

House Bill 1147 (AS PASSED HOUSE AND SENATE)

By: Representative Knight of the 130th

A BILL TO BE ENTITLED

AN ACT

1 To provide for a new charter for the City of Orchard Hill; to provide for incorporation,
 2 corporate boundaries, municipal powers, and exercise of powers; to provide for a government
 3 structure of such city including creation, number, and election of the city council; to provide
 4 for councilmembers' terms and qualifications for office; to provide procedures for elections,
 5 vacancies in office, filling of vacancies, and nonpartisan elections; to provide for election;
 6 to provide for compensation and expenses; to provide rules regarding conflicts of interest and
 7 the holding of other offices; to provide for inquiries and investigations; to provide general
 8 powers and authority of the city council; to provide for eminent domain; to provide for
 9 organizational meetings; to provide for regular and special meetings; to provide for rules of
 10 procedure; to provide for quorum and voting; to provide for ordinance form and procedures;
 11 to provide for action requiring an ordinance; to provide for emergencies; to provide for codes
 12 of technical regulation; to provide for ordinance book, codification of ordinances, and
 13 availability of laws; to provide for a city manager and appointment and qualifications; to
 14 provide for an acting city administrator; to provide for the powers and duties of the city
 15 administrator; to prohibit council interference with administration; to provide compensation
 16 for the city administrator; to provide for the election of the mayor; to provide for the powers
 17 and duties of the mayor; to define the position of mayor pro tempore; to provide for the
 18 administrative affairs of the city; to create boards, councils, and authorities of the city; to
 19 provide for a city clerk; to provide for a city attorney; to provide for personnel policies; to
 20 provide for a judicial branch including a municipal court and judges of that court; to provide
 21 for the convening of court; to establish certiorari; to provide for rules of the municipal court;
 22 to provide for elections; to provide for qualifying and nomination of candidates; to provide
 23 for nonpartisan elections; to provide for special elections; to provide for the removal of
 24 officers; to provide for the finance of the city; to provide for property taxes; to provide for
 25 a millage rate; to provide for occupation taxes and regulatory fees; to provide for franchises;
 26 to provide for licenses and permits; to provide for franchises; to provide for service fees; to
 27 provide for roads; to provide for other taxes; to provide for the collection of delinquent taxes;
 28 to provide for borrowing; to provide for revenue bonds; to provide for loans; to provide for

29 accounting and budgeting; to provide for a budget ordinance; to provide for an operating
 30 budget; to provide for adoption of the budget; to provide for the levy of taxes; to provide for
 31 changes in the budget; to provide for capital improvements; to provide for audits; to provide
 32 for procurement and property management; to provide for purchasing; to provide for sale of
 33 property; to provide for bonds for officials; to provide for the validity of existing ordinances,
 34 resolutions, rules, and regulations of the city; to provide for charter language on other general
 35 matters; to provide for definitions and construction; to provide for specific repealer; to repeal
 36 conflicting laws; and for other purposes.

37 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

38 ARTICLE I.
 39 CREATION, INCORPORATION, POWERS
 40 SECTION 1.10.
 41 Incorporation.

42 This city and the inhabitants thereof are reincorporated by the enactment of this charter and
 43 are hereby constituted and declared a body politic and corporate under the name and style
 44 Town of Orchard Hill, Georgia, in the County of Spalding, (hereinafter "City" or "Town")
 45 and by that name shall have perpetual succession. Under that name, said city shall continue
 46 to be vested with all of the property and rights of property which now belong to the
 47 corporation; may sue and be sued; may contract and be contracted with; may acquire and
 48 hold such property, real and personal, as may be devised, bequeathed, sold or in any manner
 49 conveyed or dedicated to or otherwise acquired by it, and from time to time may hold or
 50 invest, sell, or dispose of the same; may have a common seal and alter and renew the same
 51 at will; and may exercise in conformity with this charter all municipal powers, functions,
 52 rights, privileges, and immunities of every name and nature whatsoever.

53 SECTION 1.11.
 54 Corporate boundaries.

55 (a) The boundaries of the Town of Orchard Hill shall be those existing on the effective date
 56 of the adoption of this charter with such alterations as may be made from time to time in the
 57 manner provided by law. The current boundaries of the Town of Orchard Hill, at all times,
 58 shall be shown on a map, a written description, or any combination thereof, to be retained
 59 permanently in the office of the city clerk, and to be designated "Official Map of the Town
 60 of Orchard Hill, Georgia." Photographic, typed, or other copies of such map or description

61 certified by the city clerk shall be admitted in evidence in all courts and shall have the same
62 force and effect as with the original map or description.

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

66 **SECTION 1.12.**

67 Powers and construction.

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

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

75 **SECTION 1.13.**

76 Specific powers.

77 The corporate powers of the government of the Town of Orchard Hill, to be exercised by the
78 governing authority, include, but are not limited to:

79 (1) Animal regulations. To regulate and license, or prohibit the keeping or running at
80 large of animals and fowl and to provide for the impoundment of same, if in violation of
81 any ordinance or lawful order; also to provide for the disposition by sale, gift, or humane
82 destruction of animals and fowl when not redeemed as provided by ordinance; and to
83 provide punishment for violation of ordinances enacted hereunder;

84 (2) Appropriations and expenditures. To make appropriations for the support of the
85 government of the city, to authorize the expenditure of money for any purposes
86 authorized by this charter and for any purpose for which a municipality is authorized by
87 the laws of the State of Georgia, and to provide for the payment of expenses of the city;

88 (3) Building regulation. To establish minimum standards for and to regulate the erection,
89 construction and repair of buildings and all other structures; to adopt building, housing,
90 plumbing, electrical, gas, and heating and air conditioning codes, to regulate all housing,
91 building, and building trades, to license all building trades, and to license the construction
92 and erection of buildings and all other structures for the health, sanitation, cleanliness,
93 welfare, and safety of inhabitants of the city;

