

House Bill 626 (AS PASSED HOUSE AND SENATE)

By: Representative Shaw of the 176th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Lakeland; to provide for incorporation, boundaries,
2 and powers of the city; to provide for a governing authority of such city and the powers,
3 duties, authority, election, terms, vacancies, compensation, expenses, qualifications,
4 prohibitions, conflicts of interest, and suspension and removal from office relative to
5 members of such governing authority; to provide for inquiries and investigations; to provide
6 for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for
7 ordinances and codes; to provide for a chief executive officer, mayor, and mayor pro tempore
8 and certain duties, powers, and other matters relative thereto; to provide for administrative
9 affairs and responsibilities; to provide for boards, commissions, and authorities; to provide
10 for a city attorney, a city clerk, and other personnel and matters relating thereto; to provide
11 for rules and regulations; to provide for a municipal court and the judge or judges thereof and
12 other matters relative to those judges; to provide for the court's jurisdiction, powers,
13 practices, and procedures; to provide for the right of certiorari; to provide for elections; to
14 provide for taxation, licenses, and fees; to provide for franchises, service charges, and
15 assessments; to provide for bonded and other indebtedness; to provide for auditing,
16 accounting, budgeting, and appropriations; to provide for city contracts and purchasing; to
17 provide for the conveyance of property and interests therein; to provide for bonds for
18 officials; to provide for prior ordinances and rules, pending matters, and existing personnel;
19 to provide for penalties; to provide for definitions and construction; to provide for other
20 matters relative to the foregoing; to repeal a specific Act; to provide for an effective date; to
21 repeal conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 ARTICLE I

24 INCORPORATION AND POWERS

25 SECTION 1.10.

26 Name.

27 This city and the inhabitants thereof, are reincorporated by the enactment of this charter and
 28 are hereby constituted and declared a body politic and corporate under the name and style,
 29 "City of Lakeland, Georgia," and by that name shall have perpetual existence.

30 SECTION 1.11.

31 Corporate boundaries.

32 (a) The boundaries of this city shall be those existing on the effective date of the adoption
 33 of this charter with such alterations as may be made from time to time in the manner
 34 provided by law. The boundaries of this city at all times shall be shown on a map to be
 35 retained permanently in the City of Lakeland City Hall and to be identified by the city clerk
 36 as Official Map of the Corporate Limits of the City of Lakeland, Georgia. A photographic,
 37 typed, or other copy of such map or description certified by the City of Lakeland shall be
 38 admitted as evidence in all courts and shall have the same force and effect as with the
 39 original map or description.

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

43 SECTION 1.12.

44 Powers and construction.

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

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

52 **SECTION 1.13.**

53 Specific powers.

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

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

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

66 (d) Business Regulation and Taxation. To levy and to provide for the collection of
67 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized
68 by Title 48 of the O.C.G.A. or other such applicable laws as are or may hereafter be enacted;
69 to permit and regulate the same; to provide for the manner and method of payment of such
70 regulatory fees and taxes; and to revoke such permits after due process for failure to pay any
71 city taxes or fees.

72 (e) Condemnation. To condemn property inside or outside the corporate limits of the city
73 for present or future use and for any corporate purpose deemed necessary by the governing
74 authority, utilizing procedures as the same shall exist from time to time provided by the
75 O.C.G.A.

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

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

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

- 87 (i) Fire Regulations. To fix and establish fire limits and from time to time to extend,
88 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with general
89 law relating to fire prevention and detection and to fire fighting; and to prescribe penalties
90 and punishment for violations thereof.
- 91 (j) Garbage Fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and
92 disposal fee and other sanitary service charge as may be necessary in the operation of the city
93 from all individuals, firms, and corporations residing in or doing business therein benefitting
94 from such services or to whom such services are available; to enforce the payment of such
95 charges, taxes, or fees; and to provide for the manner and method of collecting such service
96 charges.
- 97 (k) General Health, Safety, and Welfare. To define, regulate, and prohibit any act, practice,
98 conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare,
99 and safety of the inhabitants of the city, and to provide for the enforcement of such standards.
- 100 (l) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any
101 purpose related to powers and duties of the city and the general welfare of its citizens, on
102 such terms and conditions as the donor or grantor may impose.
- 103 (m) Health and Sanitation. To prescribe standards of health and sanitation and to provide
104 for the enforcement of such standards.
- 105 (n) Jail Sentences. To provide that persons given jail sentences in the city's court may work
106 out such sentences in any public works or on the streets, roads, drains, and other public
107 property in the city; to provide for commitment of such persons to any jail; or to provide for
108 commitment of such persons to any county work camp or county jail by agreement with the
109 appropriate county officials.
- 110 (o) Motor Vehicles. To regulate the operation of motor vehicles and exercise control over
111 all traffic, including parking upon or across the streets, roads, alleys, and walkways of the
112 city.
- 113 (p) Municipal Agencies and Delegation of Power. To create, alter, or abolish departments,
114 boards, offices, commissions, and agencies of the city and to confer upon such agencies the
115 necessary and appropriate authority for carrying out all the powers conferred upon or
116 delegated to the same.
- 117 (q) Municipal Debts. To appropriate and borrow money for the payment of debts of the city
118 and to issue bonds for the purpose of raising revenue to carry out any project, program, or
119 venture authorized by this charter and the laws of the State of Georgia.
- 120 (r) Municipal Property Ownership. To acquire, dispose of, lease, option, and hold in trust
121 or otherwise accept or transfer an interest in any real, personal, or mixed property, in fee
122 simple or lesser interest, inside or outside the property limits of the city.

