

5/3/21

House Bill 804 (AS PASSED HOUSE AND SENATE)

By: Representative Leverett of the 33rd

A BILL TO BE ENTITLED

AN ACT

1 To provide a new charter for the City of Hull; to provide for incorporation, boundaries, and
2 powers of the city; to provide for the exercise of powers and limitations on powers; to
3 provide for a governing authority of such city and the powers, duties, authority, prohibitions,
4 election, terms, removal from office, method of filling vacancies, compensation, expenses,
5 and qualifications; to provide for conflict of interest and holding other offices; to provide for
6 inquiries and investigations; to provide for eminent domain; to provide for organization and
7 meeting procedures; to provide for rules of procedure, to provide for quorums; to provide for
8 ordinances; to provide for emergencies; to provide for codes of technical regulations; to
9 provide for recordation, authentication, and codification of ordinances; to prohibit council
10 interference with administration; to provide for the office of mayor and certain duties and
11 powers relative to the office of mayor; to provide for a veto; to provide for a mayor pro
12 tempore; to provide for chief executive officer; to provide for mayoral term limits; to provide
13 for administrative responsibilities; to provide for department heads; to provide for boards,
14 commissions, and authorities; to provide for a city attorney and city clerk; to provide for
15 personnel administration and policies; to provide for the establishment of a municipal court
16 and the judge or judges thereof; to provide for practices and procedures; to provide for
17 taxation, permits, and fees; to provide for franchises, service charges, and assessments; to
18 provide for bonded and other indebtedness; to provide for accounting and budgeting; to

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19 provide for capital improvements; to provide for contracting and purchasing; to provide for
20 sale of city property; to provide for bonds for officials; to provide for prior ordinances;
21 provide for existing personnel and officers; to provide for pending matters; to provide for
22 definitions and construction; to provide for severability; to provide for related matters; to
23 repeal a specific Act; to repeal conflicting laws; and for other purposes.

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

25 ARTICLE I.
26 INCORPORATION AND POWERS

27 Section 1.10.
28 Incorporation.

29 The City of Hull in Madison and Clarke counties is reincorporated by the enactment of this
30 charter and is constituted and declared a municipality and body politic and corporate under
31 the name of the "City of Hull." References in the charter to "the city" or "this city" refer to
32 the City of Hull. The city shall have perpetual existence.

33 Section 1.11.
34 Corporate boundaries.

35 (a) The boundaries of this city shall be those existing on the effective date of the adoption
36 of this charter with such alterations as may be made from time to time by local law or in
37 the manner provided by general state law. The boundaries of this city at all times shall be
38 shown on a map, a written description, or any combination thereof, to be retained
39 permanently in the office of the city clerk and to be designated, as the case may be:

40 "Official Map or Description of the Corporate Limits of the City of Hull, Georgia."
41 Photographic, typed, or other copies of such map or description certified by the mayor shall
42 be admitted as evidence in all courts and shall have the same force and effect as the original
43 map or description.

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

47 Section 1.12.

48 Municipal powers.

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

53 (b) The powers of this city shall be construed liberally in favor of the city. The specific
54 mention or failure to mention particular powers shall not be construed as limiting in any
55 way the powers of this city. Said powers shall include, but are not limited to, the
56 following:

57 (1) Animal regulations. To regulate and license or to prohibit the keeping or running at
58 large of animals and fowl and to provide for the impoundment of same if in violation of
59 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane
60 destruction of animals and fowl when not redeemed as provided by ordinance; and to
61 provide punishment for violation of ordinances enacted under this charter;

62 (2) Appropriations and expenditures. To make appropriations for the support of the
63 government of the city; to authorize the expenditure of money for any purposes

64 authorized by this charter and for any purpose for which a municipality is authorized by
65 the laws of the State of Georgia; and to provide for the payment of expenses of this city;

66 (3) Building regulations. To regulate and to license the erection and construction of
67 buildings and all other structures not inconsistent with general law; to adopt building,
68 housing, plumbing, electrical, gas, and heating and air-conditioning codes; and to regulate
69 all housing and building trades except as otherwise prohibited by general law;

70 (4) Business regulation and taxation. To levy and to provide for the collection of license
71 fees and taxes on privileges, occupations, trades, and professions; to license and regulate
72 the same; to provide for the manner and method of payment of such licenses and taxes;
73 to provide for the due dates therefor and to provide for reasonable penalties and interest
74 in the event of failure to pay the same; and to revoke such licenses after due process for
75 the failure to pay any city taxes or fees;

76 (5) Condemnation. To exercise the power of eminent domain to condemn property,
77 inside or outside the corporate limits of the city, for present or future use and for any
78 lawful purpose deemed necessary by the governing authority, utilizing procedures
79 enumerated in Title 22 of the O.C.G.A. or such other applicable laws as are or may
80 hereafter be enacted;

81 (6) Contracts. To enter into contracts and agreements with other governments and
82 entities and with private persons, firms, and corporations;

83 (7) Emergencies. To establish procedures for determining and proclaiming that an
84 emergency situation exists inside or outside the city and to make and carry out all
85 reasonable provisions deemed necessary to deal with or meet such an emergency for the
86 protection, safety, health, or well-being of the citizens of the city;