- 94 (4) Business regulation and taxation. To levy and to provide for the collection of
95 regulatory fees and taxes on privileges, occupations, trades and professions, as authorized
96 by Title 48 of the O.C.G.A., or other such applicable laws as are or may hereafter be
97 enacted; to permit and regulate the same, and to provide for the manner and method of
98 payment of such regulatory fees and taxes; and to revoke such permits after due process
99 for failure to pay any city taxes or fees;
- 100 (5) Condemnation. To condemn property, inside or outside the corporate limits of the
101 city for present or future use, and for any corporate purpose deemed necessary by the
102 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such
103 other applicable laws as are or may hereafter be enacted;
- 104 (6) Contracts. To enter into contracts and agreements with other governmental entities
105 and with private persons, firms and corporations;
- 106 (7) Emergencies. To establish procedures for determining and proclaiming that an
107 emergency situation exists within or without the city, and to make and carry out all
108 reasonable provisions deemed necessary to deal with or meet such an emergency for the
109 protection, safety, health or well-being of the citizens of the city;
- 110 (8) Environmental protection. To protect and preserve the natural resources,
111 environment, and vital areas of the state through the preservation and improvement of air
112 quality, the restoration and maintenance of water resources, the control of erosion and
113 sedimentation, the management of solid and hazardous waste, and other necessary actions
114 for the protection of the environment;
- 115 (9) Fire regulations. To fix and establish fire limits and from time to time to extend,
116 enlarge or restrict same; to prescribe fire safety regulations not inconsistent with general
117 law, relating to both fire prevention and detection and to fire fighting; and to prescribe
118 penalties and punishment for violations thereof;
- 119 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse and trash collection
120 and disposal and other sanitary service charge, tax, or fee, for such services as may be
121 necessary in the operation of the city from all individuals, firms, and corporations
122 residing in or doing business therein benefiting from such services; to enforce the
123 payment of such charges, taxes or fees, and to provide for the manner and method of
124 collecting such service charges;
- 125 (11) General health, safety, and welfare. To define, regulate and prohibit any act,
126 practice, conduct or use of property which is detrimental, or likely to be detrimental, to
127 the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to
128 provide for the enforcement of such standards;
- 129 (12) General welfare. To make, ordain and establish such bylaws, ordinances, rules and
130 regulations as shall appear necessary for the security, welfare, convenience and interest

131 of the city and the inhabitants thereof, and for preserving the health, peace, order and
132 good government of the city;

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

136 (14) Health and sanitation. To prescribe standards of health and sanitation and to
137 provide for the enforcement of such standards;

138 (15) Jail sentences. To provide that persons given jail sentences in the municipal court
139 may work out such sentence in any public works or on the streets, roads, drains, squares,
140 and other public property in the city; to provide for the commitment of such persons to
141 any jail, or to provide for commitment of such persons to any county work camp or jail
142 by agreement with the appropriate county officials;

143 (16) Motor vehicles. To regulate the operation of motor vehicles and exercise control
144 over all traffic, including parking, upon or across the streets, roads, alleys, and walkways
145 of the city;

146 (17) Municipal agencies and delegation of power. To create, alter or abolish
147 departments, boards, offices, commissions and agencies of the city, and to confer upon
148 such agencies the necessary and appropriate authority for carrying out all the powers
149 conferred upon or delegated to same;

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

153 (19) Municipal property ownership. To acquire, dispose of, lease and hold in trust or
154 otherwise, any real, personal or mixed property, in fee simple or lesser interest, inside or
155 outside the property limits of the city;

156 (20) Municipal property protection. To provide for the preservation and protection of
157 property and equipment of the city and the administration and use of same by the public;
158 and to prescribe penalties and punishment for violations thereof;

159 (21) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
160 of public utilities, including but not limited to, a system of waterworks, sewers and
161 drains, sewerage disposal, gasworks, electric light plants, cable television and other
162 telecommunications, transportation facilities, public airports and any other public utility;
163 and to fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties; and
164 to provide for withdrawal of service for refusal or failure to pay same and the manner in
165 which such remedies shall be enforced; and to provide for the manner and method of
166 collecting charges for such services and for enforcing payment of same; charges for such
167 services shall constitute a lien against the property receiving such services and shall be

168 enforced in the same manner and under the same remedies as a lien for city property
169 taxes;

170 (22) Nuisance. To define a nuisance and provide for its abatement whether on public or
171 private property;

172 (23) Penalties. To provide penalties for violations of any ordinances adopted pursuant
173 to the authority of this charter and the laws of the State of Georgia;

174 (24) Planning and zoning. To provide comprehensive city planning for development by
175 zoning; and to provide subdivision regulation and the like as the city council deems
176 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;

177 (25) Police and fire protection. To exercise the power of arrest through duly appointed
178 policemen or in any other manner provided by the general laws of the State of Georgia;
179 and to establish, operate or contract for a police and a fire fighting agency;

180 (26) Pollution. To regulate the emission of smoke or other exhaust which pollutes the
181 air and to prevent the pollution of natural streams which flow within the corporate limits
182 of the city;

183 (27) Public hazards: removal. To provide for the destruction and removal of any
184 building or other structure which is or may become dangerous or detrimental to the
185 public;

186 (28) Public improvements. To provide for the acquisition, construction, building,
187 operation and maintenance of public ways, parks and playgrounds, recreational facilities,
188 cemeteries, markets and market houses, public buildings, libraries, public housing,
189 sewers, drains, sewerage treatment, airports, hospitals, terminals, docks, parking
190 facilities, or charitable, cultural, educational, recreational, conservation, sport, curative,
191 corrective, detentive, penal and medical institutions, agencies, and facilities; and to
192 provide any other public improvements, inside or outside the corporate limits of the city;
193 and to regulate the use of public improvements; and for such purposes, property may be
194 acquired by condemnation under Title 22 of the O.C.G.A. or such other applicable laws
195 as are or may hereafter be enacted;

196 (29) Public peace. To adopt ordinances and regulations for the prevention and
197 punishment of loitering, disorderly conduct, riots, public drunkenness, the playing of
198 lotteries and disturbing the peace in the corporate limits of the city; and to prohibit or
199 regulate by ordinance such other conduct and activities within said city which, while not
200 constituting an offense against the laws of this state, is deemed by the governing authority
201 to be detrimental and offensive to the peace and good order of the city or to the welfare
202 of the citizens thereof;

