities of the town and its officers, agencies,  
223 or employees shall be carried into execution as provided by this charter. If this charter makes  
224 no provision, such powers, functions, rights, privileges and immunities shall be carried into  
225 execution as provided by ordinance of the governing authority and as provided by pertinent  
226 laws of the State of Georgia.

227 **ARTICLE II**  
228 **GOVERNMENT STRUCTURE**

229 **SECTION 2.10.**

230 Town council creation; number; election.

231 The legislative authority of the government of the town, except as otherwise specifically  
232 provided in this charter, shall be vested in a town council to be composed of a mayor and  
233 four councilmembers. The town council shall in all respects be a successor to and  
234 continuation of the governing authority under prior law. The mayor and councilmembers  
235 shall be elected in the manner provided by general law and this charter.

236 **SECTION 2.11.**

237 Terms and qualifications for office.

238 The members of the town council shall serve four-year terms of office and until their  
239 respective successors are elected and qualified. No person shall be eligible to serve as mayor  
240 or councilmember unless that person has attained the age of 21 years, is a citizen of the

241 United States, and shall have been a resident of the town for 12 months prior to the date of  
242 election of mayor or councilmembers. The mayor and each councilmember shall continue  
243 to reside therein during his or her period of service and to be registered and qualified to vote  
244 in municipal elections of the town.

245 **SECTION 2.12.**

246 Vacancy; filling of vacancies.

247 (a) The office of mayor or councilmember shall become vacant upon the incumbent's death,  
248 resignation, ceasing to be a resident of the town, forfeiture of office or removal from office  
249 in any manner authorized by this charter or the laws of the State of Georgia.

250 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder of  
251 the unexpired term, if any, by appointment by the town council or those members remaining  
252 if less than 12 months remain in the unexpired term. If such vacancy occurs 12 months or  
253 more prior to the expiration of the term of that office, the vacancy shall be filled for the  
254 remainder of the unexpired term by a special election, as provided for in Section 5.12 of this  
255 charter and in accordance with Titles 21 and 45 of the Official Code of Georgia Annotated,  
256 or other such laws as are or may hereafter be enacted.

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

259 **SECTION 2.13.**

260 Compensation.

261 The mayor and councilmembers shall receive compensation for their services in an amount  
262 prescribed by ordinance.

263 **SECTION 2.14.**

264 Prohibitions.

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

267 (b) Except as authorized by law, no member of the council shall hold any other elective  
268 municipal office or municipal employment in the Town of Bogart during the term for which  
269 he or she was elected.

270 (c) Neither the mayor nor any councilmember shall vote upon, sign or veto any ordinance,  
271 resolution, contract or other matter in which he or she is personally interested.

272 **SECTION 2.15.**

273 Inquiries and investigations.

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

280 **SECTION 2.16.**

281 General power and authority of the town council.

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

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

291 **SECTION 2.17.**

292 Eminent domain.

293 The town council is hereby empowered to acquire, construct, operate and maintain public  
294 ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,  
295 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports,  
296 hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional,  
297 penal and medical institutions, agencies and facilities, and any other public improvements  
298 inside or outside the town, and to regulate the use thereof.

299 **SECTION 2.18.**

300 Organizational meetings.

301 The town council shall hold an organizational meeting at the first regular council meeting in  
302 January following the municipal election. The meeting shall be called to order by the town  
303 clerk and the oath of office shall be administered to the newly elected members as follows:  
304 "I do solemnly (swear)(affirm) that I will faithfully perform the duties of  
305 (mayor)(councilmember) of Bogart and that I will support and defend the charter thereof

306 as well as the Constitution and laws of the State of Georgia and of the United States of  
307 America."

308 **SECTION 2.19.**

309 Regular and special meetings.

310 (a) The town council shall hold regular meetings at such times and places as shall be  
311 prescribed by ordinance.

312 (b) Special meetings of the town council may be held on call of the mayor or two members  
313 of the town council. Notice of such special meetings shall be served on all other members  
314 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such  
315 notice to councilmembers shall not be required if the mayor and all councilmembers are  
316 present when the special meeting is called. Such notice of any special meeting may be  
317 waived by a councilmember in writing before or after such a meeting, and attendance at the  
318 meeting shall also constitute a waiver of notice on any business transacted in such  
319 councilmember's presence. Only the business stated in the call may be transacted at the  
320 special meeting.