87 (8) Environmental protection. To protect the natural resources, environment, and vital
88 areas of the state through the preservation and improvement of air quality, the restoration
89 and maintenance of water resources, the control of erosion and sedimentation, the
90 management of solid and hazardous waste, and other necessary actions for the protection

91 of the environment or to comply with mandates enacted by the State of Georgia or any
92 other governmental agency or authority;

93 (9) Fire regulations. To fix and establish fire limits and from time to time extend,
94 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
95 general law, relating to both fire prevention and detection and to firefighting; and to
96 prescribe penalties and punishment for violations thereof;

97 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
98 and disposal and other sanitary service charge, tax, or fee for such services as may be
99 necessary in the operation of the city from all individuals, firms, and corporations
100 residing in or doing business within the city and benefiting from such services; to enforce
101 the payment of such charges, taxes, or fees; and to provide for the manner and method
102 of collecting such service charges;

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

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

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

112 (14) Jail sentences. To provide that persons given jail sentences in the municipal court
113 may work out such sentences in any public works or on the streets, roads, drains, and
114 squares in the city; to provide for the commitment of such persons to any jail; or to
115 provide for the commitment of such persons to any county work camp or county jail;

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

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

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

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

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

132 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
133 of public utilities, including, but not limited to, a system of waterworks, sewers and
134 drains, sewage disposal, gas works, electric plants, transportation facilities, public
135 airports, and any other public utility; to fix the taxes, charges, rates, fares, fees,
136 assessments, regulations, and penalties therefor; to provide for the withdrawal of service
137 for refusal or failure to pay the same; to authorize the extension of water, sewerage, and
138 electrical distribution systems, and all necessary appurtenances by which said utilities are
139 distributed, inside and outside the corporate limits of the city; and to provide utility
140 services to persons, firms, and corporations inside and outside the corporate limits of the
141 city as provided by ordinance;

- 142 (21) Nuisances. To define a nuisance and provide for its abatement whether on public
143 or private property;
- 144 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
145 the authority of this charter and the laws of the State of Georgia;
- 146 (23) Planning and zoning. To provide comprehensive city planning for development by
147 zoning and to provide subdivision regulation and the like as the city council deems
148 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;
- 149 (24) Police and fire protection. To exercise the power of arrest through duly appointed
150 police officers and to establish, operate, or contract for police and a firefighting agency;
- 151 (25) Public hazards; removal. To provide for the destruction and removal of any
152 building or other structure which is or may become dangerous or detrimental to the
153 public;
- 154 (26) Public improvements. To provide for the acquisition, construction, building,
155 operation, and maintenance of public ways, parks, playgrounds, recreational facilities,
156 golf courses, amphitheaters, cemeteries, markets and market houses, public buildings,
157 libraries, public housing, airports, hospitals, terminals, docks, and parking facilities or
158 charitable, cultural, educational, recreational, conservation, sport, curative, corrective,
159 detentional, penal, and medical institutions, agencies and facilities; to provide for other
160 public improvements inside or outside the corporate limits of the city; to regulate the use
161 of public improvements; and, for such purposes, property may be acquired by
162 condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are or may
163 hereafter be enacted;
- 164 (27) Public peace. To provide for the prevention and punishment of drunkenness, riots,
165 and public disturbances;
- 166 (28) Public transportation. To organize and operate or contract for such public
167 transportation systems as are deemed beneficial or necessary;

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

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

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

180 (32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
181 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees or otherwise
182 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
183 walkways within the corporate limits of the city; to negotiate and execute leases over,
184 through, under, or across any city property or the right of way of any street, road, alley,
185 and walkway or portion thereof within the corporate limits of the city for bridges,
186 passageways, or any other purpose or use between buildings on opposite sides of the
187 street and for other bridges, overpasses, and underpasses for private use at such location
188 and to charge a rental therefor in such manner as may be provided by ordinance; to
189 authorize and control the construction of bridges, passageways, overpasses, and
190 underpasses within the corporate limits of the city; to grant franchises and rights of way
191 throughout the streets and roads and over the bridges and viaducts for the use of public
192 utilities and for private use; and to require real estate owners to repair and maintain in a
193 safe condition the sidewalks adjoining their lots or lands and to impose penalties for
194 failure to do so;

- 195 (33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
196 construction, equipping, operating, maintaining, and extending of a sewage disposal plant
197 and sewerage system; to levy on those to whom sewers and sewerage systems are made
198 available a sewer service fee, charge, or tax for the availability or use of the sewers,
199 except that no fee or charge for sewers shall be assessed against any abutting real estate
200 which cannot be served by such sewers; to provide for the manner and method of
201 collecting such service charge; and to impose and collect a sewer connection fee or fees
202 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 holding of glass, tin, aluminum, cardboard, paper,
206 and other recyclable materials and provide for the sale of such items;
- 207 (35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops;
208 to regulate or prohibit the manufacture, sale, or transportation of intoxicating liquors; and
209 to regulate or prohibit the use of firearms; to regulate the transportation, storage, and use
210 of combustible, explosive, and inflammable materials, the use of lighting and heating
211 equipment, and any other business or situation which may be dangerous to persons or
212 property; to regulate and control peddlers and itinerant traders, theatrical performances,
213 exhibitions, and shows of any kind, by taxing or otherwise; and to license, tax, regulate,
214 or prohibit professional fortunetelling, palmistry, adult bookstores, massage parlors, and
215 entertainment displaying nudity;
- 216 (36) Special assessments. To levy and provide for the collection of special assessments
217 to cover the costs of any public improvement;
- 218 (37) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
219 and collection of taxes on all property subject to taxation;
- 220 (38) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
221 future by law;

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

226 (40) Urban redevelopment. To organize and operate an urban redevelopment program;

227 (41) Water and air pollution. To regulate the emission of smoke or other exhaust which
228 pollutes the air to prevent the pollution of natural streams or bodies of water within the
229 corporate limits of the city; and

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

ARTICLE II.

