

House Bill 1525 (AS PASSED HOUSE AND SENATE)

By: Representative Efstoration of the 104th

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act creating a new charter for the City of Auburn, approved February 17, 1949
2 (Ga. L. 1949, p. 807), as amended, so as to revise and readopt the charter in its entirety; to
3 provide for incorporation, name, and powers of the city; to provide for corporate boundaries;
4 to provide for a city council and the election, terms, qualifications, vacancies, compensation,
5 of councilmembers; to prohibit holding other office; to provide for council investigations;
6 to authorize eminent domain; to provide for council meetings, rules of procedures, and
7 quorums; to provide for ordinances and the form, signing, authentication, recording,
8 codification, and printing of the same; to provide for technical regulations; to prohibit council
9 interference with administration of the city government; to provide for the election, duties,
10 compensation, and powers of the mayor; to provide for the mayor pro tempore; to provide
11 for conduct of board appointees; to provide for administrative and service departments; to
12 provide for boards, commissions, and authorities; to provide for city attorney, city clerk, and
13 other department heads; to provide for the office of city manager, appointment, qualification,
14 compensation, powers, duties, removal, and oath of office of the same; to provide for a
15 municipal court, judges, jurisdiction, powers, rules of the same; to provide for appeal to
16 superior courts; to provide for means of taxation; to provide for licenses, permits, fees,
17 franchises, service charges, and special assessments; to provide for collection of delinquent
18 taxes and fees; to provide for bonds and short-term loans; to provide for a fiscal year and

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19 budget procedures; to provide for audits; to provide for contracting and purchasing
20 procedures; to provide for the sale of city property; to provide for prior ordinances and
21 pending matters; to provide for construction; to provide for severability; to repeal conflicting
22 laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

24 **SECTION 1.**

25 An Act creating a new charter for the City of Auburn, approved February 17, 1949 (Ga. L.
26 1949, p. 807), as amended, is amended by striking Sections 1.10 through 7.13 in their
27 entirety and inserting in lieu thereof the following:

28 "ARTICLE I.

29 INCORPORATION AND POWERS

30 SECTION 1.10.

31 Name.

32 This city and the inhabitants thereof are hereby reincorporated by the enactment of this
33 charter and are hereby constituted and declared a body politic and corporate under the
34 name and style of the City of Auburn, Georgia, and by that name shall have perpetual
35 succession.

SECTION 1.11.

Corporate boundaries.

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

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

SECTION 1.12.

Powers and construction.

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

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

58 (c) A proposed change to powers regarding police protection in this subsection must be
59 placed on a referendum, using the following ballot language, and approved by a two-thirds'
60 majority of those voting:

61 'Provisions of police protection. This city shall have the power of arrest through duly
62 appointed officers. The city must establish and maintain a police department with a
63 minimum force of two full-time officers per shift, twenty-four hours a day and a chief of
64 police to coordinate and direct the operation of this department.'

65 SECTION 1.13.

66 Examples of powers.

67 Examples of the powers of the city shall include, but not be limited to:

68 (1) Air and Water Pollution - to regulate the emission of smoke or other exhaust which
69 pollutes the air, and to prevent the pollution of natural streams which flow within the
70 corporate limits of the city;

71 (2) Animal Regulations - to regulate and license or to prohibit the keeping or running
72 at-large of animals and fowl, and to provide for the impoundment of same if in violation
73 of any ordinance or lawful order; to provide for the disposition by sale, gift or humane
74 destruction of animals and fowl when not redeemed as provided by ordinance; and to
75 provide punishment for violation of ordinances enacted under this paragraph;

76 (3) Appropriations and Expenditures - to make appropriations for the support of the
77 government of the city; to authorize the expenditure of money for any purposes
78 authorized by this charter and for any purpose for which a municipality is authorized by
79 the laws of the State of Georgia; and to provide for the payment of expenses of the city;

80 (4) Building Regulation - to regulate and to license the erection and construction of
81 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,
82 and heating and air conditioning codes; and to regulate all housing, and building trades;

- 83 (5) Business Regulation and Taxation - to levy and to provide for the collection of
84 license fees and taxes on privileges, occupations, trades and professions; to license and
85 regulate the same; to provide for the manner and method of payment of such licenses and
86 taxes: and to revoke such licenses after due process for failure to pay any city taxes or
87 fees;
- 88 (6) Condemnation - to condemn property, inside or outside the corporate limits of the
89 city, for present or future use and for any corporate purpose deemed necessary by the
90 governing authority, utilizing procedures enumerated in Title 22 of the Official Code of
91 Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;
- 92 (7) Contracts - to enter into contracts and agreements with other governments and
93 entities and with private persons, firms and corporations;
- 94 (8) Emergencies - to establish procedures for determining and proclaiming that an
95 emergency situation exists inside or outside the city limits, and to make and carry out all
96 reasonable provisions deemed necessary to deal with or meet such an emergency for the
97 protection, safety, health or well-being of the citizens of the city;
- 98 (9) Fire Regulations - to fix and establish fire limits and from time to time to extend,
99 enlarge or restrict the same; to prescribe fire safety regulations consistent with general
100 law, relating to both fire prevention and detection and to firefighting; and to prescribe
101 penalties and punishment for violations thereof;
- 102 (10) Garbage Fees - to levy, fix, assess, and collect a garbage, refuse and trash collection
103 and disposal, and other sanitary service charge, tax, or fee for such services as may be
104 necessary in the operation of the city from all individuals, firms, and corporations
105 residing in or doing business within the city benefiting from such services; to enforce the
106 payment of such charges, taxes or fees; and to provide for the manner and method of
107 collecting such service charges;
- 108 (11) General Health, Safety and Welfare - to define, regulate and prohibit any act,
109 practice, conduct or use of property which is detrimental to the health, sanitation,

110 cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the
111 enforcement of such standards;

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

115 (13) Health and Sanitation - to prescribe standards of health and sanitation and to provide
116 for the enforcement of such standards;