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

205 (31) Public utilities and services. To grant franchises or make contracts for public
206 utilities and public services companies, not to exceed periods of 50 years; or to impose
207 taxes on public utilities and public service companies; and to prescribe the rates, fares,
208 regulations and standards and conditions of service applicable to the service to be
209 provided by the franchise grantee or contractor, insofar as not in conflict with valid
210 regulations by the Public Service Commission;

211 (32) Regulation of roadside areas. To prohibit or regulate and control the erection,
212 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings and any
213 and all other structures or obstructions upon or adjacent to the rights-of-way of streets and
214 roads or within view thereof, within or abutting the corporate limits of the city; and to
215 prescribe penalties and punishment for violation of such ordinances;

216 (33) Retirement. To provide and maintain a system of pensions and retirement for
217 officers and employees of the city;

218 (34) Roadways. To layout, open, extend, widen, narrow, establish or change the grade
219 of, abandon, or close, construct, pave, curb, gutter, adorn with shade trees, otherwise
220 improve, maintain, repair, clean, prevent erosion of, and light roads, alleys, and walkways
221 within the corporate limits of the city; and to grant franchises and rights-of-way
222 throughout the streets and roads, and over the bridges and viaducts, for the use of public
223 utilities and public services and to require real estate owners to repair and maintain in a
224 safe condition the sidewalks adjoining their lots or lands; and to enact ordinances
225 establishing the terms and conditions under which such repairs and maintenance shall be
226 effected, including the penalties to be imposed for failure to do so;

227 (35) Sewer fees. To levy a fee, charge or sewer tax as necessary to assure the acquiring,
228 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
229 and sewerage system, and to levy on those to whom sewers and sewerage systems are
230 made available a sewer service charge, fee, or sewer tax for the availability or the use of
231 the sewers; and to provide for the manner and method of collecting such service charges
232 and for enforcing payment of same; and to charge, impose, and collect a sewer
233 connection fee or fees to those connected with the system;

234 (36) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish
235 and refuse by others; and to regulate the collection and disposal of garbage, rubbish, and
236 refuse by others; and to provide for the separate collection of glass, tin, aluminum,
237 cardboard, paper, and other recyclable materials, and to provide for the sale of such
238 items;

239 (37) Special areas of public regulation. To regulate or prohibit junk dealers; pawn shops;
240 the manufacture, sale or transportation of intoxicating liquors; the use and sale of
241 firearms; and to regulate the transportation, storage and use of combustible, explosive and

242 inflammable materials, the use of lighting and heating equipment, and any other business
 243 or situation which may be dangerous to persons or property; to regulate and control the
 244 conduct of peddlers, and itinerant traders, theatrical performances, exhibitions, and
 245 shows of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit
 246 professional fortune telling, adult bookstores, and massage parlors;

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

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

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

253 (41) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
 254 number of such vehicles; to require the operators thereof to be licensed; to require public
 255 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
 256 regulate the parking of such vehicles;

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

258 (43) Other powers. To exercise and enjoy all other powers, functions, rights, privileges
 259 and immunities necessary or desirable to promote or protect the safety, health, peace,
 260 security, good order, comfort, convenience, or general welfare of the city and its
 261 inhabitants; and to exercise all implied powers necessary or desirable to carry into
 262 execution all powers granted in this charter as fully and completely as if such powers
 263 were fully enumerated herein; and to exercise all powers now or in the future authorized
 264 to be exercised by other municipal governments under other laws of the State of Georgia.
 265 No enumeration of particular powers in this charter shall be held to be exclusive of
 266 others, nor restrictive of general words and phrases granting powers; but shall be held to
 267 be in addition to such powers unless expressly prohibited to municipalities under the
 268 constitution or applicable laws of the State of Georgia.

269 **SECTION 1.14.**

270 **Exercise of powers.**

271 All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or
 272 employees shall be carried into execution as provided by this charter. If this charter makes
 273 no provision such powers, functions, rights, privileges, and immunities shall be carried into
 274 execution as provided by ordinance of the governing authority or as provided by pertinent
 275 laws of the State of Georgia.

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ARTICLE II.
GOVERNING BODY
SECTION 2.10.

Creation; composition; number; election.

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The legislative authority of the government of the Town of Orchard Hill, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of three councilmembers, one of whom shall be designated as the mayor as provided herein. The city council established shall in all respects be a successor to and continuation of the governing authority under prior law. The councilmembers shall be elected in the manner provided by general law and this charter. Those councilmembers in office on the effective date of this Act shall continue to serve until the expiration of the terms for which they were elected and until their successors are elected and qualified.

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SECTION 2.11.

City council terms and qualifications for office.

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The members of the city council shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as councilmember unless that person shall have been a resident of the city for 12 months prior to the date of election; each shall continue to reside therein during that member's period of service and to be registered and qualified to vote in municipal elections of this city.

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SECTION 2.12.

Vacancy; filling of vacancies.

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(a) The office of councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office or removal from office, change of residency to outside of the city, or occurrence of any event specified by the Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

(b) Any councilmember shall forfeit his or her office if he or she:

- (1) Lacks at any time during his term of office any qualifications of the office as prescribed by this charter or the laws of the State of Georgia; or
- (2) Is convicted of a felony or crime involving moral turpitude.

(c) A vacancy in the office of councilmember shall be filled for the remainder of the unexpired term, if any, by an election as provided in Section 5.15 if less than 12 months remain in the unexpired term; otherwise by an election, as provided for in Section 5.15 of this

308 charter and in accordance with Titles 21 and 45 of the O.C.G.A., or other such laws as are
309 or may hereafter be enacted.

310 **SECTION 2.13.**

311 Compensation and expenses.

312 The councilmembers shall receive compensation and expenses for their services as provided
313 by resolution or ordinance.