GOVERNMENT STRUCTURE, ELECTIONS, AND REMOVAL

Section 2.10.

City council creation; composition; number; election.

(a) The governing authority of this city, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of a mayor and four councilmembers.

(b) The city council established shall in all respects be a successor to and a continuation of the governing authority under prior law. The mayor and councilmembers shall be elected in the manner provided by general law and this charter.

(c) Councilmembers shall be elected by the voters of the city at large in accordance with provisions of Article V. The mayor shall be elected as provided in Section 2.28.

Section 2.11.

Mayor and city council terms and qualifications for office.

The mayor and councilmembers shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or councilmember unless that person has reached the age of 21 years as of the date of his or her election and has been a resident of the State of Georgia and City of Hull for six months prior to the date of election of mayor or councilmembers; each shall continue to reside therein during that mayor's or member's period of service and shall be registered and qualified to vote in municipal elections of this city.

Section 2.12.

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Vacancies in office.

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264 (a) The office of mayor or councilmember shall become vacant upon the incumbent's
265 death, resignation, forfeiture of office, or occurrence of any event specified by the
266 Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such other applicable laws
267 as are or may hereafter be enacted.

268 (b) A vacancy in the office of a councilmember shall be filled for the remainder of the
269 unexpired term, if any, by appointment by the mayor if less than 12 months remains in the
270 unexpired term. If such vacancy occurs 12 months or more prior to the expiration of the
271 term of that office, such office shall be filled for the remainder of the unexpired term by
272 a special election, as provided for in Section 5.14 and in accordance with Titles 21 and 45
273 of the O.C.G.A., or other such laws as are or may hereafter be enacted.

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

Section 2.13.

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Compensation and expenses.

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278 The mayor and councilmembers shall receive compensation and expenses for their services
279 as provided by ordinance and in accordance with the laws of the State of Georgia.

Section 2.14.

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Holding other office; voting when financially interested.

281

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

284 (b) Except as authorized by law, the mayor or any councilmember shall not hold any other
285 city office or city employment during the term for which that person was elected.

286 (c) Neither the mayor nor any councilmember shall vote upon, sign, or veto any ordinance,
287 resolution, contract, or other matter in which that person is financially interested.

288 Section 2.15.

289 Inquiries and investigations.

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

296 Section 2.16.

297 General power and authority of the city council.

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

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

307 Section 2.17.
308 Eminent domain.

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

317 Section 2.18.
318 Organizational meeting.

319 The city council shall hold an organizational meeting no later than December 31 of each
320 year. Such meeting shall be called to order by the mayor and the oath of office shall be
321 administered to the newly elected members by the city clerk or a judicial officer authorized
322 to administer oaths and shall, to the extent that it comports with federal and state law, read
323 as follows:

324 "I do solemnly swear or affirm that I will faithfully perform the duties of
325 (mayor)(councilmember) of this city and that I will support and defend the charter thereof
326 as well as the constitutions and laws of the State of Georgia and of the United States of
327 America. I am not the holder of any unaccounted for public money due this state or any
328 political subdivision or authority thereof. I am not the holder of any office of trust under
329 the government of the United States, any other state, or any foreign state which I by the
330 laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold

331 said office according to the Constitution and laws of Georgia. I have been a resident of the
332 State of Georgia and the City of Hull for the time required by the Constitution and laws of
333 this state and by the municipal charter. I will perform the duties of my office in the best
334 interest of the City of Hull to the best of my ability without fear, favor, affection, reward,
335 or expectation thereof."

336 Section 2.19.

337 Regular and special meetings.

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

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

348 (c) All meetings of the city council shall be public to the extent required by law and notice
349 to the public of special meetings shall be made fully as is reasonably possible as provided
350 by Code Section 50-14-1 of the O.C.G.A., or other such applicable laws as are or may
351 hereafter be enacted.

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Section 2.20.

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Rules of procedure.

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

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

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Section 2.21.

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Quorum, voting.

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(a) The mayor and three councilmembers, or four councilmembers without the mayor, shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any member of the city council shall have the right to request a roll call vote and such vote shall be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote of four councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

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(b) No member of the city council shall abstain from voting on any matter properly brought before the council for official action except when such councilmember has a conflict of interest which is disclosed in writing prior to or at the meeting and made a part of the minutes of the journal. Any member of the city council present and eligible to vote on a matter and refusing to do so for any reason other than a properly disclosed and recorded conflict of interest shall be deemed to have acquiesced or concurred with the members of the majority who did vote on the matter.

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Section 2.22.