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

325 **SECTION 2.20.**

326 Rules of procedure.

327 (a) The town council shall adopt its rules of procedure and order of business consistent with  
328 the provisions of this charter and shall provide for keeping a journal of its proceedings, which  
329 shall be a public record.

330 (b) All committees and committee chairs and officers of the town council shall be appointed  
331 by the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power  
332 to appoint new members to any committee at any time.

333 **SECTION 2.21.**

334 Quorum, voting.

335 The mayor and two councilmembers, or in the absence of the mayor, three councilmembers,  
336 shall constitute a quorum and shall be authorized to transact business of the town council.  
337 Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded  
338 in the journal, but any member of the town council shall have the right to request a roll call  
339 vote and such vote shall be recorded in the journal. Except as otherwise provided in this  
340 charter, the affirmative vote of a majority of a quorum shall be required for the adoption of  
341 any ordinance, resolution, or motion.

342 **SECTION 2.22.**

343 Ordinance form; procedures.

344 (a) Every proposed ordinance should be introduced in writing and in the form required for  
345 final adoption. No ordinance shall contain a subject which is not expressed in its title. The

346 enacting clause shall be "The Council of the Town of Bogart hereby ordains" and every  
347 ordinance shall so begin.

348 (b) An ordinance may be introduced by any councilmember and be read at a regular or  
349 special meeting of the town council. Ordinances shall be considered and adopted or rejected  
350 by the town council in accordance with the rules which it shall establish; provided, however,  
351 an ordinance shall not be adopted the same day it is introduced, except for emergency  
352 ordinances provided in Section 2.24. Upon introduction of any ordinance, the clerk shall as  
353 soon as possible distribute a copy to the mayor and to each councilmember and shall file a  
354 reasonable number of copies in the office of the clerk and at such other public places as the  
355 town council may designate.

356 **SECTION 2.23.**

357 Action requiring an ordinance.

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

360 **SECTION 2.24.**

361 Emergencies.

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

369 a declaration stating that an emergency exists, and describing the emergency in clear and  
370 specific terms. An emergency ordinance may be adopted, with or without amendment, or  
371 rejected at the meeting at which it is introduced, but the affirmative vote of a majority of the  
372 councilmembers present shall be required for adoption. It shall become effective upon  
373 adoption or at such later time as it may specify. Every emergency ordinance shall  
374 automatically stand repealed 30 days following the date upon which it was adopted, but this  
375 shall not prevent reenactment of the ordinance in the manner specified in this section if the  
376 emergency still exists. An emergency ordinance may also be repealed by adoption of a  
377 repealing ordinance in the same manner specified in this section for adoption of emergency  
378 ordinances.

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

383

### **SECTION 2.25.**

384

#### **Codes of technical regulations.**

385 (a) The town council may adopt any standard code of technical regulations by reference  
386 thereto in an adopting ordinance. The procedure and requirements governing such adopting  
387 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements  
388 of Section 2.22(b) for distribution and filing of copies of the ordinance shall be construed to  
389 include copies of any code of technical regulations, as well as the adopting ordinance;  
390 and (2) a copy of each adopted code of technical regulations, as well as the adopting  
391 ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.26.

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

394

**SECTION 2.26.**

395

Authentication, recording and codification of ordinances.

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

398 (b) The town council may provide for the preparation of a general codification of all  
399 ordinances of the town having the force and effect of law. The general codification may be  
400 adopted by the council by ordinance, and if so adopted, shall be known as "The Code of the  
401 Town of Bogart, Georgia." All ordinances enacted subsequent to the adoption of the code  
402 shall be incorporated therein.

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

412

**SECTION 2.27.**

413

Election of mayor; forfeiture; compensation.

414 The mayor shall be elected and serve for a term of four years and until a successor is elected  
415 and qualified. The mayor shall be a qualified elector of the town and shall have been a  
416 resident of the town for 12 months prior to the election. The mayor shall continue to reside  
417 in the town during his or her period of service. The mayor shall forfeit the office on the same

418 grounds and under the same procedures as for councilmembers. The compensation of the  
419 mayor shall be established in the same manner as for a councilmember.