314 **SECTION 2.14.**

315 Conflicts of interest; holding other offices.

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

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

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

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

328 (3) Disclose confidential information, including information obtained at meetings which
329 are closed pursuant to Title 50, Chapter 14 of the O.C.G.A., concerning the property,
330 government, or affairs of the governmental body by which the official is engaged without
331 proper legal authorization; or use such information to advance the financial or other
332 private interest of the official or others;

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

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

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

343 (c) Disclosure - Any elected official, appointed officer, or employee who shall have any
344 financial interest, directly or indirectly, in any contract or matter pending before or within
345 any department of the city shall disclose such interest to the city council. Any
346 councilmember who has a financial interest in any matter pending before the city council
347 shall disclose such interest and such disclosure shall be entered on the records of the city
348 council, and that official shall disqualify himself or herself from participating in any decision
349 or vote relating thereto. Any elected official, appointed officer, or employee of any agency
350 or political entity to which this charter applies who shall have any financial interest, directly
351 or indirectly, in any contract or matter pending before or within such entity shall disclose
352 such interest to the governing body of such agency or entity.

353 (d) Use of Public Property - No elected official, appointed officer, or employee of the city
354 or any agency or entity to which this charter applies shall use property owned by such
355 governmental entity for personal benefit, convenience, or profit except in accordance with
356 policies promulgated by the city council or the governing body of such agency or entity.

357 (e) Contracts Voidable and Rescindable - Any violation of this section which occurs with
358 the knowledge, express or implied, of a party to a contract or sale shall render said contract
359 or sale voidable at the option of the city council.

360 (f) Ineligibility of Elected Official - Except where authorized by law, no councilmember
361 shall hold any other elective or compensated appointive office in the city or otherwise be
362 employed by said government or any agency thereof during the term for which that official
363 was elected. No former councilmember shall hold any compensated appointive office in the
364 city until one year after the expiration of the term for which that official was elected.

365 (g) Political Activities of Certain Officers and Employees - No appointive officer of the city
366 shall continue in such employment upon qualifying as a candidate for nomination or election
367 to any public office. No employee of the city shall continue in such employment upon
368 election to any public office in this city or any other public office which is inconsistent,
369 incompatible or in conflict with the duties of the city employee. Such determination shall
370 be made by the council either immediately upon election or at any time such conflict may
371 arise.

372 (h) Penalties for Violation.

373 (1) Any city officer or employee who knowingly conceals such financial interest or
374 knowingly violates any of the requirements of this section shall be guilty of malfeasance
375 in office or position and shall be deemed to have forfeited that person's office or position.

376 (2) Any officer or employee of the city who shall forfeit an office or position as
 377 described in paragraph (1) above, shall be ineligible for appointment or election to or
 378 employment in a position in the city government for a period of three years thereafter.

379 **SECTION 2.15.**

380 Inquiries and investigations.

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

387 **SECTION 2.16.**

388 General powers and authority of the council.

389 (a) Except as otherwise provided by law or by this charter, the council shall be vested with
 390 all the powers of government of the Town of Orchard Hill as provided by Article I.

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

398 (c) By ordinance, the council may create, change, alter, abolish, or consolidate offices,
 399 agencies, and departments of the city and may assign additional functions to any of the
 400 offices, agencies, and departments expressly provided for by this charter.

401 **SECTION 2.17.**

402 Eminent domain.

403 The city council is hereby empowered to acquire, construct, operate and maintain public
 404 ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,
 405 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports,
 406 hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional,

407 penal and medical institutions, agencies and facilities, and any other public improvements
408 inside or outside the city, and to regulate the use thereof, and for such purposes, property
409 may be condemned under procedures established under general law applicable now or as
410 provided in the future.

411 **SECTION 2.18.**

412 Organizational meeting.

413 The council shall meet for organization on the second Monday in January each year. The
414 meeting shall be called to order by the city clerk and the oath of office shall be administered
415 to the newly elected members by an officer authorized to administer oaths and shall, to the
416 extent that it comports with federal and state law, as follows:

417 "I do solemnly swear that I will faithfully discharge all duties of councilmember of the
418 Town of Orchard Hill to the best of my ability without fear, favor, affection, reward, or
419 expectation thereof, so help me God."

420 **SECTION 2.19.**

421 Regular and special meetings.

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

424 (b) Special meetings of the city council may be held on call of the mayor or two members
425 of the city council. Notice of such special meetings shall be served on all other members
426 personally, or by telephone personally, or via electronic mail, provided a delivery and read
427 receipt notice is received, at least 48 hours in advance of the meeting. Such notice to
428 councilmembers shall not be required if all councilmembers are present when the special
429 meeting is called. Such notice of any special meeting may be waived by a councilmember
430 in writing before or after such a meeting, and attendance at the meeting shall also constitute
431 a waiver of notice on any business transacted in such councilmember's presence. Only the
432 business stated in the call may be transacted at the special meeting.

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

437 **SECTION 2.20.**

438 Rules of procedure.

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

442 (b) All committees and committee chairs and officers of the city council shall be appointed
 443 by the mayor subject to the approval of a majority of councilmembers and shall serve at the
 444 pleasure of the mayor and council. The mayor shall have the power to appoint new members
 445 to any committee at any time.

446 **SECTION 2.21.**

447 Quorum; voting.

448 Two councilmembers shall constitute a quorum and shall be authorized to transact business
 449 of the city council. Voting on the adoption of ordinances shall be by voice vote or as
 450 otherwise designated by the mayor, and the vote shall be recorded in the journal; but any
 451 member of the city council shall have the right to request a roll call vote and such vote shall
 452 be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote
 453 of the majority of the councilmembers present and voting, excluding the mayor except in the
 454 case of a tie, shall be required for the adoption of any ordinance, resolution, or motion. An
 455 abstention shall be counted as an affirmative vote. In the event any councilmember or the
 456 mayor leaves the meeting after the motion is made, but before the motion is decided, he or
 457 she shall not be deemed absent for quorum purposes and shall be assigned an official vote.

458 **SECTION 2.22.**

459 Ordinance form; procedures.

460 (a) Every proposed ordinance should be introduced in writing and in the form required for
 461 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
 462 enacting clause shall be "The Council of the Town of Orchard Hill hereby ordains" and every
 463 ordinance shall so begin.