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Ordinance form; procedures.

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

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

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Section 2.23.

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Action requiring an ordinance.

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

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Section 2.24.

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Emergencies.

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(a) To meet a public emergency affecting life, health, property, or public peace, the city council may convene on call of the mayor or four councilmembers and promptly adopt an emergency ordinance, but such ordinance shall not levy taxes; grant, renew, or extend a

398 franchise; regulate the rate charged by any public utility for its services; or authorize the
399 borrowing of money except for loans to be repaid within 30 days. An emergency
400 ordinance shall be introduced in the form prescribed for ordinances generally, except that
401 it shall be plainly designated as an emergency ordinance and shall contain, after the
402 enacting clause, a declaration stating that an emergency exists, and describing the
403 emergency in clear and specific terms. An emergency ordinance may be adopted, with or
404 without amendment, or rejected at the meeting at which it is introduced, but the affirmative
405 vote of at least three councilmembers shall be required for adoption. It shall become
406 effective upon adoption or at such later time as it may specify. Every emergency ordinance
407 shall automatically stand repealed 30 days following the date upon which it was adopted,
408 but this shall not prevent reenactment of the ordinance in the manner specified in this
409 section if the emergency still exists. An emergency ordinance may also be repealed by
410 adoption of a repealing ordinance in the same manner specified in this section for adoption
411 of emergency ordinances.

412 (b) Such meetings shall be open to the public to the extent required by law and notice to
413 the public of emergency meetings shall be made as fully as is reasonably possible in
414 accordance with Code Section 50-14-1 of the O.C.G.A., or such other applicable laws as
415 are or may hereafter be enacted.

416 Section 2.25.
417 Codes of technical regulations.

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

- 421 (1) The requirements of subsection (b) of Section 2.22 for distribution and filing of
422 copies of the ordinance shall be construed to include copies of any code of technical
423 regulations, as well as the adopting ordinance; and
- 424 (2) A copy of each adopted code of technical regulations, as well as the adopting
425 ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.26.
- 426 (b) Copies of any adopted code of technical regulations shall be made available by the city
427 clerk for inspection by the public.

428 Section 2.26.

429 Signing; authenticating; recording; codification; printing.

- 430 (a) The city clerk shall authenticate by the clerk's signature and record in full in a properly
431 indexed book kept for that purpose, all ordinances adopted by the council.
- 432 (b) The city council shall provide for the preparation of a general codification of all the
433 ordinances of the city having the force and effect of law. The general codification shall be
434 adopted by the city council by ordinance and shall be published promptly, together with
435 all amendments thereto and such codes of technical regulations and other rules and
436 regulations as the city council may specify. This compilation shall be known and shall be
437 cited officially as "The Code of the City of Hull, Georgia." Copies of the code shall be
438 furnished to all officers, departments, and agencies of the city, and made available for
439 purchase by the public at a reasonable price as fixed by the city council.
- 440 (c) The city council shall cause each ordinance and each amendment to this charter to be
441 printed promptly following its adoption, and the printed ordinances and charter
442 amendments shall be made available for purchase by the public at reasonable prices to be
443 fixed by the city council. Following publication of the first code under this charter and at
444 all times thereafter, the ordinances and charter amendments shall be printed in substantially
445 the same style as the code currently in effect and shall be suitable in form for incorporation

446 therein. The city council shall make such further arrangements as deemed desirable with
447 reproduction and distribution of any current changes in or additions to codes of technical
448 regulations and other rules and regulations included in the code.

449 Section 2.27.
450 Council interference with administration.

451 Except for the purposes of inquiries and investigations as provided for under Section 2.15,
452 the city council or its members individually shall deal with city officers and employees who
453 are subject to the direction and supervision of the mayor solely through the mayor, and
454 neither the city council nor its members individually shall administer orders or directives to
455 any such officer or employee, either publicly or privately.

456 Section 2.28.
457 Selection of mayor and mayor pro tempore.

458 (a) At every other regular election the voters of the city shall elect a mayor at large for a
459 term of four years. The mayor shall be a qualified elector of this city and shall have been
460 a resident of the State of Georgia and the City of Hull for at least six months prior the
461 election. The mayor shall continue to reside in the city during the period of service. The
462 mayor shall forfeit the office on the same grounds and under the same procedure as for
463 councilmembers. The compensation of the mayor shall be established in the same manner
464 as for councilmembers.
465 (b) The council shall elect from among its members a mayor pro tempore.

466

Section 2.29.

467

Powers and duties of mayor.

468 The mayor shall:

469

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

470

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

472

473

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

474

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

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477

(5) Vote on matters before the city council as provided in this charter; and

478

(6) Fulfill such other executive and administrative duties as the city council shall authorize by ordinance.

479

480

Section 2.30.

481

Mayor pro tempore.

482

During the absence or physical or mental disability of the mayor for any cause, the mayor pro tempore, or in the case of mayor pro tempore absence or disability for any reason, any one of the councilmembers chosen by a majority vote of the city council, shall be clothed with all the rights and privileges of the mayor and shall perform the duties of the office of the mayor so long as such absence or disability shall continue. Any such absence or disability shall be declared by majority vote of all councilmembers. The mayor pro tempore or selected councilmember shall sign all contracts and ordinances in which the mayor has a

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489 disqualifying financial interest as provided in Section 2.14. When acting as mayor, the
490 mayor pro tempore shall continue to have only vote as a member of the council.