- 123 (s) Municipal Property Protection. To provide for the preservation and protection of
124 property and equipment of the city and the administration and use of same by the public, and
125 to prescribe penalties and punishment for violations thereof.
- 126 (t) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of
127 public utilities, including, but not limited to, a system of waterworks, sewers and drains,
128 sewage disposal, gas works, electric light plants, cable television, and other
129 telecommunications, transportation facilities, public airports, and any other public utility; and
130 to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties, and to
131 provide for the withdrawal of service for refusal or failure to pay the same.
- 132 (u) Nuisance. To define a nuisance and provide for its abatement whether on public or
133 private property.
- 134 (v) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the
135 authority of this charter and the laws of the State of Georgia.
- 136 (w) Planning and Zoning. To provide comprehensive city planning for development by
137 zoning; and to provide subdivision regulation and the like as the city council deems
138 necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community.
- 139 (x) Police and Fire Protection. To exercise the power of arrest through duly appointed
140 police and to establish, operate, or contract for a police and a fire fighting agency.
- 141 (y) Public Hazards: Removal. To provide for the destruction and removal of any building
142 or other structure which is or may become dangerous or detrimental to the public.
- 143 (z) Public Improvements. To provide for the acquisition, construction, building, operation,
144 and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries,
145 markets and market houses, public buildings, libraries, public housing, airports, hospitals,
146 terminals, docks, parking facilities, or charitable, cultural, educational, recreational,
147 conservation, sport, curative, corrective, detention, penal, and medical institutions, agencies,
148 and facilities; and to provide any other public improvements, inside or outside the corporate
149 limits of the city; to regulate the use of public improvements; and for such purposes, property
150 may be acquired by condemnation under procedures provided by the O.C.G.A. as the same
151 shall exist from time to time.
- 152 (aa) Public Peace. To provide for the prevention and punishment of drunkenness, riots, and
153 public disturbances.
- 154 (bb) Public Transportation. To organize and operate such public transportation systems as
155 are deemed beneficial.
- 156 (cc) Public Utilities and Services. To grant franchises or make contracts for or impose taxes
157 on public utilities and public service companies; and to prescribe the rates, fares, regulations,
158 standards, and conditions of service applicable to the service to be provided by the franchise

159 grantee or contractor, insofar as the same are not in conflict with valid regulations of the
160 Public Service Commission.

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

166 (ee) Retirement. To provide and maintain a retirement plan for officers and employees of
167 the city.

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

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

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

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

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

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

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

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

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

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

215 **SECTION 1.14.**

216 Exercise of powers.

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

221 **ARTICLE II**

222 **GOVERNMENT STRUCTURE**

223 **SECTION 2.10.**

224 City Council Creation; Number; Election.

225 The legislative authority of the government of this city, except as otherwise specifically
226 provided in this charter, shall be vested in a city council to be composed of a mayor and six
227 councilmembers. The city council shall in all respects be a successor to and continuation of

228 the governing authority under prior law. The mayor and councilmembers shall be elected
 229 in the manner provided by general law and this charter.

230 **SECTION 2.11.**

231 City council terms and qualifications for office.

232 (a) The members of the city council shall serve for terms of four years and until their
 233 respective successors are elected and qualified. No person shall be eligible to serve as mayor
 234 or councilmember unless that person shall have been a resident of the city for at least twelve
 235 months prior to the date of election of the mayor or member of the council.

236 (b) The mayor may reside anywhere within the City of Lakeland and must receive a majority
 237 of the votes cast for such office in the entire city. The mayor shall continue to reside within
 238 the City of Lakeland during that person's term of office or that office shall thereupon become
 239 vacant.