117 (14) Jail Sentences - to provide that persons given jail sentences in the city court may
118 work out such sentences in any public works or on the streets, roads, drains and squares
119 in the city, to provide for the commitment of such persons to any jail, or to provide for
120 the commitment of such persons to any county work camp or county jail by agreement
121 with the appropriate county officials;

122 (15) Motor Vehicles - to regulate the operation of motor vehicles and exercise control
123 over all traffic, including parking upon or across the streets, roads, alleys and walkways
124 of the city;

125 (16) Municipal Agencies and Delegation of Power - to create, alter or abolish
126 departments, boards, offices, commissions and agencies of the city, and to confer upon
127 such agencies the necessary and appropriate authority for carrying out all the powers
128 conferred upon or delegated to the same;

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

132 (18) Municipal Property Ownership - to acquire, dispose of, and hold in trust or
133 otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside
134 or outside the property limits of the city;

- 135 (19) Municipal Property Protection - to provide for the preservation and protection of
136 property and equipment of the city, and the administration and use of same by the public;
137 and to prescribe penalties and punishment for violations thereof;
- 138 (20) Municipal Utilities - to acquire, lease, construct, operate, maintain, sell, and dispose
139 of public utilities including, but not limited to, a system of waterworks, sewers and
140 drains, sewage disposal, gas works, electric light plants, transportation facilities, public
141 airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees,
142 assessments, regulations and penalties, and to provide for the withdrawal of service for
143 refusal or failure to pay the same;
- 144 (21) Nuisance - to define a nuisance and provide for its abatement whether on public or
145 private property;
- 146 (22) Penalties - to provide penalties for violation of any ordinances adopted pursuant to
147 the authority of this charter and the laws of the State of Georgia;
- 148 (23) Planning and Zoning - to provide comprehensive city planning for development by
149 zoning; and to provide subdivision regulation and the like as the council deems necessary
150 and reasonable to ensure a safe, healthy, and aesthetically pleasing community;
- 151 (24) Police and Fire Protection - to exercise the power of arrest through duly appointed
152 police officers, and to establish, operate, or contract for a police and a firefighting agency,
153 except as limited by Section 1.12(c) of this charter;
- 154 (25) Public Hazards - to provide for the destruction and removal of any building or other
155 structure which is or may become dangerous or detrimental to the public;
- 156 (26) Public Improvements -to provide for the acquisition, construction, building,
157 operation and maintenance of public ways, parks and playgrounds, recreational facilities,
158 cemeteries, markets and market houses, public buildings, libraries, public housing,
159 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
160 recreational, conservation, sport, curative, corrective, detention, penal and medical
161 institutions, agencies and facilities; to provide any other public improvements, inside or

162 outside the corporate limits of the city; to regulate the use of public improvements; and
163 for such purposes, property may be acquired by condemnation under Title 22 of the
164 Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter
165 be enacted;

166 (27) Public Peace - to provide for the prevention and punishment of drunkenness, riots,
167 and public disturbances;

168 (28) Public Transportation - to organize and operate such public transportation systems
169 as are deemed beneficial;

170 (29) Public Utilities and Services - to grant franchises or make contracts for public
171 utilities and public services; and to prescribe the rates, fares, regulations and standards
172 and conditions of service applicable to the service to be provided by the franchise grantee
173 or contractor, insofar as not in conflict with valid regulations of the Public Service
174 Commission;

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

180 (31) Retirement - to provide and maintain a retirement plan for officers and employees
181 of the city;

182 (32) Roadways - to lay out, open, extend, widen, narrow, establish or change the grade
183 of, abandon or close, construct, pave, curb, gutter adorn with shade trees or otherwise
184 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
185 walkways within the corporate limits of the city; and to negotiate and execute leases over,
186 through, under or across any city property or the right-of-way of any street, road, alley,
187 and walkway or portion thereof within the corporate limits of the city, for bridges,
188 passageways, or any other purpose or use between buildings on opposite sides of the

189 street and for other bridges, overpasses and underpasses for private use at such location,
190 and to charge a rental therefore in such manner as may be provided by ordinance; and to
191 authorize and control the construction of bridges, overpasses, and underpasses within the
192 corporate limits of the city; and to grant franchises and rights-of-way throughout the
193 streets and roads, and over the bridges and viaducts for the use of public utilities and for
194 private use; and to require real estate owners to repair and maintain in a safe condition
195 the sidewalks adjoining their lots or lands, and to impose penalties for failure to do so;

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

203 (34) Solid Waste Disposal - to provide for the collection and disposal of garbage, rubbish
204 and refuse, and to regulate the collection and disposal of garbage, rubbish and refuse by
205 others; and to provide for the separate collection of glass, tin aluminum, cardboard, paper,
206 and other recyclable materials, and to provide for the sale of such items;

207 (35) Special Areas of Public Regulation - to regulate or prohibit junk dealers, pawn
208 shops, the manufacture, sale or transportation of intoxicating liquors, and the use and sale
209 of firearms; to regulate the transportation, storage and use of combustible, explosive and
210 flammable materials, the use of lighting and heating equipment, and any other business
211 or situation which may be dangerous to persons or property; to regulate and control the
212 conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows
213 of any kind, by taxing or otherwise; and to license, tax, regulate or prohibit professional
214 fortune telling, palmistry, adult bookstores, and massage parlors;

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

217 (37) Taxes, Ad Valorem - to levy and provide for the assessment, valuation, revaluation,
218 and collection of taxes on all property subject to taxation;

219 (38) Taxes, Other - to levy and collect such other taxes as may be allowed now or in the
220 future by law;

221 (39) Taxicabs - to regulate and license vehicles operated for hire in the city; to limit the
222 number of such vehicles; to require the operators thereof to be licensed; to require public
223 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
224 regulate the parking of such vehicles;

225 (40) Urban Redevelopment - to organize and operate an urban redevelopment program.