491 Section 2.31.

492 Chief executive officer.

493 (a) The mayor shall be the chief executive of this city. The mayor shall possess all of the
494 executive and administrative power granted to the city under the constitution and laws of
495 the State of Georgia, and all the executive and administrative powers contained in this
496 charter.

497 (b) As the chief executive of this city, the mayor shall:

498 (1) See that all laws and ordinances of the city are faithfully executed;

499 (2) Appoint and remove all officers, department heads, and employees of the city, except
500 as otherwise provided in this charter;

501 (3) Exercise supervision over all executive and administrative work of the city and
502 provide for the coordination of administrative activities;

503 (4) Prepare and submit to the city council a recommended operating budget and capital
504 budget;

505 (5) Submit to the city council at least once a year a statement covering the financial
506 conditions of the city, and from time to time, such other information as the city council
507 may request;

508 (6) Recommend to the city council such measures relative to the affairs of the city,
509 improvement of the government, and promotion of the welfare of its inhabitants as the
510 mayor may deem expedient;

511 (7) Call special meetings of the city council;

512 (8) Approve or disapprove ordinances;

- 513 (9) Provide for an annual audit of all accounts of the city and require any department or
514 agency of the city to submit written reports whenever the mayor deems it expedient; and
515 (10) Perform such other duties as may be required by law, this charter, or by ordinance.

516 Section 2.32.
517 Mayoral term limit.

518 No mayor elected and qualified for two consecutive terms shall be eligible for a succeeding
519 term until two calendar years have passed following the end of the second consecutive term.

520 Section 2.33.
521 Submission of ordinances to the mayor; veto power.

- 522 (a) Every ordinance adopted by the city council shall be presented promptly by the city
523 clerk to the mayor.
- 524 (b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the
525 city clerk with or without the mayor's approval, or with the mayor's disapproval. If the
526 ordinance has been approved by the mayor, it shall become law upon its return to the clerk.
527 If the ordinance is neither approved nor disapproved, it shall become law at 12:00 Noon
528 on the tenth calendar day after its adoption. If the ordinance is disapproved, the mayor
529 shall submit to the city council through the city clerk a written statement of reasons for the
530 veto. The clerk shall record upon the ordinance the date of its delivery to and receipt from
531 the mayor.
- 532 (c) Ordinances vetoed by the mayor shall be presented by the city clerk to the city council
533 at its next meeting. If the city council then or at its next subsequent meeting adopts the
534 ordinance by an affirmative vote of four members, it shall become law.

535 (d) The mayor may disapprove or reduce any item or items of appropriation in any
536 ordinance. The approved part or parts of any ordinance making appropriations shall
537 become law, and the part or parts disapproved shall not become law unless subsequently
538 passed by the city council over the mayor's veto as provided herein. The reduced part or
539 parts shall be presented to city council as though disapproved and shall not become law
540 unless overridden by the council as provided in subsection (c) of this section.

541 ARTICLE III.

542 ADMINISTRATIVE AFFAIRS

543 Section 3.10.

544 Department heads.

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

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

552 (c) All appointed officers and directors of departments shall receive such compensation
553 as prescribed by ordinance or resolution.

554 (d) There shall be a director of each department or agency who shall be its principal
555 officer. Each director shall, subject to the direction and supervision of the mayor, be
556 responsible for the administration and direction of the affairs and operations of that
557 director's department or agency.

558 (e) All individuals under consideration for the appointive positions of officers and
559 directors under the supervision of the mayor shall be nominated by the mayor and their
560 appointment shall be confirmed by the city council. All appointed officers and directors
561 shall be employees at will and subject to removal or suspension at any time by the mayor
562 unless otherwise provided by law or ordinance.

563 Section 3.11.

564 Boards, commissions, and authorities.

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

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

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

575 (d) Except as otherwise provided by charter or by law, no member of any city board,
576 commission, or authority shall hold any elective office in the city nor shall any such
577 member be a city employee during the tenure of such service.

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

581 (f) No member of a board, commission, or authority shall assume office until he or she has
582 executed and filed with the clerk of the city an oath obligating himself or herself to perform

583 faithfully and impartially the duties of his or her office, such oath to be prescribed by
584 ordinance and administered by the mayor.

585 (g) Any member of a board, commission, or authority may be removed from office for
586 cause by a vote of a majority of the members of the city council.

587 (h) Except as otherwise provided by this charter or by law, each board, commission, or
588 authority of the city shall elect one of its members as chairperson and one member as
589 vice-chairperson, and may elect as its secretary one of its own members or may appoint as
590 secretary an employee of the city. Each board, commission, or authority of the city
591 government may establish such bylaws, rules and regulations, not inconsistent with this
592 charter, ordinances of the city, or law, as it deems appropriate and necessary for the
593 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and
594 regulations shall be filed with the city clerk.