420 **SECTION 2.28.**

421 Mayor pro tem.

422 By a majority vote, the town council shall elect a councilmember to serve as mayor pro tem.  
423 The mayor pro tem shall assume the duties and powers of the mayor during the mayor's  
424 physical or mental disability, suspension from office, or absence. Any such disability or  
425 absence shall be declared by a majority vote of the town council. The mayor pro tem shall  
426 sign all contracts and ordinances in which the mayor has a disqualifying financial interest as  
427 provided in Section 2.14. When acting as mayor, the mayor pro tem shall continue to have  
428 only one vote as a member of the council.

429 **SECTION 2.29.**

430 Powers and duties of mayor.

431 The mayor shall:

- 432 (1) Preside at all meetings of the town council;  
433 (2) Vote as a member of the council only at such times as are necessarily to break a tie  
434 or deadlock of the town council;  
435 (3) Be the official head of the town for the service of process and for ceremonial  
436 purposes, and be the official spokesperson of the town and the chief advocate of policy;  
437 (4) Have power to administer oaths and to take affidavits;  
438 (5) Sign as a matter of course all written and approved contracts entered into by the town  
439 and all other contracts and instruments executed by the town which by law are required  
440 to be in writing;

- 441 (6) Prepare and submit to the town council a recommended annual operating budget and  
442 recommend capital budget; and  
443 (7) Fulfill such other executive and administrative duties as the town council shall by  
444 ordinance establish.

445 **ARTICLE III**  
446 **ORGANIZATIONAL AND GENERAL PROVISIONS**

447 **SECTION 3.10.**

448 Boards, commissions, and authorities.

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

453 (b) All members of boards, commissions and authorities of the town shall be appointed by  
454 the town council for such terms of office and such manner of appointment as provided by  
455 ordinance, except where other appointing authority, term of office or manner of appointment  
456 is prescribed by this charter or by applicable state law.

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

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

461 (e) Any vacancy in office of any member of a board, commission, or authority of the town  
462 shall be filled for the unexpired term in the manner prescribed herein for original  
463 appointment, except as otherwise provided by this charter or any applicable state law.

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

468 (g) All board members shall serve at will and may be removed at any time by a majority  
469 vote of councilmembers unless otherwise provided by law.

470 (h) Except as otherwise provided by this charter or by applicable state law, each board,  
471 commission or authority of the town government shall elect one of its members as  
472 chairperson and one member as vice chairperson for terms of one year and may elect as its  
473 secretary one of its own members or may appoint as secretary an employee of the town.  
474 Each board, commission, or authority of the town government may establish such bylaws,  
475 rules and regulations, not inconsistent with this charter, ordinances of the town, or applicable  
476 state law, as it deems appropriate and necessary for the conduct of its affairs, copies of which  
477 shall be filed with the clerk of the town.

478 **SECTION 3.11.**

479 Town attorney.

480 The town council shall appoint a town attorney, together with such assistant town attorneys  
481 as may be authorized and shall provide for the payment of such attorney or attorneys for  
482 services rendered to the town. The town attorney shall be a member in good standing with  
483 the State Bar of Georgia. The town attorney shall be responsible for providing for the  
484 representation and defense of the town in all litigation in which the town is a party; may be  
485 the prosecuting officer in the municipal court; shall attend the meetings of the council as  
486 directed; shall advise the town council, mayor, and other officers and employees of the town  
487 concerning legal aspects of the town's affairs; and shall perform such other duties as may be  
488 required by virtue of the person's position as town attorney. The town attorney is not a public

489 official of the town and does not take an oath of office. The town attorney shall at all times  
490 be an independent contractor. A law firm, rather than an individual, may be designated as  
491 the town attorney.

492 **SECTION 3.12.**

493 Town clerk.

494 The mayor shall appoint a town clerk, also known as 'the clerk,' who shall not be a  
495 councilmember. The town clerk shall keep a journal of the proceedings of the town council;  
496 maintain in a safe place all records and documents pertaining to the affairs of the town and  
497 perform such other duties as may be required by law or as the town council may direct.