226 (41) Other Powers - to exercise and enjoy all other powers, functions, rights, privileges
227 and immunities necessary or desirable to promote or protect the safety, health, peace,
228 security, good order, comfort, convenience, or general welfare of the city and its
229 inhabitants; and to exercise all implied powers necessary to carry into execution all
230 powers granted in this charter as fully and completely as if such powers were fully stated
231 herein; and to exercise all powers now or in the future authorized to be exercised by other
232 municipal governments under other laws of the State of Georgia; and no listing of
233 particular powers in this charter shall be held to be exclusive of others, nor restrictive of
234 general words and phrases granting powers, but shall be held to be in addition to such
235 powers unless expressly prohibited to municipalities under the Constitution or applicable
236 laws of the State of Georgia, except as limited by Section 1.12(c) of this charter.

237 SECTION 1.14.

238 Exercise of powers.

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

243 ARTICLE II.

244 GOVERNMENT STRUCTURE

245 SECTION 2.10.

246 Council creation; number; election.

247 The legislative authority of the government of this city, except as otherwise specifically
248 provided in this charter, shall be vested in a council to be composed of a mayor and four
249 councilmembers. The council established shall in all respects be a successor to and
250 continuation of the governing authority under prior law. The mayor and council members
251 shall be elected in the manner provided by this charter.

252 SECTION 2.11.

253 Council terms and qualifications for office.

254 The mayor and councilmembers shall serve for terms as provided for in this charter and
255 until their respective successors are elected and qualified. No person shall be eligible to
256 serve as mayor or councilmember unless he or she has been a resident of the city for one
257 year preceding the date of election of the mayor or councilmembers and must be a qualified

258 voter in municipal elections for officers of this city; and the mayor or councilmember shall
259 continue to reside therein during his or her period of service and to be registered and
260 qualified to vote in municipal elections of this city.

261 SECTION 2.12.

262 Vacancy; filling of vacancies.

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

266 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder
267 of the unexpired term, if any, as provided for in this charter.

268 SECTION 2.13.

269 Compensation and expenses.

270 Mayor and councilmembers shall receive compensation and expenses for their services as
271 provided by ordinance.

272 SECTION 2.14.

273 Holding other office; voting when personally interested.

274 (a) Except as authorized by law, the mayor or any councilmember shall not hold any other
275 city office or other city employment during the term for which he or she was elected.

276 (b) Neither the mayor nor any councilmember shall vote upon, sign or veto any ordinance,
277 resolution, contract or other matter in which he or she shall receive a personal gain.

278 SECTION 2.15.

279 Investigations.

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

285 SECTION 2.16.

286 General power and authority of the council.

287 Except as otherwise provided by the charter, the council shall be vested with all the powers
288 of government of this city as provided in Article I of this charter.

289 SECTION 2.17.

290 Eminent domain.

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

299 SECTION 2.18.

300 Meetings.

301 The council shall hold an organizational meeting on the first Thursday in January. The
302 meeting shall be called to order and the oath of office shall be administered to the newly
303 elected members as follows:

304 I do solemnly (swear) (affirm) that I will faithfully perform the duties of (Mayor)
305 (councilmember) of this city and that I will support and defend the charter thereof as well
306 as the constitution and laws of the State of Georgia and of the United States of America.'

307 SECTION 2.19.

308 Regular and special meetings.

309 (a) The mayor and city council shall hold regular meetings on the second Thursday and
310 the fourth Thursday of each month at city hall at the time designated by the mayor and city
311 council. With proper notice as required by law, the mayor and council may, from time to
312 time, change the designated meeting times for regular meetings. The mayor and council
313 may recess any regular meeting and continue such meetings on any date or hour it may fix
314 and transact any business as such continued meeting may be transacted at any regular
315 meeting. All such meetings shall be called and conducted in compliance with Chapter 14
316 of Title 50 of the Official Code of Georgia Annotated, relating to open meetings.

317 (b) The council may hold special meetings and may transact business therein in
318 accordance with the law.

319 (c) All meetings of the council shall be public in accordance with applicable law.

320 (d) Special meetings may be called at the request of the mayor or by two councilmembers.

321 SECTION 2.20.

322 Rules of procedure.

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

326 (b) All committees and officers of the city shall be appointed by the mayor, with the
327 advice and consent of the councilmembers, and shall serve at the pleasure of the council.

328 SECTION 2.21.

329 Quorum; voting.

330 The mayor or mayor pro tempore and two councilmembers shall constitute a quorum and
331 shall be authorized to transact business of the council. Voting on the adoption of
332 ordinances shall be by voice vote and the vote shall be recorded in the minutes, but any
333 member of the council shall have the right to request a roll call vote and such vote shall be
334 recorded in the minutes. Except as otherwise provided in this charter, the affirmative vote
335 of the majority of members present shall be required for the adoption of any ordinance,
336 resolution, or motion.

337 SECTION 2.22.

338 Action requiring ordinances.

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

340 SECTION 2.23.

341 Ordinance form; procedures.

342 (a) Every proposed ordinance should be introduced in writing and in the form required for
343 final adoption. The enacting clause shall be 'The Council of the City of Auburn hereby
344 ordains ...' and every ordinance shall so begin.

345 (b) An ordinance may be introduced by the mayor or any council member and be read at
346 a regular or special meeting of the council. Ordinances shall be considered and adopted
347 or rejected by the council in accordance with the rules which it shall establish.

348 SECTION 2.24.

349 Codes of technical regulations.

350 The council may adopt any standard code of technical regulations by reference thereto in
351 all adopting ordinances. The procedure and requirements governing such adopting
352 ordinance shall be as prescribed for ordinances generally.

353 SECTION 2.25.

354 Signing; authenticating; recording; codification; printing.

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

357 (b) The council shall provide for the preparation of a general codification of all the
358 ordinances of the city having the force and effect of law. The general codification shall be
359 adopted by the council by ordinance and shall be published promptly, together with all
360 amendments thereto and such codes of technical regulations and other rules and regulations
361 as the council may specify. This compilation shall be known and cited officially as 'The

362 Auburn Municipal Code.' Copies of the code shall be furnished to all officers, departments
363 and agencies of the city, and made available for purchase by the public at a reasonable
364 price as fixed by the council.

