

House Bill 664 (AS PASSED HOUSE AND SENATE)

By: Representative Gasaway of the 28<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide for a new charter for the City of Avalon; to provide for incorporation, corporate  
2 boundaries, and powers of the city; to provide for the form of government, terms and  
3 qualifications of officeholders, filling vacancies, compensation of officeholders, powers of  
4 duties of the city council, duties of the mayor, veto power, and a mayor pro tempore; to  
5 provide for council meetings, rules of procedure, quorums, enactment and codification of  
6 ordinances, and codes of technical regulations; to provide for boards, commissions, and  
7 authorities, personnel administration, and a city clerk; to provide for elections and special  
8 elections, and grounds and procedures for removal from offices; to provide for property  
9 taxes, levy of taxes, millage rates, collection of delinquent taxes, license fees and occupation  
10 taxes, sewer service charges, special assessments, general obligation and revenue bonds, and  
11 preparation of an operating budget; to provide for official bonds, retention of certain existing  
12 ordinances, and penalties; to repeal specific laws; to provide an effective date; to repeal  
13 conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 ARTICLE I.  
16 INCORPORATION, POWERS  
17 SECTION 1.10.  
18 Incorporation.

19 The City of Avalon, Georgia, in the County of Stephens and the inhabitants thereof shall  
20 continue to be a body politic and corporate under the name and style of the City of Avalon,  
21 Georgia, this charter providing for a change in the name from the Town of Avalon. Under  
22 that name, said city shall continue to be vested with all of the property and rights of property  
23 which now belong to the corporation; shall have perpetual succession; may sue and be sued;  
24 may contract and be contracted with; may acquire and hold such property real and personal,  
25 as may be devised, bequeathed, sold or in any manner conveyed or dedicated to or otherwise

26 acquired by it and from time to time may hold or invest, sell or dispose of the same; may  
 27 have a common seal and alter and renew the same at will; and may exercise in conformity  
 28 with this charter all municipal powers, functions, rights, privileges, and immunities of every  
 29 name and nature whatsoever.

30 **SECTION 1.11.**

31 Corporate boundaries.

32 The corporate limits of the City of Avalon shall embrace and consist of the territory as it  
 33 exists at the time of the approval of this charter confined within the following described  
 34 boundary: the corporate limits shall extend three-fourths of a mile (except as herein set out)  
 35 in every direction from the center of the former Elberton Southern Railway depot property  
 36 generally at the point of intersection of present State Highway 17 with Avalon Road, but on  
 37 the south side where such three-fourths mile boundary would overlap the corporate limits of  
 38 the town of Martin, the corporate limits of the City of Avalon shall be the corporate limits  
 39 of the town of Martin as the corporate limits of the town of Martin were prescribed by law  
 40 in 1910, plus any property properly annexed to the corporate limits of the City of Avalon  
 41 from 1910 to the present, if any.

42 **SECTION 1.12.**

43 Specific powers.

44 The corporate powers of the government of the City of Avalon to be exercised by the  
 45 governing authority shall include the following:

- 46 (1) To levy and to provide for the assessment and collection of taxes on all property  
 47 subject to taxation;
- 48 (2) To levy and to provide for the collection of license fees and taxes on privileges,  
 49 occupations, trades, and professions and to license and regulate such privileges,  
 50 occupations, trades, and professions and to provide for the manner and method of  
 51 payment of such licenses and taxes; and to revoke such licenses;
- 52 (3) To levy and collect such other taxes as may be allowed now or in the future by state  
 53 law;
- 54 (4) To make appropriations for the support of the government of the city, to authorize  
 55 the expenditure of money for any purposes authorized by this charter and for any purpose  
 56 for which a municipality is authorized by the laws of the State of Georgia, and to provide  
 57 for the payment of expenses of the city;