240 (c) In order to be elected as a member of the council from a council post, a person must
 241 reside in the city at the time such person is elected and must receive a plurality of the votes
 242 cast for that office from throughout the city. At the time of qualifying for election as a
 243 member of the council for a council post, each candidate for such office shall specify the
 244 council post for which that person is a candidate. A person elected as a member of the
 245 council from a council post shall continue to reside in the city during that person's term of
 246 office or that office shall thereupon become vacant.

247 **SECTION 2.12.**

248 Vacancy; filling of vacancies.

249 (a) The office of mayor or councilmember shall become vacant upon the occurrence of any
 250 event specified by the Constitution, Title 45 of the O.C.G.A., or such other applicable laws
 251 as are or may hereafter be enacted; provided, however, that the office of mayor or
 252 councilmember shall become vacant upon the unexcused absence of the holder of the office
 253 from four consecutive regularly scheduled meetings of the city council. Excused absences
 254 shall be granted by a majority vote of the remaining city councilmembers and the mayor as
 255 provided in Section 2.21 of this charter and shall be entered upon the minutes of the council
 256 meeting.

257 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder of
 258 the unexpired term, if any, by appointment by the remaining councilmembers if less than six
 259 months remain in the unexpired term, otherwise by an election, as provided for in

260 Section 5.14 of this charter and in accordance with Titles 21 and 45 of the O.C.G.A. or other
261 such laws as are or may hereafter be enacted.

262 **SECTION 2.13.**

263 Compensation and expenses.

264 The mayor and councilmembers shall receive compensation and expenses for their services
265 as provided by ordinance.

266 **SECTION 2.14.**

267 Conflicts of interest.

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

270 (b) Neither the mayor nor any member of the city council shall vote upon, sign, or veto any
271 ordinance, resolution, contract, or other matter in which that person is financially interested.

272 **SECTION 2.15.**

273 Inquiries and investigations.

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

280 **SECTION 2.16.**

281 General power and authority of the city council.

282 Except as otherwise provided by law or this charter, the city council shall be vested with all
283 the powers of government of this city as provided by Article I of this charter.

284 **SECTION 2.17.**

285 Eminent domain.

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

294 **SECTION 2.18.**

295 Organizational meetings.

296 The city council shall hold an organizational meeting at its first meeting in January following
 297 the regular election as provided in Section 5.11 of this charter. The meeting shall be called
 298 to order by the city clerk, and the oath of office shall be administered to the newly-elected
 299 members as follows:

300 "I _____ do solemnly swear or affirm that I will properly perform the duties of the
 301 office of _____ in and for the City of Lakeland, to the best of my knowledge, skill,
 302 and ability; that I am not the holder of any unaccounted for public money due to the State
 303 of Georgia or any political subdivision or authority thereof; that I am not the holder of any
 304 office of trust under the government of the United States, any other state, or any foreign
 305 state, which I am by the laws of the State of Georgia prohibited from holding; that I am
 306 qualified to hold the office which I am about to enter according to the Constitution and
 307 laws of Georgia; that I will support the Constitutions of the United States and the State of
 308 Georgia; that I have been a resident of the post from which elected and the City of
 309 Lakeland for the time required by the Constitution and laws of the State of Georgia and the
 310 charter of the City of Lakeland, so help me God."

311 **SECTION 2.19.**

312 Regular and special meetings.

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

315 (b) Special meetings may be called by the mayor when in his or her judgment it becomes
316 necessary, and he or she shall do so when requested in writing to do so by two or more
317 councilmembers. Notice of such special meetings shall be served on all other members
318 personally, or by telephone personally, at least 24 hours in advance of the meeting. Such
319 notice to councilmembers shall not be required if the mayor and all councilmembers are
320 present when the special meeting is called. Such notice of any special meeting may be
321 waived by a councilmember in writing before or after such a meeting, and attendance at the
322 meeting shall also constitute a waiver of notice on any business transacted in such
323 councilmember's presence. Only the business stated in the call may be transacted at the
324 special meeting.

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

329 **SECTION 2.20.**

330 Rules of procedure.

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

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

337 **SECTION 2.21.**

338 Quorum; voting.

339 The mayor or mayor pro tempore and four councilmembers shall constitute a quorum for the
340 transaction of business. Voting on the adoption of ordinances shall be by oral vote, and the
341 vote shall be recorded in the journal; but any member of the city council shall have the right
342 to request a roll call vote, and such vote shall be recorded in the journal. Except as otherwise
343 provided in this charter, the affirmative vote of four councilmembers or three
344 councilmembers and the mayor shall be required for the adoption of any ordinance,
345 resolution, or motion. The mayor shall vote only in the event of a tie or when the affirmative
346 or negative vote constitutes a majority of four votes. An abstention shall not be counted as
347 either an affirmative or negative vote.