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

374 SECTION 2.26.

375 Council interference with administration.

376 Except for the purpose of investigations under Section 2.15 of this charter, the council or
377 any of its members shall deal with city officers and employees who are subject to the
378 direction and supervision of the city manager, chief of police, director of public utilities,
379 city planner, or other department head solely through the appropriate department head, and
380 neither the council nor its members shall give orders to any such officer or employee, either
381 publicly or privately.

382 SECTION 2.27.

383 Election of mayor; forfeiture; compensation.

384 The mayor shall be elected for and shall serve for a term as provided by the charter and
385 state law and until his or her successor is elected and qualified. The mayor shall be a
386 qualified elector of this city and shall have been a resident of the city for one year
387 immediately preceding his or her election. The mayor shall continue to reside in this city
388 during the period of his or her service. The mayor shall forfeit his or her office on the same
389 grounds and under the same procedure as for councilmembers. The compensation of the
390 mayor shall be established in the same manner as for councilmembers.

391 SECTION 2.28.

392 Mayor pro tempore.

393 By a majority vote, at the first regular meeting of the council in each year, the council shall
394 elect a councilmember to serve as the mayor pro tempore. The mayor pro tempore shall
395 assume the duties and powers of the mayor during the mayor's disability or absence. If the
396 mayor pro tempore is absent because of sickness or disqualification, any one of the
397 remaining councilmembers, chosen by the members present, shall be clothed with all the
398 rights and privileges of the mayor and shall perform the mayor's duties.

399 SECTION 2.29.

400 Powers and duties of mayor.

401 The mayor shall:

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

- 403 (2) Be the head of the city for the purpose of service of process and for ceremonial
404 purposes, and be the official spokesman for the city and the chief advocate of policy;
- 405 (3) Have power to administer oaths and to take affidavits;
- 406 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
407 ordinances and other instruments executed by the city which by law are required to be in
408 writing;
- 409 (5) Vote only in case of a tie or in case only one vote is needed to pass any motion,
410 resolution, ordinance, or other question before the council;
- 411 (6) Within ten calendar days of receipt of an ordinance, shall return it to the city clerk
412 with or without the mayor's approval or with the mayor's disapproval. If the ordinance
413 has been approved by the mayor, it shall become law upon its return to the city clerk; if
414 the ordinance is neither approved nor disapproved, it shall become law at 12:00 noon on
415 the tenth calendar day after its adoption; if the ordinance is disapproved, the mayor shall
416 submit to the council through the city clerk a written statement of reasons for the veto.
417 The city clerk shall record upon the ordinance the date of its delivery to and receipt from
418 the mayor. Upon receipt of the mayor's veto statement, council may override the mayor's
419 veto by a vote of not less than three council members; and
- 420 (7) Perform such other duties as may be required by law, this charter, or ordinance.

421 SECTION 2.30.

422 Conduct of members of appointed boards.

- 423 Appointed board members shall adhere to the following code of conduct, and may be
424 removed for any of the following:
- 425 (1) Failure to attend meetings; tardiness;
- 426 (2) Conviction of a felony or crime involving moral turpitude;
- 427 (3) Inexcusable absence without leave;

- 428 (4) Abuse or misuse of city property;
- 429 (5) Willfully giving false information to city officials, city staff, or the public;
- 430 (6) Discovery of a false statement in an application which had not been previously
431 detected;
- 432 (7) Acceptance of gratuities in conflict with city policy or state law;
- 433 (8) Discourteous acts toward the public, citizens, staff, or other persons;
- 434 (9) Drinking alcoholic beverages or use of illegal non-prescription drugs in such manner
435 as to adversely affect attendance or performance;
- 436 (10) Falsification or destruction of official records or documents or use of official
437 position for personal benefit, profit, or advantage, or for other improper reasons;
- 438 (11) Harassment of other board members, city personnel or the public;
- 439 (12) Insubordination or uncooperative attitude in the performance of official functions,
440 which is defined as the refusal to obey any instruction or directive of an authorized
441 official or demonstrating contempt or disrespect for a fellow board member, city official,
442 citizen, or staff member whether in or out of his or her presence;
- 443 (13) Conduct which endangers the member or another person;
- 444 (14) Fighting or attempting bodily injury to others on city property except in clear cases
445 of self-defense; or
- 446 (15) Violation of the standards summarized in the recitals above.

447 ARTICLE III.
448 ADMINISTRATIVE AFFAIRS

449 SECTION 3.10.
450 Administrative and service departments.

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

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

458 (c) All appointed officers and directors of departments shall receive such compensation
459 as prescribed by ordinance.

460 (d) There shall be a director of each department or agency who shall be its principal
461 officer. Each director shall, subject to the direction and supervision of the city manager,
462 be responsible for the administration and direction of the affairs and operations of his or
463 her department or agency.

464 SECTION 3.11.
465 Boards, commissions and authorities.

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

470 (b) All members of boards, commissions and authorities of the city shall be appointed by
471 the council for terms of two years, except where other appointing authority, terms of office,
472 or manner of appointment is prescribed by state law.

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

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

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

480 (f) No member of a board, commission or authority shall assume office until he or she has
481 executed and filed with the clerk of the city an oath obligating himself or herself to
482 faithfully and impartially perform the duties of his or her office, such oath to be prescribed
483 by ordinance and administered by the mayor or designee.

484 (g) Any member of a board, commission or authority may be removed from office by a
485 vote of the council.

486 (h) Except as otherwise provided by this charter or by law, each board, commission or
487 authority of the city shall elect one of its members as chairman and one member as
488 vice-chairman, and may elect as its secretary one of its own members or may appoint as
489 secretary an employee of the city, subject to approval by appropriate department head.
490 Each board, commission or authority of the city government may establish bylaws, rules
491 and regulations, consistent with this charter, ordinances of the city, or law, as it deems
492 appropriate and necessary for the fulfillment of its duties or the conduct of its affairs.
493 Copies of such bylaws, rules and regulations shall be filed with the clerk of the city.