- 58 (5) To appropriate and borrow money for the payment of debts of the city and to issue  
59 bonds for the purpose of raising revenue to carry out any project, program or venture  
60 authorized by this charter or the laws of the State of Georgia;
- 61 (6) To acquire, dispose of, and hold in trust or otherwise, any real, personal, or mixed  
62 property, in fee simple or lesser interest, inside or outside the corporate limits of the city;
- 63 (7) To accept or refuse gifts, donations, bequests or grants from any source for any  
64 purpose related to the powers and duties of the city and the general welfare of its citizens,  
65 on such terms and conditions as the donor or grantor may impose;
- 66 (8) To condemn property, inside or outside the corporate limits of the city for present or  
67 future use, and for any corporate purpose deemed necessary by the governing authority,  
68 under Title 22 of the Official Code of Georgia Annotated, as amended, or under other  
69 applicable Public Acts as are or may be enacted;
- 70 (9) To acquire, lease, construct, operate, maintain, sell and dispose of public utilities  
71 including but not limited a system of waterworks, sewers, and drains, sewage disposal,  
72 gas works, electric light plants, transportation facilities, public airports, and any other  
73 public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and  
74 penalties and withdrawal of service for refusal or failure to pay same and the manner in  
75 which such remedies shall be enforced;
- 76 (10) To grant franchises or make contracts for public utilities; to prescribe the rates,  
77 fares, regulations and standards and conditions of service applicable to the service to be  
78 provided by the franchise grantee or contractor, insofar as not in conflict with such  
79 regulations by the Public Service Commission;
- 80 (11) To lay out, open, extend, widen, narrow, establish or change the grade of, abandon,  
81 or close, construct, pave, curb, gutter, adorn with shade trees, otherwise improve,  
82 maintain, repair, clean, prevent erosion of and light streets, roads, alleys, and walkways  
83 within the corporate limits of the city;
- 84 (12) To grant franchises and rights-of-way throughout the streets and roads, and over the  
85 bridges and viaducts, for the use of public utilities;
- 86 (13) To provide for the acquisition, construction, building, operation and maintenance  
87 of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and  
88 market houses, public buildings, libraries, sewers, drains, sewerage treatment, airports,  
89 hospitals, and charitable, cultural, educational, recreational, conservation, sport, curative,  
90 corrective, detentional, penal and medical institutions, agencies, and facilities; and any  
91 other public improvements, inside or outside the corporate limits of the city; and to  
92 regulate the use thereof, and for such purposes property may be acquired by  
93 condemnation under Title 22 of the Official Code of Georgia Annotated, as amended, or  
94 other applicable Public Acts, as are or may be enacted;

- 95 (14) To require real estate owners to repair and maintain in a safe condition the  
96 sidewalks adjoining their lots or lands; and to enact ordinances establishing the terms and  
97 conditions under which such repairs and maintenance shall be effected, including the  
98 penalties to be imposed for failure to do so;
- 99 (15) To regulate the erection and construction of buildings and all other structures; to  
100 adopt building, zoning, housing, plumbing, electrical, gas and heating and air  
101 conditioning codes and to regulate all housing, building, and building trades; to license  
102 all building trades, and to license the construction and erection of buildings and all other  
103 structures;
- 104 (16) To provide for the prevention and punishment of drunkenness, riots, and public  
105 disturbances;
- 106 (17) To regulate or prohibit junk dealers, pawn shops, the manufacture, sale,  
107 transportation or distribution of intoxicating drugs, liquors, wines and beer and the use  
108 and sale of firearms; and to regulate the transportation, storage and use of combustible,  
109 explosive and inflammable materials, the use of lighting and heating equipment, and any  
110 other business or situation which may be dangerous to persons or property;
- 111 (18) To regulate and control the conduct of peddlers, and itinerant trades, theatrical  
112 performances, exhibitions, adult entertainment and shows of any kind whatever, by  
113 taxation or otherwise;
- 114 (19) To license, tax, regulate or prohibit professional fortunetelling, palmistry, adult  
115 bookstores, and massage parlors;
- 116 (20) To prohibit or regulate and control the erection, removal, and maintenance of signs,  
117 billboards, trees, shrubs, fences, buildings and any and all other structures or obstructions  
118 upon or adjacent to the right-of-way of streets and roads or within view thereof, within  
119 or abutting the corporate limits of the city and to prescribe penalties and punishment for  
120 violation of such ordinances;
- 121 (21) To prescribe standards of health and sanitation and to provide for the enforcement  
122 of such standards;
- 123 (22) To regulate the emission of smoke or other exhaust which pollutes the air and to  
124 prevent the pollution of natural streams which flow within the corporate limits of the city;
- 125 (23) To fix and establish fire limits and from time to time to extend, enlarge or restrict  
126 same; to prescribe fire safety regulations not inconsistent with general law, relating to  
127 both fire prevention and detection and to firefighting, and to prescribe penalties and  
128 punishment for violation thereof;
- 129 (24) To provide for the destruction and removal of any building or other structure which  
130 may or might become dangerous or detrimental to the public;