348

SECTION 2.22.

349

Ordinance form; procedures.

350 (a) Except as herein provided, every official action of the city council which is to become
351 law shall be by ordinance. Each proposed ordinance shall be introduced in writing and in the
352 form required for final adoption. No ordinance shall contain a subject which is not expressed
353 in its title. The enacting clause shall be "It is hereby ordained by the governing authority of
354 the City of Lakeland," and every ordinance shall so begin.

355 (b) An ordinance may be introduced by a councilmember and be read at a regular or special
356 meeting of the city council. Ordinances shall be considered and adopted or rejected by the
357 city council in accordance with the rules which it shall establish. All ordinances shall have
358 two separate readings; provided, however, that the city council may dispense with the second
359 reading with unanimous consent of the members present. Emergency ordinances, as
360 provided in Section 2.16 of this charter, may be adopted on the same day that they are
361 introduced without dispensing with the second reading. Upon introduction of any ordinance,
362 the city clerk shall as soon as possible distribute a copy to the mayor and to each
363 councilmember and shall file a reasonable number of copies in the office of the city clerk and
364 at such other public places as the city council may designate.

365 (c) The mayor, or mayor pro tempore when performing the duties of the mayor, shall have
366 the veto power and may veto any resolution or ordinance passed by the council, in which
367 event the same shall not become law or have the effect of law unless subsequently and at the
368 next regular meeting thereafter it shall be passed over his veto by a two-third's vote of the
369 entire council duly recorded on the minutes; but unless the mayor shall file in writing with
370 the city clerk of the city his or her veto of any measure passed by the council, with his or her
371 reasons for withholding his or her assent within three days after its passage, the same shall
372 become law just as if signed and approved by the mayor, but the mayor may approve the
373 same in writing and it shall go into effect immediately.

374

SECTION 2.23.

375

Action requiring an ordinance.

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

377

SECTION 2.24.

378

Emergencies.

379 (a) To meet a public emergency affecting life, health, property, or public peace, the city
 380 council may convene on call of the mayor or three councilmembers and promptly adopt an
 381 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
 382 franchise; regulate the rate charged by any public utility for its services; or authorize the
 383 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
 384 shall be introduced in the form prescribed for ordinances generally, except that it shall be
 385 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
 386 a declaration stating that an emergency exists and describing the emergency in clear and
 387 specific terms. An emergency ordinance may be adopted, with or without amendment, or
 388 rejected at the meeting at which it is introduced, but the affirmative vote of at least three
 389 councilmembers shall be required for adoption. It shall become effective upon adoption or
 390 at such later time as it may specify. Every emergency ordinance shall automatically stand
 391 repealed 30 days following the date upon which it was adopted, but this shall not prevent
 392 reenactment of the ordinance in the manner specified in this section if the emergency still
 393 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
 394 in the same manner specified in this section for adoption of emergency ordinances.

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

399

SECTION 2.25.

400

Codes of technical regulations.

401 (a) The city council may adopt any standard code of technical regulations by reference
 402 thereto in an adopting ordinance. The procedure and requirements governing such adopting
 403 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements
 404 of subsection (b) of Section 2.22 of this charter for distribution and filing of copies of the
 405 ordinance shall be construed to include copies of any code of technical regulations, as well
 406 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations as
 407 well as the adopting ordinance, shall be authenticated and recorded by the city clerk pursuant
 408 to Section 2.26 of this charter.

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

411
412
413

SECTION 2.26.

Signing; authenticating; recording;
codification; printing.

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

416 (b) The city council shall provide for the preparation of a general codification of all the
417 ordinances of the city having the force and effect of law. The general codification shall be
418 adopted by the city council by ordinance and shall be published promptly, together with all
419 amendments thereto and such codes of technical regulations and other rules and regulations
420 as the city council may specify. This compilation shall be known and cited officially as "The
421 Code of the City of Lakeland, Georgia." Copies of the code shall be furnished to all officers,
422 departments, and agencies of the city and made available for purchase by the public at a
423 reasonable price as fixed by the city council.

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

433
434

SECTION 2.27.

Chief executive officer.

435 The mayor shall be the chief executive of this city. The mayor shall possess all of the
436 executive and administrative power granted to the city under the constitution and laws of the
437 State of Georgia and all the executive powers contained in this charter.

438
439

SECTION 2.28.

Powers and duties of mayor.