464 (b) An ordinance may be introduced by any councilmember and be read at a regular or
 465 special meeting of the city council. Ordinances shall be considered and adopted or rejected
 466 by the city council in accordance with the rules which it shall establish; provided, however,
 467 an ordinance shall not be adopted the same day it is introduced, except for emergency
 468 ordinances provided in Section 2.24 of this charter. Upon introduction of any ordinance, the

469 clerk shall as soon as possible distribute a copy to each councilmember and shall file a
 470 reasonable number of copies in the office of the clerk and at such other public places as the
 471 city council may designate.

472 (c) All ordinances, bylaws, rules and regulations now in force in the city not inconsistent
 473 with this charter are hereby declared valid and of full effect and force until amended or
 474 repealed by the governing authority.

475 (d) Whenever possible, ordinances should be prepared by the city attorney.

476 **SECTION 2.23.**

477 Action requiring an ordinance.

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

479 **SECTION 2.24.**

480 Emergencies.

481 (a) To meet a public emergency affecting life, health, property or public peace, the city
 482 council may convene on call of the mayor or two councilmembers and promptly adopt an
 483 emergency ordinance, but such ordinance may not levy taxes; grant, renew or extend a
 484 franchise; regulate the rate charged by any public utility for its services; or authorize the
 485 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
 486 shall be introduced in the form prescribed for ordinances generally, except that it shall be
 487 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
 488 a declaration stating that an emergency exists, and describing the emergency in clear and
 489 specific terms. An emergency ordinance may be adopted, with or without amendment, or
 490 rejected at the meeting at which it is introduced, but the affirmative vote of at least two
 491 councilmembers shall be required for adoption. It shall become effective upon adoption or
 492 at such later time as it may specify. Every emergency ordinance shall automatically stand
 493 repealed 30 days following the date upon which it was adopted, but this shall not prevent
 494 reenactment of the ordinance in the manner specified in this section if the emergency still
 495 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
 496 in the same manner specified in this section for adoption of emergency ordinances.

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

501

SECTION 2.25.

502

Codes of technical regulations.

503 (a) The city council may adopt any standard code of technical regulations by reference
 504 thereto in an adopting ordinance. The procedure and requirements governing such adopting
 505 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements
 506 of subsection (b) of Section 2.22 of this charter for distribution and filing of copies of the
 507 ordinance shall be construed to include copies of any code of technical regulations, as well
 508 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as
 509 well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to
 510 Section 2.26 of this charter.

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

513

SECTION 2.26.

514

Signing; authenticating; recording; codification; printing.

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

517 (b) The city council shall provide for the preparation of a general codification of all the
 518 ordinances of the city having the force and effect of law. The general codification shall be
 519 adopted by the city council by ordinance and shall be published promptly, together with all
 520 amendments thereto and such codes of technical regulations and other rules and regulations
 521 as the city council may specify. This compilation shall be known and cited officially as "The
 522 Code of the Town of Orchard Hill, Georgia." Copies of the code shall be furnished to all
 523 officers, departments, and agencies of the city, and made available for purchase by the public
 524 at a reasonable price as fixed by the city council.

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

534 **SECTION 2.27.**

535 City administrator; appointment; qualifications; compensation.

536 The city council may appoint a city administrator for an indefinite term and shall fix the
 537 administrator's compensation. The administrator shall be appointed solely on the basis of
 538 executive and administrative qualifications. The city council shall, by ordinance, enumerate
 539 the powers and duties of the city administrator.

540 **SECTION 2.28.**

541 Council interference with administration.

542 Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the
 543 city council or its members shall deal with city officers and employees who are subject to the
 544 direction and supervision of the administrator solely through the administrator, and neither
 545 the city council nor its members shall give orders to any such officer or employee, either
 546 publicly or privately.

547 **SECTION 2.29.**

548 Selection of mayor.

549 At the first meeting of each year, a mayor and mayor pro tempore shall be designated from
 550 among the councilmembers for a term of one year. Such positions shall rotate among the
 551 councilmembers on an annual basis. Both shall continue to vote and otherwise participate
 552 as councilmembers.

553 **SECTION 2.30.**

554 Powers and duties of mayor.

555 The mayor shall:

- 556 (1) Preside at all meetings of the city council;
- 557 (2) Be the head of the city for the purpose of service of process and for ceremonial
 558 purposes, and be the official spokesperson for the city and the chief advocate of policy;
- 559 (3) Have the power to administer oaths and to take affidavits; and
- 560 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
 561 ordinances, and other instruments executed by the city which by law are required to be
 562 in writing.

563 **SECTION 2.31.**

564 Mayor pro tempore.

565 During the absence or physical or mental disability of the mayor for any cause, the mayor
 566 pro tempore, shall be clothed with all the rights and privileges of the mayor and shall perform
 567 the duties of the office of the mayor so long as such absence or disability shall continue. Any
 568 such absence or disability shall be declared by majority vote of all councilmembers. The
 569 mayor pro tempore shall sign all contracts and ordinances in which the mayor has a
 570 disqualifying financial interest as provided in Section 2.14 of this charter.

571 **ARTICLE III.**572 **EXECUTIVE BRANCH ORGANIZATION AND**573 **GENERAL PROVISIONS**574 **SECTION 3.10.**

575 Administrative and service departments.

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

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

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

585 (d) There shall be a director of each department or agency who shall be its principal officer.
 586 Each director shall, subject to the direction and supervision of the city council, be responsible
 587 for the administration and direction of the affairs and operations of that director's department
 588 or agency.

589 (e) All appointive officers and directors shall be appointed by the city council. All
 590 appointive officers and directors shall be employees at-will and subject to removal or
 591 suspension at any time by the city council, unless otherwise provided by law or ordinance.

592

SECTION 3.11.

593

Boards, commissions, and authorities.