- 131 (25) To provide for the collection and disposal of rubbish, refuse and other solid waste;  
132 to regulate the collection and disposal of garbage, rubbish, refuse and other solid waste  
133 by others; to provide for the separate collection of glass, tin, aluminum, cardboard, paper,  
134 and other recyclable materials and to provide for the sale of such items; to recover and  
135 utilize resources contained in solid waste for production of energy and other purposes;
- 136 (26) To levy, fix, assess, and collect a garbage, refuse, and trash and waste collection and  
137 disposal and other sanitary service charge, tax, or fee, for such services as may be  
138 necessary in the operation of the city from all individuals, firms, and corporations  
139 residing in or doing business therein benefiting from such services; to enforce the  
140 payment of such charges, taxes or fees, and to provide for the manner and method of  
141 collecting such service charges;
- 142 (27) To levy a fee, charge or sewer tax as necessary to assure the acquiring, constructing,  
143 equipping, operating, maintaining, and extending of a sewer disposal plant or plants and  
144 sewerage systems, and to levy on the users of sewers and sewerage systems a sewer  
145 service charge fee or sewer tax for the use of the sewers; and to provide for the manner  
146 and method of collecting such service charges and for enforcing payment of same;
- 147 (28) To charge, impose and collect a sewer connection fee or fees, and to change the  
148 same from time to time; such fees to be levied on the users connecting with the sewerage  
149 system;
- 150 (29) To define, regulate and prohibit any act, practice, conduct or use of property which  
151 is detrimental, or likely to be detrimental, to the health, sanitation, cleanliness, welfare,  
152 and safety of the inhabitants of the city and to provide for the enforcement of such  
153 standards;
- 154 (30) To define a nuisance and provide for its abatement whether on public or private  
155 property;
- 156 (31) To provide for the preservation and protection of property and equipment of the city  
157 and the administration and use of same by the public, and to prescribe penalties and  
158 punishment for violations thereof;
- 159 (32) To establish minimum standards for and to regulate building construction and  
160 repair, electrical wiring and equipment, gas installation and equipment, plumbing, and  
161 housing, for the health, sanitation, cleanliness, welfare, and safety of inhabitants of the  
162 city and to provide for the enforcement of such standards;
- 163 (33) To provide that persons given jail sentences in the municipal court shall work out  
164 such sentence in any public works or on the streets, roads, drains, and squares of the city;  
165 or to provide for commitment of such persons to any county work camp or jail by  
166 agreement with the appropriate county officials;