440 As the chief executive of this city, the mayor shall:

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

- 442 (2) Recommend to the city council such measures relative to the affairs of the city,
 443 improvement of the government, and promotion of the welfare of its inhabitants as the
 444 mayor may deem expedient;
- 445 (3) Call special meetings of the city council as provided for in subsection (b) of
 446 Section 2.19 of this charter;
- 447 (4) Preside at all meetings of the city council and vote only in the event of a tie or when
 448 an affirmative or negative vote by the mayor constitutes a majority of four votes;
- 449 (5) Provide for an annual audit of all accounts of the city;
- 450 (6) Require any department or agency of the city to submit written reports whenever the
 451 mayor and city council deems it expedient; and
- 452 (7) Perform such other duties as may be required by law, this charter, or by ordinance.

453 **SECTION 2.29.**

454 Mayor pro tempore; selection; duties.

455 At the first meeting in January of each year, the city council shall elect a councilmember to
 456 serve as mayor pro tempore. In the mayor's absence, the mayor pro tempore shall preside
 457 at meetings of the city council and shall assume the duties and powers of the mayor upon the
 458 mayor's physical or mental disability; provided that the mayor pro tempore shall vote as a
 459 member of the city council at all times when serving as herein provided that the mayor pro
 460 tempore shall vote only in case of a tie or when an affirmative or negative vote constitutes
 461 a majority of four votes when presiding in the absence of the mayor.

462 **ARTICLE III**

463 **ADMINISTRATIVE AFFAIRS**

464 **SECTION 3.10.**

465 Administrative and service departments.

- 466 (a) Except as otherwise provided in this charter, the city council, by ordinance, shall
 467 prescribe the functions and duties of and establish, abolish, alter, consolidate, or leave vacant
 468 all nonelective offices, positions of employment, departments, and agencies of the city, as
 469 necessary for the proper administration of the affairs and government of this city.
- 470 (b) Except as otherwise provided by this charter or by law, the directors of city departments
 471 and other appointed officers of the city shall be appointed solely on the basis of their
 472 respective administrative and professional qualifications.
- 473 (c) All appointed officers and directors of departments shall receive such compensation as
 474 prescribed by ordinance.

475 (d) All appointed officers, directors, and department heads under the supervision of the
476 mayor and council shall be nominated by the mayor with confirmation of appointment by the
477 city council. All appointed officers, directors, and department heads shall be
478 employees-at-will and subject to removal or suspension at any time by the mayor and city
479 council unless otherwise provided by law or ordinance.

480 (e) Notwithstanding any other provision of this section, the mayor and city council shall
481 elect a city clerk, municipal court judge, and city attorney as provided in this charter. All
482 officers shall be elected at the first meeting in January for a term of one year and until their
483 successors shall be elected and qualified.

484 (f) Upon the establishment of a police department and public works department, the chief
485 of police and the director of public works shall be elected by the mayor and city council at
486 the first meeting in January for a term of one year or until their successor is elected and
487 qualified.

488 **SECTION 3.11.**

489 **Boards, commissions, and authorities.**

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

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

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

500 (d) Except as otherwise provided by this charter or by law, no member of any board,
501 commission, or authority shall hold any elected office in the city.

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

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

509 (g) All board members shall serve at will and may be removed at any time by a vote of four
510 members of the city council unless otherwise provided by law.

511 (h) Except as otherwise provided by this charter or by law, each board, commission, or
512 authority of the city shall elect one of its members as chairperson and one member as vice
513 chairperson and may elect as its secretary one of its own members or may appoint as
514 secretary an employee of the city. Each board, commission, or authority of the city
515 government may establish such bylaws, rules, and regulations, not inconsistent with this
516 charter, ordinances of the city, or law, as it deems appropriate and necessary for the
517 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and
518 regulations shall be filed with the city clerk.

519 **SECTION 3.12.**

520 City attorney.

521 The city council shall appoint a city attorney, together with such assistant city attorneys as
522 may be authorized, and shall provide for the payment of such attorney or attorneys for
523 services rendered to the city. The city attorney shall be responsible for providing for the
524 representation and defense of the city in all litigation in which the city is a party; may be the
525 prosecuting officer in the municipal court; shall attend the meetings of the city council as
526 directed; shall advise the city council, mayor, and other officers and employees of the city
527 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
528 required by virtue of the person's position as city attorney.

529 **SECTION 3.13.**

530 City clerk.

531 The city council shall appoint a city clerk who shall not be a city council member. The city
532 clerk shall be custodian of the official city seal and city records; maintain city council records
533 required by this charter; and perform such other duties as may be required by the city
534 council.