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

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

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

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

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

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

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

616 (h) Except as otherwise provided by this charter or by law, each board, commission or
617 authority of the city shall elect one of its members as chair and one member as vice-chair,
618 and may elect as its secretary one of its own members or may appoint as secretary an
619 employee of the city. Each board, commission, or authority of the city government may
620 establish such bylaws, rules and regulations, not inconsistent with this charter, ordinances
621 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or
622 the conduct of its affairs. Copies of such bylaws, rules and regulations shall be filed with the
623 clerk of the city.

624 **SECTION 3.12.**

625 City attorney.

626 The city council shall appoint a city attorney and shall provide for the payment of such
627 attorney for services rendered to the city. The city attorney shall be responsible for providing
628 for the representation and defense of the city in all litigation in which the city is a party; may
629 be the prosecuting officer in the municipal court; shall attend the meetings of the council as
630 directed; shall advise the city council, mayor, and other officers and employees of the city
631 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
632 required by virtue of the person's position as city attorney.

633 **SECTION 3.13.**

634 City clerk.

635 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk
636 shall be custodian of the official city seal and city records; maintain city council records
637 required by this charter; and perform such other duties as may be required by the city
638 council.

639 **SECTION 3.14.**

640 Personnel policies.

641 All employees serve at-will and may be removed from office at any time unless otherwise
642 provided by ordinance. The council may adopt rules and regulations consistent with this
643 charter concerning:

- 644 (1) The method of employee selection and probationary periods of employment;
- 645 (2) The administration of any position classification and pay plan, methods of promotion
646 and application of service ratings thereto, and transfer of employees within the
647 classification plan;
- 648 (3) Hours of work, vacation, sick leave and other leaves of absence, overtime pay, and
649 the order and manner in which layoff shall be effected; and
- 650 (4) Such other personnel policies as may be necessary to provide for adequate and
651 systematic handling of the personnel affairs of the Town of Orchard Hill.

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ARTICLE IV.
MUNICIPAL COURT
SECTION 4.10.
Creation; name.

656 There shall be a court to be known as the Municipal Court of the Town of Orchard Hill.

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SECTION 4.11.
Chief judge; associate judge.

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

661 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
662 that person shall have attained the age of 21 years, shall be a member of the State Bar of
663 Georgia, and shall possess all qualifications required by law. All judges shall be appointed
664 by the city council and shall serve until a successor is appointed and qualified.

665 (c) Compensation of the judges shall be fixed by resolution or ordinance.

666 (d) Judges serve at-will and may be removed from office at any time by the city council
667 unless otherwise provided by ordinance.

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

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SECTION 4.12.
Convening.

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

675
676

SECTION 4.13.
Jurisdiction; powers.

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

679 (b) The municipal court shall have authority to punish those in its presence for contempt,
680 provided that such punishment shall not exceed two hundred dollars (\$200.00) or ten (10)
681 days in jail.

682 (c) The municipal court may fix punishment for offenses within its jurisdiction not
683 exceeding a fine of \$1,000.00 or imprisonment for six months or both such fine and
684 imprisonment, or may fix punishment by fine, imprisonment, or alternative sentencing as
685 now or hereafter provided by law.

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

689 (e) The municipal court shall have authority to establish bail and recognizances to ensure
690 the presence of those charged with violations before said court and shall have discretionary
691 authority to accept cash or personal or real property as surety for the appearance of persons
692 charged with violations. Whenever any person shall give bail for that person's appearance
693 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
694 presiding at such time and an execution issued thereon by serving the defendant and the
695 defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the
696 event that cash or property is accepted in lieu of bond for security for the appearance of a
697 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
698 the cash so deposited shall be on order of the judge declared forfeited to the city, or the
699 property so deposited shall have a lien against it for the value forfeited which lien shall be
700 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

711 **SECTION 4.14.**

712 **Certiorari.**

713 The right of certiorari from the decision and judgment of the municipal court shall exist in
714 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
715 the sanction of a judge of the Superior Court of Spalding County under the laws of the State
716 of Georgia regulating the granting and issuance of writs of certiorari.

717 **SECTION 4.15.**

718 Rules for court.

719 With the approval of the city council, the judge shall have full power and authority to make
 720 reasonable rules and regulations necessary and proper to secure the efficient and successful
 721 administration of the municipal court; provided, however, that the city council may adopt in
 722 part or in toto the rules and regulations applicable to municipal courts. The rules and
 723 regulations made or adopted shall be filed with the city clerk, shall be available for public
 724 inspection, and upon request, a copy shall be furnished to all defendants in municipal court
 725 proceedings at least 48 hours prior to said proceedings.

726 **ARTICLE V.**727 **ELECTIONS**728 **SECTION 5.10.**

729 Applicability of general law.

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

732 **SECTION 5.11.**

733 Qualifying; nomination of candidates; absentee ballots.

734 By ordinance, the council may prescribe rules and regulations governing qualifying fees,
 735 nomination of candidates, absentee ballots, write-in votes, challenge of votes, and such other
 736 rules and regulations as may be necessary for the conduct of elections in the Town of
 737 Orchard Hill.

738 **SECTION 5.12.**

739 Election of the city council.

740 There shall be a municipal general election biennially in odd numbered years on the Tuesday
 741 next following the first Monday in November. There shall be elected one councilmember
 742 at one election and every other regular election thereafter. The remaining two
 743 councilmembers shall be elected at the regular election alternating with the first election so
 744 that a continuing body is created. Terms shall be for four years.

745 **SECTION 5.13.**

746 Nonpartisan elections.

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

749 **SECTION 5.14.**

750 Election by plurality.

751 The person(s) receiving a plurality of the votes cast for any city office shall be elected.

752 **SECTION 5.15.**

753 Special elections, vacancies.

754 In the event that the office of councilmember shall become vacant as provided in Section
755 2.12 of this charter, the city council or those remaining shall order a special election to fill
756 the balance of the unexpired term of such official; provided, however, if such vacancy occurs
757 within 12 months of the expiration of the term of that office, the city council or those
758 remaining shall appoint a successor for the remainder of the term. In all other respects, the
759 special election shall be held and conducted in accordance with the Georgia Election Code,
760 Chapter 2 of Title 21 of the O.C.G.A., as now or hereafter amended.