- 167 (34) To adopt ordinances and regulations for the prevention of loitering, disorderly  
168 conduct, public drunkenness and disturbing the peace in the corporate limits of the city  
169 and to prohibit the playing of lotteries therein, and to prohibit or regulate by ordinance  
170 such other conduct and activities within the city which, while not constituting an offense  
171 against the laws of this state, is deemed by the governing authority to be detrimental and  
172 an offense to the peace and good order of the city or to the welfare of the citizens thereof;
- 173 (35) To regulate and license, or prohibit the keeping or running at large of animals and  
174 fowl and to provide for the impoundment of same, if in violation of any ordinance or  
175 lawful order; to provide for their disposition by sale, gift, or humane destruction, when  
176 not redeemed as provided by ordinance; and to provide punishment for violation of  
177 ordinances enacted hereunder;
- 178 (36) To regulate the operation of motor vehicles and exercise control over all traffic,  
179 including parking, upon or across the streets, roads, alleys and walkways of the city;
- 180 (37) To regulate and license vehicles operated for hire in the city; to limit the number of  
181 such vehicles; to require the operators thereof to be licensed; to require public liability  
182 insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate  
183 and rent parking spaces in public ways for the use of such vehicles;
- 184 (38) To provide and maintain a system of pensions and retirement for officers and  
185 employees of the city;
- 186 (39) To levy and provide for the collection of special assessments to cover the costs for  
187 any public improvements;
- 188 (40) To enter into contracts and agreements with other governmental entities and with  
189 private persons, firms, and corporations providing for services to be furnished and  
190 payments to be made therefor;
- 191 (41) To create, alter or abolish departments, boards, offices, commissions and agencies  
192 of the city, and to confer upon such agencies the necessary and appropriate authority for  
193 carrying out all the powers conferred upon or delegated to same;
- 194 (42) To make, ordain and establish such bylaws, ordinances, rules and regulations as  
195 shall appear necessary for the security, welfare, convenience and interest of the city and  
196 the inhabitants thereof, and for preserving the health, peace, order and good government  
197 of the city;
- 198 (43) To provide penalties for violation of any ordinance adopted pursuant to the authority  
199 of this charter and the laws of the State of Georgia;
- 200 (44) To exercise the power of arrest through duly appointed policemen and to organize  
201 and operate a firefighting agency;
- 202 (45) To establish procedures for determining and proclaiming that an emergency  
203 situation exists within or without the city, and to make and carry out all reasonable

204 provisions deemed necessary to deal with or meet such an emergency for the protection,  
 205 safety, health, or well-being of the citizens of the city;

206 (46) To provide comprehensive city planning for development by zoning, subdivision  
 207 regulations and the like as the city council deems necessary and reasonable to insure a  
 208 safe, healthy, and aesthetically pleasing community;

209 (47) To organize and operate an urban redevelopment program;

210 (48) To organize and operate such public transportation systems as are deemed  
 211 beneficial; and

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

222 **SECTION 1.13.**  
 223 General powers.

224 In addition to all other powers herein granted, the city shall be vested with any and all powers  
 225 which municipal corporations are, or may hereafter be, authorized or required to exercise  
 226 under the Constitution and laws of the State of Georgia, as fully and completely as though  
 227 such powers were specifically enumerated herein; and any and all powers which the city was  
 228 heretofore authorized to exercise upon the effective date of this charter.

229 **SECTION 1.14.**  
 230 Construction.

231 The powers of the city shall be construed liberally and in favor of the city. The specific  
 232 mention or failure to mention particular powers in this charter shall not be construed as  
 233 limiting in any way the general power of the city as stated in this charter. It is the intention  
 234 hereof to grant to the city full power and right to exercise all governmental authority  
 235 necessary for the effective operation and conduct of the city and all of its affairs.

236 **SECTION 1.15.**

237 Exercise of powers.

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

243 **ARTICLE II.**

244 **GOVERNING BODY**

245 **SECTION 2.10.**

246 Form of government.

247 The government of the City of Avalon shall be vested in a mayor and city council, said  
 248 council to be composed of five council persons chosen as hereinafter provided.

249 **SECTION 2.11.**

250 Terms and qualifications of office.

251 The members of the council shall serve for terms of four years and until their respective  
 252 successors are elected and qualified. The mayor shall serve for a term of four years and until  
 253 his or her successor is elected and qualified. No person shall be eligible to serve as mayor  
 254 or council person unless he or she: (1) has been a resident of the city for a period of one year  
 255 immediately prior to the date of the election of mayor or council person; (2) continues to  
 256 reside within the city during his or her period of service; and (3) is registered and qualified  
 257 to vote in municipal elections of the City of Avalon.