535 **SECTION 3.14.**

536 Personnel policies.

537 All employees serve at will and may be removed from office at any time unless otherwise
538 provided by ordinance.

539 ARTICLE IV
 540 JUDICIAL BRANCH
 541 **SECTION 4.10.**
 542 Municipal court creation.

543 There shall be a court to be known as the municipal court of the City of Lakeland.

544 **SECTION 4.11.**
 545 Chief judge; associate judge.

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

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

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

553 (d) The judge of the municipal court shall fix such penalties and punishments for offenses
 554 within the jurisdiction of the municipal court as shall have been determined for each offense
 555 by the mayor and council.

556 (e) Judges serve at will and may be removed from office at any time by the city council
 557 unless otherwise provided by ordinance.

558 (f) Before assuming office, each judge shall take an oath, given by the mayor, that the judge
 559 will honestly and faithfully discharge the duties of the office to the best of that person's
 560 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of
 561 the city council journal required in Section 2.20 of this charter.

562 **SECTION 4.12.**
 563 Convening.

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

565 **SECTION 4.13.**
 566 Jurisdiction; powers.

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

- 569 (b) The municipal court shall have authority to punish those in its presence for contempt,
570 provided that such punishment shall not exceed \$500.00 or ten days in jail.
- 571 (c) The municipal court may fix punishment for offenses within its jurisdiction not
572 exceeding a fine of \$1,000.00 or imprisonment for 180 days, or other such fine and
573 imprisonment, or may fix punishment by fine, imprisonment, or alternative sentencing as
574 now or hereafter provided by law not to exceed the penalty and punishment for offenders
575 within the jurisdiction of the court as determined for each offense by the mayor and city
576 council.
- 577 (d) The municipal court shall have authority to establish a schedule of fees to defray the cost
578 of operation and shall be entitled to reimbursement of the cost of meals, transportation, and
579 care of prisoners bound over to superior courts for violations of state law.
- 580 (e) The municipal court shall have authority to establish bail and recognizance to ensure the
581 presence of those charged with violations before such court, and shall have discretionary
582 authority to accept cash or personal or real property as surety for the appearance of persons
583 charged with violations. Whenever any person shall give bail for that person's appearance
584 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
585 presiding at such time and an execution issued thereon by serving the defendant and the
586 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the
587 event that cash or property is accepted in lieu of bond for security for the appearance of a
588 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
589 the cash so deposited shall be on order of the judge declared forfeited to the city, or the
590 property so deposited shall have a lien against it for the value forfeited which lien shall be
591 enforceable in the same manner and to the same extent as a lien for city property taxes.
- 592 (f) The municipal court shall have the same authority as superior courts to compel the
593 production of evidence in the possession of any party; to enforce obedience to its orders,
594 judgments, and sentences; and to administer such oaths as are necessary.
- 595 (g) The municipal court may compel the presence of all parties necessary to a proper
596 disposal of each case by the issuance of summonses, subpoenas, and warrants which may be
597 served as executed by any officer as authorized by this charter or by law.
- 598 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of
599 persons charged with offenses against any ordinance of the city, and each judge of the
600 municipal court shall have the same authority as a magistrate of the state to issue warrants
601 for offenses against state laws committed within the city.

602 **SECTION 4.14.**

603 Certiorari.

604 The right of certiorari from the decision and judgment of the municipal court shall exist in
605 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
606 the sanction of a judge of the Superior Court of Lanier County under the laws of the State of
607 Georgia regulating the granting and issuance of writs of certiorari.

608 **SECTION 4.15.**

609 Rules for court.

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

617 **SECTION 4.16.**

618 Indigent defense and prosecutor.

619 The mayor and council shall have the power to provide for a system of defense for indigent
620 persons charged in the municipal court of the City of Lakeland with violations of ordinances
621 or state laws, and for the prosecution of such cases by a prosecutor. The city council is
622 further authorized to provide for the expense of indigent defense and prosecution by
623 prorating the estimated cost over all criminal cases disposed of by the court and bond
624 forfeitures in the criminal cases. A bond amount shall be imposed by the municipal court
625 judge and collected in all criminal cases. Bond forfeitures in such cases shall be collected
626 as costs in addition to fines, penalties, and all other costs.