498 **SECTION 3.13.**

499 Position classification and pay plans.

500 The mayor shall be responsible for the preparation of a position classification and pay plan  
501 which shall be submitted to the town council for approval. Such plan may apply to all  
502 employees of the town and any of its agencies, departments, boards, commissions or  
503 authorities. When a pay plan has been adopted, the town council shall not increase or  
504 decrease the salary range applicable to any position except by amendment of such pay plan.  
505 For purposes of this section, all elected and appointed town officials are not town employees.

506 **SECTION 3.14.**

507 Personnel policies.

508 All town employees serve at will and may be removed from office at any time unless  
509 otherwise provided by ordinance. The town council may adopt personnel policies or  
510 ordinances.

511 **ARTICLE IV**

512 **MUNICIPAL COURT**

513 **SECTION 4.10.**

514 Creation; name.

515 There shall be a court to be known as the Municipal Court of the Town of Bogart.

516 **SECTION 4.11.**

517 Chief judge; other judges.

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

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

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

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

526 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge  
527 will honestly and faithfully discharge the duties of the office to the best of that person's  
528 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of  
529 the town council.

530 **SECTION 4.12.**

531 Convening.

532 The municipal court shall be convened at such times as designated by ordinance or at such  
533 times as deemed necessary to keep current the dockets thereof.

534 **SECTION 4.13.**

535 Jurisdiction; powers.

536 (a) The municipal court is specifically vested with all the jurisdiction and powers throughout  
537 the entire area of the Town of Bogart granted by state laws generally to mayor's, recorder's  
538 and police courts, and particularly by such laws as authorize abatement of nuisances.

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

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

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

547 (e) The municipal court shall have authority to establish bail and recognizances to ensure  
548 the presence of those charged with violations before said court, and shall have discretionary

549 authority to accept cash or personal or real property as surety for appearance of persons  
550 charged with violations. Whenever any person shall give bail for that person's appearance  
551 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge  
552 presiding at such time, and an execution issued thereon by serving the defendant and the  
553 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the  
554 event that cash or property is accepted in lieu of bond for security for the appearance of a  
555 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,  
556 the cash so deposited shall be on order of the judge declared forfeited to the Town of Bogart,  
557 or the property so deposited shall have a lien against it for the value forfeited, which lien  
558 shall be enforceable in the same manner and to the same extent as a lien for town property  
559 taxes.

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

563 (g) The municipal court may compel the presence of all parties necessary to a proper  
564 disposal of each case by the issuance of summons, subpoena and warrants which may be  
565 served as executed by any officer as authorized by this charter or by state law.

566 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of  
567 persons charged with offenses against any ordinance of the town, and each judge of the  
568 municipal court shall have the same authority as a magistrate of the state to issue warrants  
569 for offenses against state laws committed within the town.

570 **SECTION 4.14.**

571 Rules for court.

572 With the approval of the town council, the judges of the municipal court shall have full  
573 power and authority to make reasonable rules and regulations necessary and proper to secure  
574 the efficient and successful administration of the municipal court; provided, however, that  
575 the town council may adopt in part or in total the rules and regulations applicable to  
576 municipal courts. The rules and regulations made or adopted shall be filed with the town  
577 clerk, shall be available for public inspection, and, upon request, a copy shall be furnished  
578 to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

579 **SECTION 4.15.**

580 Petitions for review.

581 The right to seek petitions for review from the decision and judgment of the municipal court  
582 shall exist in all criminal cases and ordinance violation cases, and such petitions shall be  
583 made to the Superior Court of Oconee County under the laws of the State of Georgia  
584 regulating appeals to the superior courts.

585 **SECTION 4.16.**

586 Contracting for municipal court.

587 Notwithstanding any provision of this article, the Town of Bogart may contract with Oconee  
588 County for municipal court services in accordance with state law.

589 **ARTICLE V**  
590 **ELECTIONS**

591 **SECTION 5.10.**  
592 Regular elections.

593 (a) An election shall be held on the Tuesday after the first Monday in November of each  
594 odd-numbered year.

595 (b) There shall be elected the mayor and two councilmembers at one election and at every  
596 other regular election thereafter. The remaining town council seats shall be filled at the  
597 election alternating with the first election so that a continuing body is created.