258 **SECTION 2.12.**

259 Vacancy; forfeiture of office; filling of vacancies.

260 (a) The office of mayor or council person shall become vacant upon the incumbent's death,  
 261 resignation, forfeiture of office or removal from office in any manner authorized by this  
 262 charter or the laws of the State of Georgia.

263 (b) The mayor or any council person shall forfeit his or her office if he or she: (1) lacks at  
 264 any time during the term of office any qualifications of the office as prescribed by this



265 charter or the laws of the State of Georgia; (2) willfully and knowingly violates any express  
266 prohibition of this charter; or (3) is convicted of a crime involving moral turpitude.

267 (c) A vacancy in the office of mayor or council person shall be filled for the remainder of  
268 the unexpired term, if any, as provided for in Article IV of this charter.

269 **SECTION 2.13.**

270 Compensation and expenses.

271 The mayor and council persons shall receive as compensation for their services an amount  
272 prescribed by ordinance passed by the council in conformity with the laws of the State of  
273 Georgia. The mayor and council persons shall be entitled to receive their actual and  
274 necessary expenses incurred in the performance of their duties of office.

275 **SECTION 2.14.**

276 Prohibitions.

277 (a) Except as authorized by law, no member of the council shall hold any other elective  
278 municipal office or municipal employment in the City of Avalon during the term for which  
279 he or she was elected.

280 (b) Neither the mayor nor any council person shall vote upon any question in which he or  
281 she is personally interested.

282 **SECTION 2.15.**

283 Inquiries and investigations.

284 The council may make inquiries and investigations into affairs of the city and the conduct  
285 of any department, office, or agency thereof and for this purpose may subpoena witnesses,  
286 administer oaths, take testimony, and require the production of evidence. Any person who  
287 fails or refuses to obey a lawful order issued in the exercise of these powers by the council  
288 shall be punished as provided by ordinance.

289 **SECTION 2.16.**

290 General power and authority of the council.

291 (a) Except as otherwise provided by law or by this charter, the council shall be vested with  
292 all the powers of government of the City of Avalon provided in Article I of this charter.

- 293 (b) In addition to all other powers conferred on it by law, the council shall have the authority  
 294 to adopt and provide for the execution of such ordinances, resolutions, rules and regulations,  
 295 not inconsistent with this charter, the Constitution and the laws of the State of Georgia,  
 296 which it shall deem necessary, expedient or helpful for the peace, good order, protection of  
 297 life and property, health and welfare, sanitation, comfort, convenience prosperity or  
 298 well-being of the inhabitants of the City of Avalon and may enforce such ordinances,  
 299 resolutions, rules and regulations by imposing penalties for violation thereof.
- 300 (c) The council may by ordinance create, change, alter, abolish, or consolidate offices,  
 301 agencies and departments of the city and may assign additional functions to any of the  
 302 offices, agencies and departments expressly provided for by this charter.

303 **SECTION 2.17.**

304 Duties of mayor.

305 The mayor shall be the chief executive officer of the City of Avalon. The mayor shall  
 306 possess all of the executive and administrative powers granted to the city under the  
 307 Constitution and laws of the State of Georgia, and all the executive and administrative  
 308 powers contained in this charter. The mayor shall:

- 309 (1) Preside at all meetings of the council;
- 310 (2) Vote as a member of the council only at such times as are necessary to break a tie or  
 311 deadlock of the council;
- 312 (3) Be the official head of the city for the service of process and for ceremonial purposes;
- 313 (4) Have power to administer oaths and to take affidavits;
- 314 (5) Sign all written contracts entered into by the council on behalf of the city and all  
 315 other contracts and instruments executed by the city which by law are required to be in  
 316 writing;
- 317 (6) See that all laws and ordinances of the city are faithfully executed; and
- 318 (7) Perform other duties as may be required by law, this charter or ordinance.