654 special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the
655 O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

656 **SECTION 5.15.**

657 Other provisions.

658 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe
659 such rules and regulations it deems appropriate to fulfill any options and duties under
660 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

661 **SECTION 5.16.**

662 Removal of officers.

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

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

668 (1) Following a hearing at which an impartial panel shall render a decision. In the event
669 an elected officer is sought to be removed by the action of the city council, such officer
670 shall be entitled to a written notice specifying the ground or grounds for removal and to a
671 public hearing which shall be held not less than ten days after the service of such written
672 notice. The city council shall provide by ordinance for the manner in which such hearings
673 shall be held. Any elected officer sought to be removed from office as provided in this
674 paragraph shall have the right of appeal from the decision of the city council to the
675 Superior Court of Lanier County. Such appeal shall be governed by the same rules as
676 govern appeals to the superior court from the probate court; or

677 (2) By an order of the Superior Court of Lanier County following a hearing on a complaint
678 seeking such removal brought by any resident of the City of Lakeland.

679 **ARTICLE VI**

680 **FINANCE**

681 **SECTION 6.10.**

682 Property tax.

683 The city council may assess, levy, and collect an ad valorem tax on all real and personal
684 property within the corporate limits of the city that is subject to such taxation by the state and

685 county. This tax is for the purpose of raising revenues to defray the costs of operating the
686 city government, of providing governmental services, for the repayment of principal and
687 interest on general obligations, and for any other public purpose as determined by the city
688 council in its discretion.

689 **SECTION 6.11.**

690 Millage rate; due dates; payment methods.

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

695 **SECTION 6.12.**

696 Occupation and business taxes.

697 The city council, by ordinance, shall have the power to levy such occupation or business
698 taxes as are not denied by law. The city council may classify businesses, occupations, or
699 professions for the purpose of such taxation in any way which may be lawful and may
700 compel the payment of such taxes as provided in Section 6.18 of this charter.

701 **SECTION 6.13.**

702 Regulatory fees; permits.

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

708 **SECTION 6.14.**

709 Franchises.

710 (a) The city council shall have the power to grant franchises for the use of this city's streets
711 and alleys for the purposes of railroads, street railways, telephone companies, electric
712 companies, electric membership corporations, cable television and other telecommunications
713 companies, gas companies, transportation companies, and other similar organizations. The

714 city council shall determine the duration, terms, whether the same shall be exclusive or
 715 nonexclusive, and the consideration for such franchises; provided, however, that no franchise
 716 shall be granted for a period in excess of 35 years, and no franchise shall be granted unless
 717 the city receives just and adequate compensation therefor. The city council shall provide for
 718 the registration of all franchises with the city clerk in a registration book kept by the city
 719 clerk. The city council may provide by ordinance for the registration within a reasonable
 720 time of all franchises previously granted.

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

726 **SECTION 6.15.**

727 Service charges.

728 The city council, by ordinance, shall have the power to assess and collect fees, charges, and
 729 tolls for sewers, sanitary and health services, or any other services provided or made
 730 available within and without the corporate limits of the city for the total cost to the city of
 731 providing or making available such services. If unpaid, such charges shall be collected as
 732 provided in Section 6.18 of this charter.

733 **SECTION 6.16.**

734 Special assessments.

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

740 **SECTION 6.17.**

741 Construction; other taxes and fees.

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

745

SECTION 6.18.

746

Collection of delinquent taxes and fees.

747 (a) The city council shall have the power and authority to provide by ordinance for the
748 collection from delinquent tax payers, in addition to all other sums, of the costs of collection
749 and the costs of levy preparation and execution procedures, and to add such sums to the
750 amounts due on tax executions. The costs of levy preparation and execution procedures shall
751 include, but without limitation, the cost of title searches, name and address verifications,
752 legal fees, and all other levy and enforcement costs of every kind.

753 (b) The city council shall have the power and authority to provide by ordinance for the
754 employment by the city clerk of agencies to assist in the collection of delinquent taxes and
755 in tax execution levy preparation and enforcement procedures, to provide for the payment
756 of the costs of such agencies by the delinquent taxpayer, and to provide for the costs of such
757 agencies to be added to the amounts due on tax executions.

758 (c) Executions for any and all taxes or licenses, or demands of any sort due the city or its
759 corporate authorities by any person, firm, or corporation, or against any property subject
760 thereto, shall be issued by the clerk, be signed by him or her, bear teste in the name of the
761 mayor, and be directed to the chief of police of said city and his deputies and all and singular
762 the sheriffs, deputy sheriffs, and constables of this state, commanding them that of any
763 property belonging to the defendant against whom said execution is issued, or of certain
764 property described in the execution, they make by levy and sale the amount due on the
765 execution with all costs.

766 (d) Except as otherwise provided by this charter, all executions issued by the city clerk for
767 taxes, license fees, special assessments, fines or forfeitures due the city shall be governed by
768 the laws governing executions for state and county taxes, and shall be subject to all
769 presumptions of law and fact which apply to executions for state and county taxes.