598 (c) The mayor and councilmembers shall serve four-year terms of office, and until their  
599 successors are elected and qualified.

600 (d) The person receiving a plurality of the votes cast for any town office shall be elected.

601 **SECTION 5.11.**  
602 Applicability of general law.

603 (a) The procedures and requirements for election of all elected officials of the Town of  
604 Bogart as to primary, special and general elections shall be held and conducted in accordance  
605 with Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election  
606 Code," as now or hereafter amended.

607 (b) Elections of the Town of Bogart shall be nonpartisan, and political parties shall not  
608 conduct primaries for town offices and all names of candidates for town offices shall be  
609 listed without party designations.

610

**SECTION 5.12.**

611

Special elections, vacancies.

612 In the event that the office of mayor or councilmember shall become vacant as provided in  
613 Section 2.12 of this charter, the town council or those remaining shall order a special election  
614 to fill the balance of the unexpired term of such official; provided, however, if such vacancy  
615 occurs within 12 months of the expiration of the term of that office, the town council or those  
616 remaining may appoint a successor for the remainder of the term. In all other respects, the  
617 special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the  
618 Official Code of Georgia Annotated, the "Georgia Election Code," as now or hereafter  
619 amended.

620

**SECTION 5.13.**

621

Other provisions.

622 Except as otherwise provided by this charter, the town council shall, by ordinance, prescribe  
623 such rules and regulations it deems appropriate to fulfill any options and duties under  
624 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election  
625 Code."

626 **ARTICLE VI**  
627 **FINANCE**

628 **SECTION 6.10.**  
629 **Property tax.**

630 The town council may assess, levy and collect an ad valorem tax on all real and personal  
631 property within the corporate limits of the town that is subject to such taxation by the state  
632 and county. This tax is for the purpose of raising revenues to defray the costs of operating  
633 the town government; providing governmental services; for the repayment of principal and  
634 interest on general obligations; and for any other public purpose as determined by the town  
635 council in its discretion.

636 **SECTION 6.11.**  
637 **Millage rates; due dates; payment methods.**

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

642 **SECTION 6.12.**  
643 **Occupation and business taxes.**

644 The town council by ordinance shall have the power to levy such occupation or business  
645 taxes as are not denied by law. The town council may classify businesses, occupations or

646 professions for the purpose of such taxation in any way which may be lawful and may  
647 compel the payment of such taxes as provided in Section 6.18.

648 **SECTION 6.13.**

649 Regulatory fees; permits.

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

655 **SECTION 6.14.**

656 Franchise.

657 (a) The town council shall have the power to grant franchises for the use of the town's streets  
658 and alleys for the purposes of railroads, street railways, telephone companies, electric  
659 companies, electric membership corporations, cable television and other telecommunications  
660 companies, gas companies, transportation companies and other similar organizations. The  
661 town council shall determine the duration, terms, whether the same shall be exclusive or  
662 nonexclusive, and the consideration for such franchises; provided, however, no franchise  
663 shall be granted for a period in excess of 30 years and no franchise shall be granted unless  
664 the town receives just and adequate compensation therefore. The town council shall provide  
665 for the registration of all franchises with the town clerk in a registration book kept by the  
666 clerk. The town council may provide by ordinance for the registration within a reasonable  
667 time of all franchises previously granted.

668 (b) If no franchise agreement is in effect, the town council has the authority to impose a tax  
669 on gross receipts for the use of the town's streets and alleys for the purposes of railroads,  
670 street railways, telephone companies, electric companies, electric membership corporations,  
671 cable television and other telecommunications companies, gas companies, transportation  
672 companies and other similar organizations.

673 **SECTION 6.15.**

674 Service charges.

675 The town council by ordinance shall have the power to assess and collect fees, charges,  
676 assessments, and tolls for sewers, sanitary and health services, or any other services provided  
677 or made available within and without the corporate limits of the town. If unpaid, such  
678 charges shall be collected as provided in Section 6.18.

679 **SECTION 6.16.**

680 Special assessments.

681 The town council by ordinance shall have the power to assess and collect the cost of  
682 constructing, reconstructing, widening, or improving any public way, street, sidewalk,  
683 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property  
684 owners. If unpaid, such charges shall be collected as provided in Section 6.18 in the same  
685 manner and under the same remedies as a lien for town property taxes.