595 Section 3.12.

596 City attorney.

597 The mayor and city council shall appoint a city attorney, together with such assistant city
598 attorneys as may be authorized, and shall provide for the payment of such attorney or
599 attorneys for services rendered to the city. The city attorney shall be responsible for
600 providing for the representation and defense of the city in all litigation in which the city is
601 a party; may be the prosecuting officer in the municipal court; shall attend the meetings of
602 the council as directed; shall advise the city council, mayor, and other officers and employees
603 of the city concerning legal aspects of the city's affairs; and shall perform such other duties
604 as may be required by virtue of the person's position as city attorney. The city attorney is not
605 a public official of the city and shall not take an oath of office. The city attorney shall at all
606 times be an independent contractor. A law firm, rather than an individual, may be designated
607 as the city attorney.

608 Section 3.13.

609 City clerk.

610 (a) The mayor shall appoint a city clerk who shall not be a councilmember. The city clerk
611 shall be custodian of the official city seal, maintain city council records required by this
612 charter, and perform such other duties as may be required by the city council. The city
613 council shall provide for the compensation of the city clerk. The city clerk may also be
614 known as "the clerk."

615 Section 3.14.

616 Personnel administration.

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

623 Section 3.15.

624 Personnel policies.

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

627

ARTICLE IV.

628

JUDICIAL BRANCH

629

Section 4.10.

630

Municipal court.

631 The mayor and city council shall be authorized to establish a city court to be known as the

632 Municipal Court of the City of Hull, Georgia.

633

Section 4.11.

634

Judges.

635 (a) The municipal court shall be presided over by a chief judge and such part-time,
636 full-time, or stand-by judges as shall be provided by ordinance. The method of selection
637 and terms of such judges shall be provided by Chapter 32 of Title 36 of the O.C.G.A., or
638 by ordinance.

639 (b) No person shall be qualified or eligible to serve as a judge on the municipal court
640 unless he or she is a member of the State Bar of Georgia. All judges shall be appointed by
641 the mayor and city council and shall serve until a successor is appointed and qualified.

642 (c) Compensation of the judge or judges shall be fixed by ordinance.

643 (d) Judges may be removed as provided by general law.

644 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the
645 judge will honestly and faithfully discharge the duties of the office to the best of that
646 person's ability and without fear, favor, or partiality. The oath shall be entered upon the
647 minutes of the city council journal.

648 Section 4.12.
649 Convening of court.

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

651 Section 4.13.
652 Powers.

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

655 (b) The municipal court shall have the authority to punish those in its presence for
656 contempt, provided that such punishment shall not exceed a fine of \$200.00 or ten days in
657 jail, or both.

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

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

666 (e) The municipal court shall have authority to establish bail and recognizance to ensure
667 the presence of those charged with violations before said court, and shall have discretionary
668 authority to accept cash or personal or real property as surety for the appearance of persons
669 charged with violations. When any person provides bail for a defendant's appearance and
670 such defendant fails to appear at the time fixed for trial, the bond shall be forfeited by the

671 judge presiding at such time, and an execution issued thereon by serving the defendant and
672 the defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi.
673 In the event that cash or property is accepted in lieu of bond for security for the appearance
674 of a defendant at trial, and if such defendant fails to appear at the time and place fixed for
675 trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or
676 the property so deposited shall have a lien against it for the value forfeited which lien shall
677 be enforceable in the same manner and to the same extent as a lien for city property taxes.
678 (f) The municipal court shall have the same authority as superior courts to compel the
679 production of evidence in the possession of any party; to enforce obedience to its orders,
680 judgments, and sentences; and to administer such oaths as necessary.
681 (g) The municipal court may compel the presence of all parties necessary to a proper
682 disposal of each case by the issuance of summonses, subpoenas, and warrants which may
683 be served as executed by any officer as authorized by this charter or by law.
684 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest
685 of persons charged with offenses against any ordinance of the city, and each judge of the
686 municipal court shall have the same authority as a magistrate of the state to issue warrants
687 for offenses against state laws committed within the city

688

Section 4.14.

689

Certiorari and appeal.

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

694 Section 4.15.
695 Rules.

696 With the approval of the mayor and city council, the judge shall have full power and
697 authority to make reasonable rules and regulations necessary and proper to secure the
698 efficient and successful administration of the municipal court; provided, however, that the
699 city council may adopt in part or in total the rules and regulations applicable to superior
700 courts. The rules and regulations made or adopted shall be filed with the court clerk, shall
701 be available for public inspection, and, upon request, shall be furnished to the public for the
702 reasonable cost of copying and printing the same.

703 ARTICLE V.
704 ELECTIONS AND REMOVAL

705 Section 5.10.
706 Applicability of general law.

707 All primaries and elections shall be held and conducted in accordance with Chapter 2 of
708 Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

709 Section 5.11.
710 Election of the city council and mayor.

711 (a) There shall be a municipal general election in the odd-numbered years on the Tuesday
712 next following the first Monday in November.

- 713 (b) There shall be elected the mayor and two councilmembers at one election and at every
714 other regular election thereafter. The remaining two city council seats shall be filled at the
715 election alternating with the first election so that a continuing body is created.
716 (c) Terms for the mayor and each councilmember shall be for four years.