761 **SECTION 5.16.**

762 Other provisions.

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

766 **SECTION 5.17.**

767 Removal of officers.

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

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

773 (1) Following a hearing at which an impartial panel shall render a decision. In the event
 774 an elected officer is sought to be removed by the action of the city council, such officer
 775 shall be entitled to a written notice specifying the ground or grounds for removal and to
 776 a public hearing which shall be held not less than ten (10) days after the service of such
 777 written notice. The city council shall provide by ordinance for the manner in which such
 778 hearings shall be held. Any elected officer sought to be removed from office as herein
 779 provided shall have the right of appeal from the decision of the city council to the
 780 Superior Court of Spalding County. Such appeal shall be governed by the same rules as
 781 govern appeals to the superior court from the probate court.

782 (2) By an order of the Superior Court of Spalding County following a hearing on a
 783 complaint seeking such removal brought by any resident of the Town of Orchard Hill.

784 **ARTICLE VI.**

785 **FINANCE AND FISCAL**

786 **SECTION 6.10.**

787 Property taxes.

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

794 **SECTION 6.11.**

795 Millage rate; due dates; payment methods.

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

800 **SECTION 6.12.**

801 Occupation and business taxes.

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

804 professions for the purpose of such taxation in any way which may be lawful and may
805 compel the payment of such taxes as provided in Section 6.19 of this charter.

806 **SECTION 6.13.**

807 Regulatory fees; permits.

808 The city council, by ordinance, shall have the power to require businesses or practitioners
809 doing business within this city to obtain a permit for such activity from the city and pay a
810 reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect
811 the total cost to the city of regulating the activity, and if unpaid, shall be collected as
812 provided in Section 6.19 of this charter.

813 **SECTION 6.14.**

814 Franchises.

815 (a) The city council shall have the power to grant franchises for the use of this city's streets
816 and alleys for the purposes of railroads, street railways, telephone companies, electric
817 companies, electric membership corporations, cable television and other telecommunications
818 companies, gas companies, transportation companies and other similar organizations. The
819 city council shall determine the duration, terms, whether the same shall be exclusive or non
820 exclusive, and the consideration for such franchises; provided, however, no franchise shall
821 be granted for a period in excess of 35 years and no franchise shall be granted unless the city
822 receives just and adequate compensation therefor. The city council shall provide for the
823 registration of all franchises with the city clerk in a registration book kept by the clerk. The
824 city council may provide by ordinance for the registration within a reasonable time of all
825 franchises previously granted.

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

831 **SECTION 6.15.**

832 Service charges.

833 The city council, by ordinance, shall have the power to assess and collect fees, charges, and
834 tolls for sewers, sanitary and health services, or any other services provided or made

835 available within and without the corporate limits of the city for the total cost to the city of
 836 providing or making available such services. If unpaid, such charges shall be collected as
 837 provided in Section 6.19 of this charter.

838 **SECTION 6.16.**

839 Special assessments.

840 The city council, by ordinance, shall have the power to assess and collect the cost of
 841 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
 842 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
 843 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be
 844 collected as provided in Section 6.19 of this charter.

845 **SECTION 6.17.**

846 Construction; other taxes and fees.

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

850 **SECTION 6.18.**

851 Transfer of executions.

852 The city clerk shall be authorized to assign or transfer any fi. fa. or execution issued for any
 853 tax or for any street, sewer, or other assessment in the same manner and to the same extent
 854 as provided by Georgia law regarding sales and transfers of fi. fa.'s. Such transfer or
 855 assignment, when made, shall vest the purchaser or transferee with all right, title and interest
 856 as provided by Georgia law governing sales and transfers of tax fi. fa.'s. Provided that, upon
 857 levy of execution and sale of property pursuant to such tax fi. fa., whether assigned,
 858 transferred, or executed by the city, the owner of such property, in fee simple or lesser
 859 interest, shall not lose his right to redeem the property in accord with the requirements of
 860 redemption of property sold under state or county ad valorem tax fi. fa.'s., as said
 861 requirements now exist or as may be hereinafter provided by law.

862

SECTION 6.19.

863

Collection of delinquent taxes.

864

The city council, by ordinance, may provide generally for the collection of delinquent taxes,

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fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by

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whatever reasonable means as are not precluded by law. This shall include providing for the

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dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi.

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fa.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the

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persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any

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city taxes or fees; and providing for the assignment or transfer of tax executions.

871

SECTION 6.20.

872

General obligation bonds.

873

The council shall have the power to issue bonds for the purpose of raising revenue to carry

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out any projects, programs or venture authorized under this charter or the general laws of the

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state. Such bonding authority shall be exercised in accordance with the laws governing bond

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issuances by municipalities in effect at the time said issue is undertaken.

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SECTION 6.21.

878

Revenue bonds.

879

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

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

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for which they were issued.

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SECTION 6.22.

883

Short-term loans.

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

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of each year, unless otherwise provided by law.

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SECTION 6.23.

887

Lease-purchase contracts.

888

The city may enter into multi-year lease, purchase, or lease-purchase contracts for the

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

890 the contract terminates without further obligation on the part of the municipality at the close
891 of the calendar year in which it was executed and at the close of each succeeding calendar
892 year for which it may be renewed. Contracts must be executed in accordance with the
893 requirements of Section 36-60-13 of the O.C.G.A., or other such applicable laws as are or
894 may hereafter be enacted.

895 **SECTION 6.24.**

896 Fiscal year.

897 The council shall set the fiscal year by ordinance. Said fiscal year shall constitute the budget
898 year and the year for financial accounting and reporting of each and every office department
899 or institution, agency and activity of the city government, unless otherwise provided by state
900 or federal law.

901 **SECTION 6.25.**

902 Preparation of budgets.

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

907 **SECTION 6.26.**

908 Submission of operating budget to city council.

909 On or before a date fixed by the council, but not later than 90 days prior to the beginning of
910 each fiscal year, the mayor shall submit to the council a proposed operating budget for the
911 ensuing fiscal year. The budget shall be accompanied by a message from the mayor
912 containing a statement of the general fiscal policies of the city, the important features of the
913 budget, explanations of major changes recommended for the next fiscal year, a general
914 summary of the budget and such other comments and information as he may deem pertinent.
915 The operating budget and the capital improvements budget hereinafter provided for, the
916 budget message, and all supporting documents shall be filed in the office of the city clerk and
917 shall be open to public inspection.