319 **SECTION 2.18.**

320 Submission of ordinance to the mayor; veto power.

- 321 (a) Every ordinance adopted by the city council shall be presented promptly by the clerk to  
 322 the mayor.
- 323 (b) The mayor, within four calendar days of receipt of an ordinance, shall return it to the  
 324 clerk with or without his or her approval, or with his or her disapproval. If the ordinance has  
 325 been approved by the mayor, it shall become law upon its return to the clerk; if the ordinance

326 is neither approved nor disapproved, it shall become law at twelve o'clock noon on the tenth  
 327 calendar day after its adoption; if the ordinance is disapproved, the mayor shall submit to the  
 328 city council through the clerk a written statement of his or her reasons for the veto. The clerk  
 329 shall record upon the ordinance the date of its delivery to and receipt from the mayor.

330 (c) Ordinances vetoed by the mayor shall be presented by the clerk to the city council at its  
 331 next meeting and should the city council then or at its next general meeting adopt the  
 332 ordinance by an affirmative vote of three members, it shall become law.

333 **SECTION 2.19.**

334 Organization meeting.

335 The council shall meet for organization on the date and at the time of the first regular  
 336 meeting in January following each regular election. The meeting shall be called to order by  
 337 the city clerk and the oath of office shall be administered to all newly elected officials of the  
 338 city as follows:

339 "I, \_\_\_\_\_, do solemnly swear that I will well and truly perform the duties of  
 340 mayor (or member of the council, as the case may be) of the City of Avalon to the  
 341 best of my skill and ability, without favor or affection; that I will adopt such  
 342 measures, rules and regulations as in my judgment shall be best calculated to promote  
 343 the welfare of the inhabitants of said city, so help me God."

344 Each newly elected official shall subscribe the oath and file it with the city clerk who shall  
 345 record it in the minutes of the meeting.

346 **SECTION 2.20.**

347 Mayor pro tempore.

348 At the organization meeting described in Section 2.19 of this charter, the council shall elect  
 349 one of its members mayor pro tempore for that year who shall discharge the duties and  
 350 exercise the powers and authority of mayor in the absence, disability, or disqualification of  
 351 the mayor and during a vacancy in the office of mayor; provided, that his or her rights and  
 352 duties as council person shall remain unimpaired.

353 **SECTION 2.21.**

354 Regular and special meetings.

355 (a) The council shall hold regular meetings at such times and places as prescribed by  
 356 ordinance. The council may recess any regular meeting and continue such meetings on any

357 weekday or hour it may fix, and may transact any business at such continued meeting as may  
 358 be transacted at any regular meeting.

359 (b) Special meetings of the council may be held on call of the mayor or by three members  
 360 of the council. Notice of such special meetings shall be served on all other members  
 361 personally or by telephone personally, or shall be left at their residence at least 24 hours in  
 362 advance of the meeting. Such notice shall not be required if the mayor and all council  
 363 persons are present when the special meeting is called. Attendance at a special meeting shall  
 364 constitute a waiver of notice of the special meeting. Only the business stated in the call may  
 365 be transacted at the special meeting, except by unanimous consent of all members present.  
 366 With such consent, any business which may be transacted in a regular meeting may be  
 367 conducted at the special meeting.

368 **SECTION 2.22.**

369 Rules of procedure.

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

373 **SECTION 2.23.**

374 Quorum; voting.

375 The mayor or mayor pro tem and three council persons shall constitute a quorum and shall  
 376 be authorized to transact business of the council. Voting on the adoption of ordinances shall  
 377 be taken by voice vote and the ayes and nays shall be recorded in the journal. Any member  
 378 of the council shall have the right to request a roll call vote. The affirmative vote of a  
 379 majority of the council persons in attendance, or council persons and the mayor in case of  
 380 a deadlock or tie, provided there is a quorum present at the time of the vote, shall be required  
 381 for the adoption of any ordinance, resolution or motion except as otherwise provided in this  
 382 charter.