686

**SECTION 6.17.**

687

Construction; other taxes and fees.

688

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

691

**SECTION 6.18.**

692

Collection of delinquent taxes and fees.

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

700

**SECTION 6.19.**

701

General obligation bonds.

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The town 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 this 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.

706 **SECTION 6.20.**

707 Revenue bonds.

708 Revenue bonds may be issued by the town council as state law now or hereafter provides.

709 Such bonds are to be paid out of any revenue produced by the project, program or venture

710 for which they were issued.

711 **SECTION 6.21.**

712 Short-term loans.

713 The town may obtain short-term loans and must repay such loans not later than December 31

714 of each year, unless otherwise provided by law.

715 **SECTION 6.22.**

716 Lease-purchase contracts.

717 The town may enter into multiyear lease, purchase or lease purchase contracts for the

718 acquisition of goods, materials, real and personal property, services, and supplies provided

719 the contract terminates without further obligation on the part of the municipality at the close

720 of the calendar year in which it was executed and at the close of each succeeding calendar

721 year for which it may be renewed. Contracts must be executed in accordance with the

722 requirements of Code Section 36-60-13 of the Official Code of Georgia Annotated, or other

723 such applicable laws as are or may hereafter be enacted.

724 **SECTION 6.23.**

725 Fiscal year; preparation and adoption of operating budget.

726 The town council shall set the fiscal year by ordinance. Said fiscal year shall constitute the  
727 budget year and the year for financial accounting and reporting unless otherwise provided  
728 by state or federal law.

729 **SECTION 6.24.**

730 Preparation of budgets.

731 The town council shall provide an ordinance on the procedures and requirements for the  
732 preparation and execution of an annual operating budget, a capital improvement plan and a  
733 capital budget, including requirements as to the scope, content and form of such budgets and  
734 plans.

735 **SECTION 6.25.**

736 Submission of operating budget to town council.

737 On or before a date fixed by the town council but not later than 45 days prior to the  
738 beginning of each fiscal year, the mayor shall submit to the town council a proposed  
739 operating budget for the ensuing fiscal year. The budget shall be accompanied by a message  
740 from the mayor containing a statement of the general fiscal policies of the town, the  
741 important features of the budget, explanations of major changes recommended for the next  
742 fiscal year, a general summary of the budget, and such other pertinent comments and  
743 information. The operating budget and the capital budget hereinafter provided for, the  
744 budget message, and all supporting documents shall be filed in the office of the town clerk  
745 and shall be open to public inspection.

746

**SECTION 6.26.**

747

Action by town council on budget.

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

753 (b) The town council by ordinance shall adopt the final operating budget for the ensuing  
754 fiscal year not later than the final day of June of each year. If the town council fails to adopt  
755 the budget by this date, the amounts appropriated for operation for the current fiscal year  
756 shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items  
757 prorated accordingly until such time as the town council adopts a budget for the ensuing  
758 fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting  
759 out the estimated revenues in detail by sources and making appropriations according to fund  
760 and by organizational unit, purpose, or activity as set out in the budget preparation ordinance  
761 adopted pursuant to Section 6.24.

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

766

**SECTION 6.27.**

767

Tax levies.

768 The town council shall levy by ordinance such taxes as are necessary. The taxes and tax  
769 rates set by such ordinances shall be such that reasonable estimates of revenues from such

770 levies shall at least be sufficient, together with other anticipated revenues, fund balances and  
771 applicable reserves, to equal the total amount appropriated for each of the several funds set  
772 forth in the annual operating budget for defraying the expenses of the general government  
773 of the town.

774 **SECTION 6.28.**

775 Changes in appropriations.

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

780 **SECTION 6.29.**

781 Capital budget.

782 (a) On or before the date fixed by the town council but no later than 45 days prior to the  
783 beginning each fiscal year, the mayor may submit to the town council a proposed capital  
784 improvements plan with a recommended capital budget containing the means of financing  
785 the improvements proposed for the ensuing fiscal year. The town council shall have power  
786 to accept, with or without amendments, or reject the proposed plan and proposed budget.  
787 The town council shall not authorize an expenditure for the construction of any building,  
788 structure, work or improvement, unless the appropriations for such project are included in  
789 the capital budget, except to meet a public emergency as provided in Section 2.24.