494 SECTION 3.12.

495 City attorney.

496 The mayor, with advice and consent of the council, shall appoint a city attorney, together
497 with such assistant city attorneys as may be authorized, and shall provide for the payment
498 of such attorney or attorneys for services rendered to the city. The city attorney shall be
499 responsible for representing and defending the city in all litigation in which the city is a
500 party; may be the prosecuting officer in the municipal court; shall attend the meetings of
501 the council as directed; shall advise the council and other officers and employees of the city
502 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
503 required of him or her by virtue of his or her position as city attorney.

504 SECTION 3.13.

505 City Manager; appointment; qualifications; compensation.

506 The council shall appoint a city manager, also known as 'the manager,' for an indefinite
507 term and shall fix the manager's compensation. The city manager shall be appointed solely
508 on the basis of his or her executive and administrative qualifications with special reference
509 to the knowledge of and actual experience in municipal management.

510 SECTION 3.14.

511 Removal of City Manager.

512 The city manager is employed at-will; shall serve at the pleasure of the city council; and
513 may be removed from office by a majority vote of city council.

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SECTION 3.15.

Powers and duties of the City Manager.

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(a) The city manager shall serve at the pleasure of the city council. The city manager shall not be subject to annual reappointments. The city manager shall be appointed without regard to political beliefs and solely on the basis of his or her education and experience in the accepted competencies and practices of local government management.

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

(1) Appoint all and, when he or she deems it necessary for the good of the city, suspend or remove any city employees and administrative officers he or she appoints, oversee all aspects of human resources and employment for all city employees, except as otherwise provided by law or personnel ordinances adopted pursuant to this charter. The city manager may authorize any administrative officer who is subject to the city manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;

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

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

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

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

- 540 (6) Submit to the city council and make available to the public a complete report on the
541 finances and administrative activities of the city as of the end of each fiscal year;
- 542 (7) Make such other reports as the city council may require concerning the operations
543 of city departments, offices, and agencies subject to the manager's direction and
544 supervision;
- 545 (8) Keep the city council fully advised as to the financial condition and future needs of
546 the city and make such recommendations to the city council concerning the affairs of the
547 city as the manager deems desirable;
- 548 (9) Perform such other duties as are specified in this charter or as may be required by the
549 city council;
- 550 (10) Temporarily serve as a department head in the event of any vacancy;
- 551 (11) Supervise the purchase of all materials, supplies and equipment for which funds are
552 provided in the budget pursuant to the purchasing ordinance;
- 553 (12) Execute all contracts, deeds or bonds of the city, duly authorized by the council,
554 and permitted by this charter, ordinance or by state law and supervise the completion of
555 all contracts for work for the city and advise the council on the progress of such work
- 556 (c) Except for the purpose of inquiries and investigations under Section 2.15 of this
557 charter, the city council or its members shall deal with city officers and employees who are
558 subject to the direction or supervision of the city manager solely through the city manager,
559 and neither the city council nor its members shall give orders or supervisory direction to
560 any such officer or employee, either publicly or privately.
- 561 (d) The city manager's duties and responsibilities may be further defined or provided by
562 a job description or as assigned or designated by the city council.
- 563 (e) The city manager shall not continue in office upon qualifying as a candidate for
564 nomination or election to any public office.

565 SECTION 3.16.

566 City Manager; oath of office.

567 Before entering upon the duties of his or her office the city manager shall take an oath or
568 affirmation for the faithful performance of duties of such office.

569 SECTION 3.17.

570 City clerk.

571 The city clerk, also known as 'the clerk,' shall be appointed by the city manager. The city
572 clerk shall be custodian of the official city seal and city records; maintain council records
573 as required by this charter; and perform such other duties as may be assigned by the city
574 manager. The city clerk shall not be subject to annual reappointments. The city clerk shall
575 not be a department head; shall report to the city manager; and may be terminated at will.

576 SECTION 3.18.

577 Police chief.

578 The chief of police shall be appointed by the city manager. The police chief shall have
579 such powers and duties as the council shall prescribe by ordinance including, but not
580 limited to, the authority to administer oaths of office for sworn law enforcement officers.
581 The police chief shall not be subject to annual reappointments. The police chief shall
582 report to the city manager and may be terminated at will.

583 SECTION 3.19.

584 Director of public works.

585 The director of public works shall be appointed by the city manager. The director of public
586 works shall have such powers and duties as the council shall prescribe by ordinance. The
587 director of public works shall not be subject to annual reappointments. The director of
588 public works shall report to the city manager and may be terminated at will.

589 SECTION 3.20.

590 Community Development Director.

591 The community development director shall be appointed by the city manager. The
592 community development director shall have such powers and duties as the council shall
593 prescribe. The community development director shall not be subject to annual
594 reappointments. The community development director shall report to the city manager and
595 may be terminated at will.

596 SECTION 3.21.

597 Parks And Leisure Director.

598 The parks and leisure director shall be appointed by the city manager. The parks and
599 leisure director shall oversee and carry out the city's parks and leisure programs; serve as
600 the primary city staff liaison to the city's parks and leisure commission; and perform such
601 other duties as may be assigned by the city manager. The parks and leisure director shall
602 not be subject to annual reappointments. The parks and leisure director shall not be a
603 department head; shall report to the city manager; and may be terminated at will.

604 SECTION 3.22.

605 Executive Assistant to Mayor and City Council.

606 The city manager shall appoint an executive assistant to mayor and city council. The
607 executive assistant to mayor and city council shall have such powers and duties as the
608 council shall prescribe. The executive assistant to mayor and city council shall not be
609 subject to annual reappointments. The executive assistant to mayor and city council shall
610 serve at the pleasure of the council and may be terminated at will.