383 **SECTION 2.24.**

384 Enactment of ordinances.

385 (a) Except as herein provided, every official action of the council which is to become law  
 386 shall be by ordinance. Each proposed ordinance shall be introduced in writing and in the  
 387 form required for final adoption. No ordinance shall contain a subject which is not expressed

388 in its title. The enacting clause shall be: "Be it ordained by the city council of Avalon....."  
 389 Any ordinance which repeals or amends an existing ordinance shall set forth the ordinance  
 390 sections or subsections to be repealed or amended.

391 (b) An ordinance may be introduced by any member of the council and read at a regular or  
 392 special meeting of the council. Ordinances shall be considered and adopted or rejected by  
 393 the council in accordance with the rules which it shall establish. Every ordinance which  
 394 becomes law shall be signed by the mayor.

395 **SECTION 2.25.**

396 Code of technical regulations.

397 (a) The council may adopt any standard code of technical regulations by reference thereto  
 398 in an adopting ordinance. The procedure and requirements governing such adopting  
 399 ordinance shall be as prescribed for ordinances generally except that a copy of each adopted  
 400 code of technical regulations, as well as the adopting ordinance, shall be authenticated and  
 401 recorded by the clerk pursuant to Section 2.26 of this charter.

402 (b) Copies of any adopted code of technical regulations shall be made available by the clerk  
 403 for distribution or for purchase at a reasonable price.

404 **SECTION 2.26.**

405 Authentication, recording and codification of ordinances.

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

408 (b) The council may provide for the preparation of a general codification of all ordinances  
 409 of the city having the force and effect of law. The general codification may be adopted by  
 410 the council by ordinance, and if so adopted, shall be known as "The Code of the City of  
 411 Avalon, Georgia." All ordinances enacted subsequent to the adoption of the code shall be  
 412 incorporated therein.

413 **ARTICLE III.**

414 **EXECUTIVE BRANCH**

415 **SECTION 3.10.**

416 Administrative and service departments.

417 (a) Except as otherwise provided in this charter, the council, by ordinance, may establish,  
 418 abolish, merge, or consolidate offices, positions of employment, departments, and agencies

419 of the city, as it shall deem necessary, for the proper administration of the affairs and  
 420 government of the city; shall prescribe the functions and duties of existing departments,  
 421 offices, and agencies or of any departments, offices, and agencies hereinafter created or  
 422 established; may provide that the same person shall fill any number of offices and positions  
 423 of employment; and may transfer or change the function or duties of offices, positions of  
 424 employment, departments, and agencies of the city.

425 (b) The operations and responsibilities of each department now or hereafter established in  
 426 the city shall be distributed among such divisions or bureaus as may be provided by  
 427 ordinances of the council. Each department shall consist of such officers, employees, and  
 428 positions as may be provided by this charter or by ordinance, and shall be subject to the  
 429 general supervision and guidance of the council.

430 (c) Except as otherwise provided by this charter, the directors of departments and other  
 431 appointed officers of the city shall serve at the pleasure of the appointing authority.  
 432 Vacancies occurring in an appointive office shall be filled in the same manner as prescribed  
 433 by this charter for an original appointment.

434 (d) Except as otherwise provided by law, the directors of departments and other appointed  
 435 officers of the city shall be appointed solely on the basis of their respective administrative  
 436 and professional qualifications.

437 (e) All appointive officers and directors of departments shall receive such compensation as  
 438 prescribed by ordinance or resolution of the city council.

### 439 **SECTION 3.11.**

440 **Boards, commissions, and authorities.**

441 (a) All members of boards, commissions, and authorities of the city shall be appointed by  
 442 the council for such terms of office and such manner of appointment as provided by  
 443 ordinance or resolution, except where other appointing authority, term of office or manner  
 444 of appointment is prescribed by this charter or by applicable state law.