918

SECTION 6.27.

919

Action by city council on budget.

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

925 (b) The city council, by ordinance, shall adopt the final operating budget for the ensuing
 926 fiscal year not later than the first regular meeting in January of each year. If the city council
 927 fails to adopt the budget by this date, the amounts appropriated for operation for the current
 928 fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis,
 929 with all items prorated accordingly until such time as the city council adopts a budget for the
 930 ensuing fiscal year. Adoption of the budget shall take the form of an appropriations
 931 ordinance setting out the estimated revenues in detail by sources and making appropriations
 932 according to fund and by organizational unit, purpose, or activity as set out in the budget
 933 preparation ordinance adopted pursuant to Section 6.25 of this charter.

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

938

SECTION 6.28.

939

Property tax levies.

940 As the next order of business following adoption of the operating budget, the council shall
 941 levy, by ordinance, an annual tax on all real and personal property within the Town of
 942 Orchard Hill. The tax rate set by such ordinance shall be such that reasonable estimates of
 943 revenues from such levy shall at least be sufficient, together with other anticipated revenues,
 944 fund balances, and applicable reserves, to equal the total amount appropriated for each of the
 945 several funds set forth in the annual operating budget for defraying the expenses of the
 946 general government of the Town of Orchard Hill.

947 **SECTION 6.29.**

948 Changes in appropriations.

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

953 **SECTION 6.30.**

954 Capital budget.

955 (a) On or before the date fixed by the city council but no later than 90 days prior to the
 956 beginning of each fiscal year, the city council shall prepare a proposed capital improvements
 957 plan with a recommended capital budget containing the means of financing the
 958 improvements proposed for the ensuing fiscal year. The city council shall have the power
 959 to accept, with or without amendments, or reject the proposed plan and proposed budget.
 960 The city council shall not authorize an expenditure for the construction of any building,
 961 structure, work, or improvement, unless the appropriations for such project are included in
 962 the capital budget, except to meet a public emergency as provided in Section 2.24 of this
 963 charter.

964 (b) The city council shall adopt, by ordinance, the final capital budget for the ensuing fiscal
 965 year not later than the first regular meeting of January of each year. No appropriation
 966 provided for in a capital budget shall lapse until the purpose for which the appropriation was
 967 made shall have been accomplished or abandoned; provided, however, the city council may
 968 submit amendments to the capital budget at any time during the fiscal year, accompanied by
 969 recommendations. Any such amendments to the capital budget shall become effective only
 970 upon adoption by ordinance.

971 **SECTION 6.31.**

972 Independent audit.

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

978 **SECTION 6.32.**

979 Contracting procedures.

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

981 (1) It is in writing;

982 (2) It is drawn by or submitted and reviewed by the city attorney, and as a matter of
983 course, is signed by the city attorney to indicate such drafting or review; and

984 (3) It is made or authorized by the city council and such approval is entered in the city
985 council journal of proceedings pursuant to Section 2.21 of this charter.

986 **SECTION 6.33.**

987 Centralized purchasing.

988 The city council may, by ordinance, prescribe procedures for a system of centralized
989 purchasing for the city.

990 **SECTION 6.34.**

991 Sale and lease of city property.

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

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

998 (c) Whenever in opening, extending or widening any street, avenue, alley or public place of
999 the city, a small parcel or tract of land is cut off or separated by such work from a larger tract
1000 or boundary of land owned by the city, the city council may authorize the city administrator
1001 to sell and convey said cut off or separated parcel or tract of land to an abutting or adjoining
1002 property owner or owners where such sale and conveyance facilitates the enjoyment of the
1003 highest and best use of the abutting owner's property. Included in the sales contract shall be
1004 a provision for the rights of way of said street, avenue, alley, or public place. Each abutting
1005 property owner shall be notified of the availability of the property and given the opportunity
1006 to purchase said property under such terms and conditions as set out by ordinance. All deeds
1007 and conveyances heretofore and hereafter so executed and delivered shall convey all title and
1008 interest the city has in such property, notwithstanding the fact that no public sale after
1009 advertisement was or is hereafter made.

1010 ARTICLE VII.
1011 GENERAL PROVISIONS
1012 **SECTION 7.10.**
1013 Official bonds.

1014 The officers and employees of the Town of Orchard Hill, both elective and appointive, shall
1015 execute such surety or fidelity bonds in such amounts and upon such terms and conditions
1016 as the city council shall from time to time require by ordinance or as may be provided by
1017 law.

1018 **SECTION 7.11.**
1019 Prior ordinances.

1020 All ordinances, resolutions, rules and regulations now in force in the city not inconsistent
1021 with this charter are hereby declared valid and of full effect and force until amended or
1022 repealed by the city council.

1023 **SECTION 7.12.**
1024 Existing personnel and officers.

1025 Except as specifically provided otherwise by this charter, all personnel and officers of the
1026 city and their rights, privileges and powers shall continue beyond the time this charter takes
1027 effect for a period of 90 days before or during which the existing city council shall pass a
1028 transition ordinance detailing the changes in personnel and appointive officers required or
1029 desired and arranging such titles, rights, privileges, and powers as may be required or desired
1030 to allow a reasonable transition.

1031 **SECTION 7.13.**
1032 Pending matters.

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

SECTION 7.14.

Construction.

1037 (a) Section captions in this charter are informative only and are not to be considered as a part
1040 thereof.

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

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

SECTION 7.15.

Severability.

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

SECTION 7.16.

Specific repealer.

1054 An Act incorporating the Town of Orchard Hill in the County of Spalding, Ga. Laws 1912,
1055 Page 1190, is hereby repealed in its entirety and all amendatory acts thereto are likewise
1056 repealed in their entirety.

SECTION 7.17.

General repealer.

1059 All laws and parts of laws in conflict with this Act are repealed.