611 ARTICLE IV.

612 MUNICIPAL COURT

613 SECTION 4.10.

614 Creation; name.

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

616 SECTION 4.11.

617 Municipal judge; associate judge.

618 (a) The municipal court shall be presided over by a municipal judge or such part-time,
619 full-time, or stand-by judges as shall be provided by ordinance. The method of selection
620 and terms of such judges shall be provided by general law, and in the absence thereof by
621 ordinance.

622 (b) No person shall be qualified or eligible to serve as a judge on the municipal court
623 unless or she has attained the age of twenty-one years, is a member of the State Bar of

624 Georgia, and possesses qualifications required by law. All judges shall be appointed by
625 council.

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

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

630 SECTION 4.12.

631 Convening.

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

633 SECTION 4.13.

634 Jurisdiction; powers.

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

637 (b) The municipal court shall have authority to punish those in its presence for contempt,
638 by fine, as allowed by law, or fifteen days of imprisonment and labor on the public works
639 of the city, or by both fine and imprisonment.

640 (c) The municipal court may fix punishment for offenses within its jurisdiction as allowed
641 by law or imprisonment and labor on the public works of the city for one year, or both fine
642 and imprisonment, or may fix punishment by fine, imprisonment, or alternative sentencing
643 as allowed by law.

644 (d) The municipal court shall have authority to establish a schedule of fees to defray the
645 cost of operation, and shall be entitled to reimbursement of the cost of meals,

646 transportation, and caretaking of prisoners bound over to superior courts for violations of
647 state law.

648 (e) The municipal court shall have authority to establish bail and recognizances to ensure
649 the presence of those charged with violations before said court, and shall have discretionary
650 authority to accept cash or personal or real property as surety for the appearance of persons
651 charged with violations. Whenever any person shall give bail for his appearance and shall
652 fail to appear at the time fixed for trial, his bond shall be forfeited by the judge presiding
653 at such time, and an execution issued thereon by serving the defendant and his sureties with
654 a rule nisi, at least two days before a hearing on the rule. In the event that cash or property
655 is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such
656 defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be
657 on order of the judge declared forfeited to the city, or the property so deposited shall have
658 a lien against it for the value forfeited which lien shall be enforceable in the same manner
659 and to the same extent as a lien for city property taxes.

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

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

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

670 (i) The municipal court is specifically vested with all the jurisdiction and powers
671 throughout the geographic area of this city granted by law to municipal courts and

672 particularly by such laws as authorize the abatement of nuisances and prosecution of traffic
673 violations.

674 SECTION 4.14.
675 Appeal to Superior Court

676 The right of appeal from the decision and judgment of the municipal court shall exist in all
677 criminal cases and ordinance violations cases, and such appeal shall be made to the
678 Superior Court of Barrow County or Gwinnett County under the laws of the State of
679 Georgia regulating appeals from municipal courts.

680 SECTION 4.15.
681 Rules for court.

682 With the approval of the council, the judge shall have full power and authority to make
683 reasonable rules and regulations necessary and proper to secure the efficient and successful
684 administration of the municipal court; provided, however, that the council may adopt in
685 part or in toto the rules and regulations applicable to municipal courts. The rules and
686 regulations made or adopted shall be filed with the city clerk, shall be available for public
687 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court
688 proceedings.

689 ARTICLE V.
690 ELECTIONS AND REMOVAL

691 SECTION 5.10.
692 Applicability of general law.

693 All primaries and elections shall be held and conducted in accordance with the Title 21,
694 Chapter 2 of the Official Code of Georgia Annotated, the 'Georgia Election Code,' as now
695 or hereafter amended.

696 SECTION 5.11.
697 Election of the Mayor and Councilmembers.

698 (a) There shall be a municipal general election biennially in the odd years as provided by
699 this charter and state law on the Tuesday next following the first Monday in November.

700 (b) It is the intent of this section of the charter of the City of Auburn that the elected
701 officials of the City of Auburn serve staggered terms with the mayor and two
702 councilmembers to be elected in 2027 and every four years thereafter and with two
703 councilmembers to be elected in 2029 and every four years thereafter.

704 (c) The mayor and each councilmember shall be elected by the electors voting in the entire
705 city at large. The mayor may reside in any district of the city as set forth in subsection (d)

706 of this section. Each councilmember must reside in the district as set forth in subsection
707 (d) of this section that they qualify for both at the time of qualification for that district post

708 and throughout their elected service in that position. Each elector shall be entitled to vote
709 for one candidate for each municipal office which is to be filled at any election. At the
710 general municipal election conducted in 2027 and every four years thereafter, the
711 candidates who receive the highest number of votes cast for the office of mayor and

712 councilmember posts 1 and 3 shall be the persons elected to those offices. At the general
713 municipal election conducted in 2029 and every four years thereafter, the candidates who
714 receive the highest number of votes cast for council member posts 2 and 4 shall be the
715 persons elected to those offices.

716 (d) The four council member districts in effect on the day immediately prior to effective
717 date of this section shall continue in full force and effect until otherwise amended as
718 provided by law. The districts may be modified from time to time by ordinance as required
719 by this charter, state and federal law. In amending district lines to achieve similar
720 populations in each district, the council may take into account neighborhoods, roads and
721 other landmarks or land divisions that provide appropriate lines between districts. The four
722 districts shall each be represented by one council member who shall run for and be elected
723 to that district post. The four district posts shall be known as Post 1, Post 2, Post 3 and Post
724 4. Any candidate for a council member position shall qualify only for the post of the
725 district in which they reside and shall designate the post which the candidate is seeking
726 when qualifying. The designation shall be entered upon the ballot in such manner so that
727 in the ensuing election such candidate shall only oppose the other candidate or candidates,
728 if any, designating the same specific district post.