790 (b) The town council shall adopt by ordinance the final capital budget for the ensuing fiscal  
791 year not later than the 30th day of June of each year. No appropriation provided for in a prior  
792 capital budget shall lapse until the purpose for which the appropriation was made shall have

793 been accomplished or abandoned; provided, however, the mayor may submit amendments  
794 to the capital budget at any time during the fiscal year, accompanied by recommendations.  
795 Any such amendments to the capital budget shall become effective only upon adoption by  
796 ordinance.

797 **SECTION 6.30.**

798 Independent audit.

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

804 **SECTION 6.31.**

805 Contracting procedures.

806 No contract with the town shall be binding on the town unless it is:

- 807 (1) In writing;
- 808 (2) Drawn by or submitted to and reviewed by the town attorney, and as a matter of  
809 course, is signed by the town attorney to indicate such drafting or review; and
- 810 (3) Made or authorized by the town council and such approval is entered in the town  
811 council journal of proceedings pursuant to Section 2.21.

812 **SECTION 6.32.**

813 Centralized purchasing.

814 The town council shall by ordinance prescribe procedures for a system of centralized  
815 purchasing for the town.

816 **SECTION 6.33.**

817 Sale and lease of town property.

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

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

824 (c) Whenever in opening, extending or widening any street, avenue, alley or public place of  
825 the town, a small parcel or tract of land is cut off or separated by such work from a larger  
826 tract or boundary of land owned by the town, the town council may authorize the mayor to  
827 sell and convey said cut off or separated parcel or tract of land to an abutting or adjoining  
828 property owner or owners where such sale and conveyance facilitates the enjoyment of the  
829 highest and best use of the abutting owner's property. Included in the sales contract shall be  
830 a provision for the rights-of-way of said street, avenue, alley or public place. Each abutting  
831 property owner shall be notified of the availability of the property and given the opportunity  
832 to purchase said property under such terms and conditions as set out by ordinance. All deeds  
833 and conveyances heretofore and hereafter so executed and delivered shall convey all title and  
834 interest the town has in such property, notwithstanding the fact that no public sale after  
835 advertisement was or is hereafter made.

836 **ARTICLE VII**  
837 **GENERAL PROVISIONS**

838 **SECTION 7.10.**  
839 **Bond for officers.**

840 The officers and employees of the Town of Bogart, both elective and appointive, shall  
841 execute such surety or fidelity bonds in such amounts and upon such terms and conditions  
842 as the town council may from time to time require by ordinance or as may be provided by  
843 law.

844 **SECTION 7.11.**  
845 **Prior ordinances.**

846 Existing ordinances and regulations of the Town of Bogart not inconsistent with the  
847 provisions of this charter shall continue in effect until they have been repealed, modified, or  
848 amended by the council. The existing rules and regulations of departments or agencies of  
849 the Town of Bogart not inconsistent with the provisions of this charter shall continue in  
850 effect until they have been repealed, modified, or amended.

851 **SECTION 7.12.**  
852 **Existing personnel and officers.**

853 Except as specifically provided otherwise by this charter, all personnel and officers of the  
854 town and their rights, privileges and powers shall continue beyond the time this charter takes  
855 effect for a period of 30 days before or during which the existing town council shall pass a  
856 transition ordinance detailing the changes in personnel and appointive officers required or

857 desired and arranging such titles, rights, privileges and powers as may be required or desired  
858 to allow a reasonable transition.

859 **SECTION 7.13.**

860 Pending matters.

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

865 **SECTION 7.14.**

866 Construction.

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

868 (b) The singular shall include the plural, the masculine shall include the feminine, and vice  
869 versa.

870 **SECTION 7.15.**

871 Severability.

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

878 **SECTION 7.16.**

879 Repealer.

880 An Act to reincorporate and provide a new charter for the Town of Bogart, approved April  
881 20, 1998 (Ga. L. 1998, p. 4461), is hereby repealed in its entirety; and all amendatory Acts  
882 thereto are likewise repealed in their entirety.

883 **SECTION 7.17.**

884 General repealer.

885 All laws and parts of laws in conflict with this charter are repealed.