717 Section 5.12.
718 Nonpartisan elections.

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

721 Section 5.13.
722 Election by plurality.

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

724 Section 5.14.
725 Special elections; vacancies.

726 In the event that the office of mayor or councilmember shall become vacant as provided in
727 Section 2.12, the city council or those remaining shall order a special election to fill the
728 balance of the unexpired term of such official; provided, however, if such vacancy occurs
729 within 12 months of the expiration of the term of that office, the mayor shall appoint a
730 successor for the remainder of the term. In all other respects, the special election shall be
731 held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia
732 Election Code," as now or hereafter amended, as now or hereafter amended.

733 Section 5.15.
734 Other provisions.

735 Except as otherwise provided by this charter, the city council shall by ordinance prescribe
736 such rules and regulations it deems appropriate to fulfill any options and duties under
737 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter
738 amended.

739 Section 5.16.
740 Removal of officers.

741 (a) The mayor, councilmembers, or other appointed officers provided for in this charter
742 shall be removed from office for any one or more of the causes provided in Title 45 of the
743 O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

744 (b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished
745 through the following:

746 (1) After a hearing at which an impartial panel shall render a decision. In the event an
747 elected officer is sought to be removed by the action of the city council, such officer shall
748 be entitled to a written notice specifying the grounds for removal and to a public hearing
749 which shall be held not less than ten days after the service of such written notice. The
750 city council shall provide by ordinance for the manner in which such hearings shall be
751 held. Any elected officer sought to be removed from office as herein provided shall have
752 the right of appeal from the decision of the city council to the Superior Court of Madison
753 County. Such appeal shall be governed by the same rules as govern appeals to the
754 superior court from the probate court; or

755 (2) By an order of the Superior Court of Madison County following a hearing on a
756 complaint seeking such removal brought by any resident of the City of Hull.

757 ARTICLE VI.
758 FINANCE

759 Section 6.10.
760 Property tax.

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

767 Section 6.11.
768 Millage rate.

769 The mayor and city council by ordinance shall establish a millage rate for the city property
770 tax, a due date, and the time period within which such taxes shall be paid. The city council
771 by ordinance may provide for the payment of such taxes by installments or in one lump sum,
772 as well as authorize the voluntary payment of such taxes prior to the time when due.

773 Section 6.12.
774 Occupation taxes and business license fees.

775 The mayor and city council by ordinance shall have the power to levy such occupation or
776 business taxes as are not denied by law. Such taxes may be levied on both individuals and
777 corporations that transact business in this city or that practice or offer to practice any

778 profession or calling within the city to the extent such persons have a constitutionally
779 sufficient nexus to this city to be so taxed. The city council may classify businesses,
780 occupations, professions, or callings for the purpose of such taxation in any way which may
781 be lawful and, if unpaid, may compel the payment of such taxes as provided in Section 6.18.

782 Section 6.13.

783 Regulatory fees; permits.

784 The mayor and city council by ordinance shall have the power to require businesses or
785 practitioners doing business within this city to obtain a permit for such activity from the city
786 and pay a reasonable regulatory fee for such permit as provided by general law. Such fees
787 shall reflect the total cost to the city of regulating the activity, and if unpaid, shall be
788 collected as provided in Section 6.18.

789 Section 6.14.

790 Franchises.

791 (a) The mayor and city council shall have the power to grant franchises for the use of this
792 city's streets and alleys for the purposes of railroads, street railways, telephone companies,
793 electric companies, electric membership corporations, cable television and other
794 telecommunications companies, gas companies, transportation companies, and other
795 similar organizations. The city council shall determine the duration, terms, whether the
796 same shall be exclusive or nonexclusive, and the consideration for such franchises;
797 provided, however, that no franchise shall be granted for a period in excess of 35 years and
798 no franchise shall be granted unless the city receives just and adequate compensation
799 therefor. The city council shall provide for the registration of all franchises with the city

800 clerk in a registration book kept by the clerk. The city council may provide by ordinance
801 for the registration within a reasonable time of all franchises previously granted.

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

807 Section 6.15.

808 Service fees.

809 The mayor and city council by ordinance shall have the power to assess and collect fees,
810 charges, assessments, and tolls for sewers, sanitary, and health services, or any other services
811 provided or made available within and without the corporate limits of the city. If unpaid,
812 such charges shall be collected as provided in Section 6.18.

813 Section 6.16.

814 Special assessments.

815 The mayor and city council by ordinance shall have the power to assess and collect the cost
816 of constructing, reconstructing, widening, or improving any public way, street, sidewalk,
817 curbing, gutters, sewers, or other utility mains, and appurtenances from the abutting property
818 owners. If unpaid, such charges shall be collected as provided in Section 6.18.

819 Section 6.17.

820 Other taxes.

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

824 Section 6.18.

825 Collection of delinquent taxes.

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

833 Section 6.19.

834 General obligation bonds.

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

839 Section 6.20.
840 Revenue bonds.

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

844 Section 6.21.
845 Short-term loans.

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

848 Section 6.22.
849 Lease-purchase contracts.

850 The city may enter into multiyear lease, purchase, or lease purchase contracts for the
851 acquisition of goods, materials, real and personal property, services, and supplies, provided
852 that the contract terminates without further obligation on the part of the municipality at the
853 close of the calendar year in which it was executed and at the close of each succeeding
854 calendar year for which it may be renewed. Contracts must be executed in accordance with
855 the requirements of Code Section 36-60-13 of the O.C.G.A., or other such applicable laws
856 as are or may hereafter be enacted

857 Section 6.23.
858 Preparation of budgets.

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

863 Section 6.24.
864 Submission of operating budget to city council.

865 On or before a date fixed by the city council but not later than one day prior to the beginning
866 of each fiscal year, the mayor shall submit to the city council a proposed operating budget
867 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor
868 containing a statement of the general fiscal policies of the city, the important features of the
869 budget, explanations of major changes recommended for the next fiscal year, a general
870 summary of the budget, and such other pertinent comments and information. The operating
871 budget and the capital budget hereinafter provided for, the budget message, and all
872 supporting documents shall be filed in the office of the city clerk and shall be open to public
873 inspection.