729 SECTION 5.12.

730 Non-partisan elections.

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

733 SECTION 5.13.

734 Election by plurality.

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

736 SECTION 5.14.

737 Special elections; vacancies.

738 In the event that the office of mayor or councilmember shall become vacant as provided
739 in Section 2.12 of this charter, the remaining council shall order a special election to fill the
740 balance of the unexpired term of such official; provided, however, if such vacancy occurs
741 within ninety days of the expiration of the term of that office, a successor shall be elected
742 at the next regularly scheduled election. In all other respects, the special election shall be
743 held and conducted in accordance Chapter 2 of Title 21 of the Official Code of Georgia
744 Annotated, the 'Georgia Election Code,' as now or hereafter amended.

745 SECTION 5.15.

746 Removal of officers.

747 (a) The mayor or councilmembers may be removed from office for any one or more of the
748 following causes:

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

750 (2) Conviction of a crime involving moral turpitude;

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

753 (4) Knowingly violating any express prohibition of this charter or city ordinance;

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

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

757 (b) Removal of any officer pursuant to subsection (a) of this section shall be heard in an
758 investigative hearing conducted by the municipal court judge. The city solicitor shall
759 present the city's case in the matter. The mayor or councilmember shall be entitled to be
760 represented and to present evidence and arguments to the municipal court judge in his own
761 defense.

762 (c) The hearing shall be conducted according to the following general rules of procedure:

763 (1) The city shall have the burden of proving its case by clear and convincing evidence
764 of the grounds for removal cited in Section 5.15(a) of this charter; and

765 (2) The city solicitor shall issue a notice of the investigative hearing, which shall contain
766 in writing the nature of the charges and the specific sections or subsections of Section
767 5.15(a) of this charter, which the mayor or councilmember is alleged to have violated;

768 (d) The general rules of evidence of the courts of the State of Georgia shall apply to the
769 hearing. The order of proof shall be that the city solicitor presents the city's case. All
770 witnesses shall be given an oath at the time they begin their testimony and all evidence
771 shall be taken down by a court reporter. All of the witnesses presented by the city shall be
772 subject to cross-examination by the mayor or councilmember or his counsel. At the
773 conclusion of the city's evidence, the mayor or councilmember shall be allowed to present
774 evidence and witnesses in support of his position.

775 (e) At the conclusion of the mayor or councilmember's evidence, the city shall have the
776 right to present rebuttal evidence. The mayor or councilmember shall be given the
777 opportunity to present rebuttal evidence.

778 (f) At the close of the evidence, both sides shall have the opportunity to make oral
779 arguments to the municipal court judge regarding their positions on the evidence presented.
780 At that time, they shall also make any legal arguments necessary to preserve any issues and
781 present them to the municipal court judge for determination. Upon the conclusion of the

782 hearing, the municipal court judge shall recess the hearing to consider and review all of the
783 evidence presented. The municipal court judge shall make a recommendation to the
784 council regarding any removal or disciplinary action for the mayor or councilmember
785 under Section 5.15 of this charter.

786 (g) At their next regularly scheduled meeting, the council shall consider the
787 recommendation of the municipal court judge and shall either accept the recommendations
788 or make any amendment, revisions or modification to the municipal court judge's
789 recommendation. Any action to remove an officer, mayor, or councilmember from his
790 office shall require majority vote of the remaining council. The officer whose removal or
791 discipline is being considered shall not vote on his own removal or discipline.

792 (h) Any elected officer sought to be removed from office under this subsection shall have
793 the right to appeal from the decision of the council to the superior court of Barrow County.
794 Such appeal shall be governed by the same rules as govern appeals to the superior court
795 from lower courts.

796 SECTION 5.16.

797 Terms of office.

798 Commencing with the election after the start of the term of council beginning January 1,
799 2026, and thereafter, no council member elected or qualified for three consecutive terms
800 shall be eligible for the next succeeding term based upon previous elective service.
801 Commencing with the election after the start of the term of council beginning January 1,
802 2026 and thereafter, no mayor elected or qualified for three consecutive terms shall be
803 eligible for the next succeeding term based upon previous elective service. The limitation
804 of two consecutive terms shall not overlap or run concurrent between being a
805 councilmember position and a mayor as the term limit period is to the particular elected
806 position and are not to be combined.

807 ARTICLE VI.
808 FINANCE

809 SECTION 6.10.
810 Property tax.

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

817 SECTION 6.11.
818 Millage rate; due dates; payment methods.

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

823 SECTION 6.12.
824 Occupation and business taxes.

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

828 calling within the city to the extent such persons have a constitutionally sufficient nexus
829 to this city to be so taxed. The council may classify businesses, occupations, professions
830 or callings for the purpose of such taxation in any way which may be lawful and may
831 compel the payment of such taxes as provided in Section 6.18 of this charter.

832 SECTION 6.13.

833 Licenses; permits; fees.

834 The council by ordinance shall have the power to require any individual or corporation who
835 transacts business in the city or who practices or offers to practice any profession or calling
836 within the city to obtain a license or permit for such activity from the city and to pay a
837 reasonable fee for such license or permit where such activities are not now regulated by
838 general law in such a way as to preclude city regulations. Such fees may reflect the total
839 cost to the city of regulating the activity and, if unpaid, shall be collected as provided in
840 Section 6.18 of this charter. The council by ordinance may establish reasonable
841 requirements for obtaining or keeping such licenses as the public health, safety and welfare
842 necessitate.

843 SECTION 6.14.

844 Franchises.

845 The council shall have the power to grant franchises for the use of the city's streets and
846 alleys for the purposes of railroads, street railways, telephone companies, electric
847 companies, cable television, gas companies, transportation companies and other similar
848 organizations. The council shall determine the duration, terms, whether the same shall be
849 exclusive or nonexclusive, and the consideration for such franchises; provided, however,
850 no franchise shall be granted unless the city receives just and adequate compensation

851 therefore. The council shall provide for the registration of all franchises with the city clerk.
852 The council may provide by ordinance for the registration within a reasonable time of all
853 franchises previously granted.