770

SECTION 6.19.

771

General obligation bonds.

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

776 **SECTION 6.20.**

777 Revenue bonds.

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

781 **SECTION 6.21.**

782 Short-terms loans.

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

785 **SECTION 6.22.**

786 Lease-purchase contracts.

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

794 **SECTION 6.23.**

795 Fiscal year.

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

799 **SECTION 6.24.**

800 Preparation of budgets.

801 The city council shall provide an ordinance on the procedures and requirements for the
802 preparation and execution of an annual operating budget, a capital improvement plan, and

803 a capital budget, including requirements as to the scope, content, and form of such budgets
804 and plans.

805 **SECTION 6.25.**

806 Submission of operating budget to city council.

807 On or before a date fixed by the city council, but not later than 60 days prior to the beginning
808 of each fiscal year, the mayor shall submit to the city council a proposed operating budget
809 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor
810 containing a statement of the general fiscal policies of the city, the important features of the
811 budget, explanations of major changes recommended for the next fiscal year, a general
812 summary of the budget, and such other pertinent comments and information. The operating
813 budget and the capital budget required by this article, the budget message, and all supporting
814 documents shall be filed in the office of the city clerk and shall be open to public inspection.

815 **SECTION 6.26.**

816 Action by city council on budget.

817 (a) The city council may amend the operating budget proposed by the mayor, except that the
818 budget as finally amended and adopted shall provide for all expenditures required by state
819 law or by other provisions of this charter and for all debt service requirements for the ensuing
820 fiscal year, and the total appropriations from any fund shall not exceed the estimated fund
821 balance, reserves, and revenues.

822 (b) The city council, by ordinance, shall adopt the final operating budget for the ensuing
823 fiscal year not later than the first day of fiscal year. If the city council fails to adopt the
824 budget by this date, the amounts appropriated for operation for the past fiscal year shall be
825 deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items
826 prorated accordingly until such time as the city council adopts a budget for the ensuing fiscal
827 year. Adoption of the budget shall take the form of an appropriations ordinance setting out
828 the estimated revenues in detail by sources and making appropriations according to fund and
829 by organizational unit, purpose, or activity as set out in the budget preparation ordinance
830 adopted pursuant to Section 6.24 of this charter.

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

835 **SECTION 6.27.**

836 Tax levies.

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

843 **SECTION 6.28.**

844 Changes in appropriations.

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

849 **SECTION 6.29.**

850 Independent audit.

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

856 **SECTION 6.30.**

857 Contracting procedures.

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

- 859 (1) It is in writing;
- 860 (2) It is drawn by or submitted to and reviewed by the city attorney, and as a matter of
861 course, is signed by the city attorney to indicate such drafting or review; and
- 862 (3) It is made or authorized by the city council, and such approval is entered in the city
863 council journal of proceedings pursuant to Section 2.21 of this charter.

864 **SECTION 6.31.**

865 Centralized purchasing.

866 The city council, by ordinance, shall prescribe procedures for a system of centralized
867 purchasing for the city.

868 **SECTION 6.32.**

869 Sale and lease of city property.

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

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

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

888 **ARTICLE VII**

889 **GENERAL PROVISIONS**

890 **SECTION 7.10.**

891 Bonds for officials.

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

895 **SECTION 7.11.**

896 Prior ordinances.

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

900 **SECTION 7.12.**

901 Existing personnel and officers.

902 Except as specifically provided otherwise by this charter, all personnel and officers of the
903 city and their rights, privileges, and powers shall continue beyond the time this charter takes
904 effect for a period of 180 days before or during which the existing city council shall pass a
905 transition ordinance detailing the changes in personnel and appointed officers required or
906 desired and arranging such titles, rights, privileges, and powers as may be required or desired
907 to allow a reasonable transition.

908 **SECTION 7.13.**

909 Pending matters.

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

914 **SECTION 7.14.**

915 Construction.

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

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

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

921 **SECTION 7.15.**

922 Severability.

923 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
924 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
925 nor impair other parts of this charter unless it clearly appears that such other parts are wholly
926 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
927 legislative intent in enacting this charter that each article, section, subsection, paragraph,
928 sentence, or part thereof be enacted separately and independent of each other.

929 **SECTION 7.16.**

930 Effective date.

931 This charter shall become effective on July 1, 2015.

932 **SECTION 7.18.**

933 Specific repealer.

934 An Act incorporating the City of Lakeland, approved August 11, 1925 (Ga. L. 1925,
935 p. 1217), and all amendatory Acts thereto, are hereby repealed.

936 **SECTION 7.19.**

937 General repealer.

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