874 Section 6.25.
875 Action by city council on budget.

876 (a) The city council may amend the operating budget proposed by the mayor; provided,
877 however, that the budget as finally amended and adopted must provide for all expenditures
878 required by state law or by other provisions of this charter and for all debt service

879 requirements for the ensuing fiscal year, and the total appropriations from any fund shall
880 not exceed the estimated fund balance, reserves, and revenues.

881 (b) The city council by ordinance shall adopt the final operating budget for the ensuing
882 fiscal year not later than December 31 of each year. If the city council fails to adopt the
883 budget by this date, the amounts appropriated for operation for the current fiscal year shall
884 be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items
885 prorated accordingly until such time as the city council adopts a budget for the ensuing
886 fiscal year. Adoption of the budget shall take the form of an appropriations ordinance
887 setting out the estimated revenues in detail by sources and making appropriations according
888 to fund and by organizational unit, purpose, or activity as set out in the budget preparation
889 ordinance adopted pursuant to Section 6.23.

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

894 Section 6.26.

895 Tax levies.

896 The mayor and city council shall by ordinance levy such taxes as are necessary. The taxes
897 and tax rates set by such ordinances shall be such that reasonable estimates of revenues from
898 such levy shall at least be sufficient, together with other anticipated revenues, fund balances,
899 and applicable reserves, to equal the total amount appropriated for each of the several funds
900 set forth in the annual operating budget for defraying the expenses of the general government
901 of this city.

902 Section 6.27.
903 Changes in appropriations.

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

908 Section 6.28.
909 Capital budget.

910 (a) On or before the date fixed by the city council but no later than one day prior to the
911 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital
912 improvements plan with a recommended capital budget containing the means of financing
913 the improvements proposed for the ensuing fiscal year. The city council shall have power
914 to accept, with or without amendments, or reject the proposed plan and proposed budget.
915 The city council shall not authorize an expenditure for the construction of any building,
916 structure, work or improvement, unless the appropriations for such project are included in
917 the capital budget, except to meet a public emergency as provided herein.

918 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
919 year not later than December 31 of each year. No appropriation provided for in a prior
920 capital budget shall lapse until the purpose for which the appropriation was made shall
921 have been accomplished or abandoned; provided, however, the mayor may submit
922 amendments to the capital budget at any time during the fiscal year, accompanied by
923 recommendations. Any such amendments to the capital budget shall become effective only
924 upon adoption by ordinance.

925 Section 6.29.
926 Independent audit.

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

932 Section 6.30.
933 Contracting procedures.

934 No contract with the city shall be binding on the city unless:
935 (1) It is in writing;
936 (2) It is drawn by or submitted to and reviewed by the city attorney, and as a matter of
937 course, is signed by the city attorney to indicate such drafting or review; and
938 (3) It is made or authorized by the mayor and city council and such approval is entered in
939 the minutes of the city council journal.

940 Section 6.31.
941 Centralized purchasing.

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

Section 6.32.

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945

Sale and lease of city property.

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

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

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

964

ARTICLE VII.

965

GENERAL PROVISIONS

966

Section 7.10.

967

Bonds for officials.

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

971

Section 7.11.

972

Prior ordinances.

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

976

Section 7.12.

977

Existing personnel and officers.

978 Except as specifically provided otherwise by this charter, all personnel and officers of the
979 city and their rights, privileges, and powers shall continue beyond the time this charter takes
980 effect for a period of 90 days before or during which the existing city council may pass a
981 transition ordinance detailing the changes in personnel and appointive officers required or
982 desired and arranging such titles, rights, privileges, and powers as may be required or desired
983 to allow a reasonable transition.

984 Section 7.13.

985 Pending matters.

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

990 Section 7.14.

991 Construction.

992 (a) Section captions in this charter are informative only and shall not be considered as a
993 part thereof.

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

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

997 Section 7.15.

998 Severability.

999 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
1000 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
1001 or impair other parts of this charter unless it clearly appears that such other parts are wholly
1002 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
1003 legislative intent in enacting this charter that each article, section, subsection, paragraph,
1004 sentence or part thereof be enacted separately and independent of each other.

1005 Section 7.16.

1006 Specific repealer.

1007 An Act to incorporate the Town of Hull, partly in Clarke County and partly in the county of
1008 Madison, Georgia, approved August 24, 1905 (Ga. L. 1905, p. 893) is repealed in its entirety
1009 and all amendatory Acts thereto are likewise repealed in their entirety.

1010 Section 7.17.

1011 General repealer.

1012 All laws and parts of laws in conflict with this Act are repealed.