854 SECTION 6.15.

855 Service charges.

856 The council by ordinance shall have the power to assess and collect fees, charges, and tolls
857 for sewers, sanitary and health services, or any other services provided or made available
858 inside and outside the city limits of the city for the total cost to the city of providing or
859 making available such services. If unpaid, such charges shall be collected as provided in
860 Section 6.18 of this charter.

861 SECTION 6.16.

862 Special assessments.

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

868 SECTION 6.17.

869 Construction; other taxes.

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

873 SECTION 6.18.

874 Collection of delinquent taxes and fees.

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

882 SECTION 6.19.

883 General obligation bonds.

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

888 SECTION 6.20.

889 Revenue bonds.

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

893 SECTION 6.21.

894 Short-term loans.

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

897 SECTION 6.22.

898 Fiscal year.

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

902 SECTION 6.23.

903 Preparation of budgets.

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

908 SECTION 6.24.

909 Submission of budget to council.

910 On or before a date fixed by the council but not later than 60 days prior to the beginning
911 of each fiscal year, the city manager shall submit to the council a proposed budget for the
912 ensuing fiscal year. The budget shall be accompanied by a message from the city manager
913 containing a statement of the general fiscal policies of the city, the important features of
914 the budget, explanations of major changes recommended for the next fiscal year, a general
915 summary of the budget, and such other comments and information as he may deem
916 pertinent. The operating budget and the capital improvements budget hereinafter provided
917 for, the budget message, and all supporting documents shall be filed in the office of the city
918 clerk and shall be open to public inspection.

919 SECTION 6.25.

920 Action by council on budget.

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

926 (b) The council by ordinance shall adopt the final budget for the ensuing fiscal year not
927 later than the fifteenth day of the first month of the fiscal year. If the council fails to adopt
928 the budget by this date, the amounts appropriated for operation for the current fiscal year
929 shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all
930 items prorated accordingly until such time as the council adopts a budget for the ensuing
931 fiscal year. Adoption of the budget shall take the form of an appropriations ordinance

932 setting out the estimated revenues in detail by sources and making appropriations according
933 to fund and by organizational unit, purpose, or activity as set out in the budget preparation
934 ordinance adopted pursuant to Section 6.23 of this charter.

935 (c) The amount set out in the adopted budget for each organizational unit shall constitute
936 the annual appropriation for such, and no expenditure shall be made or encumbrance
937 created in excess of the otherwise encumbered balance of the appropriations or allotment
938 thereof, to which it is chargeable.

939 SECTION 6.26.

940 Tax levies.

941 Following adoption of the budget, the council shall levy by ordinance such taxes as are
942 necessary. The taxes and tax rates set by such ordinance shall be such that reasonable
943 estimates of revenues from such levy shall at least be sufficient, together with other
944 anticipated revenues, fund balances and applicable reserves, to equal the total amount
945 appropriate for each of the several funds set forth in the annual budget for defraying the
946 expenses of the general government of this city.

947 SECTION 6.27.

948 Changes in appropriations.

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

952 SECTION 6.28.

953 Independent audit.

954 There shall be an annual independent audit of all city accounts, funds and financial
955 transactions by a certified public accountant selected by the council. The audit shall be
956 conducted according to generally accepted accounting principles. Any audit of any funds
957 by the state or federal governments may be accepted as satisfying the requirements of this
958 charter. Copies of all audit reports shall be available to the public in accordance with
959 public open records law.

960 SECTION 6.29.

961 Contracting procedures.

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

963 (1) It is in writing; and

964 (2) It is made or authorized by the council and such approval is entered in the council
965 minutes.

966 SECTION 6.30.

967 Centralized purchasing.

968 The council shall by ordinance prescribe procedures for a system of centralized purchasing
969 for the city.

970 SECTION 6.31.

971 Sale of city property.

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

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

978 (c) Whenever in opening, extending or widening any street, avenue, alley or public place
979 of the city, a small parcel or tract of land is cut-off or separated by such work from a larger
980 tract or boundary of land owned by the city, the council may authorize the mayor to sell or
981 convey said cut-off or separated parcel or tract of land to an abutting or adjoining property
982 owner or owners where such sale and conveyance facilitates the enjoyment of the abutting
983 owner's property. Included in the sales contract shall be a provision for the rights-of-way
984 of said street, avenue, alley or public place. Each abutting property owner shall be notified
985 of the availability of the property and given the opportunity to purchase said property under
986 such terms and conditions as set out by ordinance. All deeds and conveyances heretofore
987 and hereafter so executed and delivered shall convey all title and interest the city has in
988 such property, notwithstanding the fact that no public sale after advertisement was or is
989 hereafter made.

990 ARTICLE VII.
991 GENERAL PROVISIONS

992 SECTION 7.10.
993 Prior ordinances.

994 All ordinances, resolutions, rules and regulations now in force in the city consistent with
995 this charter are hereby declared valid and of full effect and force until amended or repealed
996 by the council.

997 SECTION 7.11.
998 Pending matters.

999 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
1000 contracts and legal or administrative proceedings shall continue and any such ongoing
1001 work or cases shall be completed by such city agencies, personnel or offices as may be
1002 provided by the council.

1003 SECTION 7.12.
1004 Construction.

1005 (a) Section captions in this charter are informative only and are not to be considered as a
1006 part thereof.

1007 (b) The word 'shall' is mandatory and the word 'may' is permissive.

1008 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1009 versa.

1010 SECTION 7.13.

1011 Severability.

1012 If any article, section, subsection, paragraph, sentence, clause or phrase of this charter shall
1013 be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner
1014 affect the other sections, subsections, sentences, clauses, or phrases of this charter, which
1015 shall remain of full force and effect as if the section, subsection, sentence, clause, or phrase
1016 so declared or adjudged invalid or unconstitutional were not originally a part hereof. The
1017 council declares that it would have passed the remaining parts of this charter if it had
1018 known that such part or parts hereof would be declared or adjudged invalid or
1019 unconstitutional."

1020 SECTION 2.

1021 All laws and parts of laws in conflict with this Act are repealed.