445 (b) Any vacancy in office of any member of a board, commission, or authority of the city  
 446 shall be filled for the unexpired term in the manner prescribed herein for original  
 447 appointment, except as otherwise provided by this charter or any applicable state law.

448 (c) No member of any board, commission, or authority shall assume office until he or she  
 449 shall have executed and filed with the clerk of the city an oath obligating such person to  
 450 faithfully and impartially perform the duties of office, such oath to be prescribed by  
 451 ordinance of the council and administered by the mayor.

452 (d) Any member of any board, commission, or authority may be removed from office, for  
 453 cause, by a majority vote of the members of the council.

454 (e) Members of boards, commissions, and authorities may receive such compensation and  
455 expenses in the performance of their official duties as prescribed by ordinance or resolution.

456 (f) The qualifications required of members of boards, commissions, and authorities shall be  
457 as prescribed by ordinance or resolution.

458 (g) Except as otherwise provided by this charter or by applicable state law, each board,  
459 commission, or authority of the city government shall elect one of its members as  
460 chairperson and one member as vice-chairperson for terms of one year and may elect as its  
461 secretary one of its own members or may appoint as secretary an employee of the city. Each  
462 board, commission, or authority of the city government may establish such bylaws, rules and  
463 regulations, not inconsistent with this charter, ordinances of the city, or applicable state law,  
464 as it deems appropriate and necessary for the conduct of its affairs, copies of which shall be  
465 filed with the clerk of the city.

466 **SECTION 3.12.**

467 Personnel administration.

468 The council may adopt ordinances, rules and regulations consistent with this charter dealing  
469 with: (1) the method of employment selection and probationary periods of employment; (2)  
470 adoption and administration of a position classification and pay plan, including methods of  
471 promotion and application of service ratings thereto, and transfer of employees within the  
472 classification plan; (3) hours of work, vacation, sick leave, and other leaves of absence,  
473 overtime pay, and the order and manner in which layoff shall be effected; and (4) such other  
474 personnel policies and procedures as may be necessary to provide for adequate and  
475 systematic handling of the personnel affairs of the city.

476 **SECTION 3.13.**

477 City clerk.

478 The council shall appoint a city clerk, who shall also serve as the city treasurer, with such  
479 compensation as shall be provided in the annual budget as adopted by the council. The city  
480 clerk shall keep a journal of the proceedings of the city council, maintain in a safe place all  
481 records and documents pertaining to the affairs of the city and perform such other duties as  
482 may be required by law or as the council may direct.

483                                   ARTICLE IV.  
484                                   ELECTIONS  
485                                   **SECTION 4.10.**  
486                                   Regular elections.

487   (a) An election shall be held on the first Tuesday in November of every other year to elect  
488   council persons to fill the terms of those council persons whose terms expire at the end of  
489   that year and to fill the office of mayor in those years in which his or her term of office  
490   expires. Each council person position shall be designated with a post number and posts 1,  
491   3 and 5 shall be elected in the first general election following approval of this charter and  
492   posts 2 and 4 shall be elected in the general election two years later and elections for such  
493   posts shall be held every four years thereafter so as to provide for staggered terms for council  
494   persons.

495   (b) Nothing contained herein shall affect the offices of those persons presently serving as  
496   mayor and council persons at the date of approval of this Act, but said officers shall serve out  
497   the remainder of their offices as hereinbefore may have been provided by law.

498                                   **SECTION 4.11.**  
499                                   Applicability of general laws.

500   The procedures and requirements for election of all elected officials of the City of Avalon  
501   as to primary, special, and general elections shall be in conformity with the provisions of the  
502   Georgia Election Code as now or hereafter amended.

503                                   **SECTION 4.12.**  
504                                   Special elections; vacancies.

505   In the event that vacancies occur in one or more elected offices of the city for any cause  
506   whatsoever, the mayor or the council, or those remaining, or, if none, any three or more  
507   citizens and voters of the city, may order a special election to fill the balance of the unexpired  
508   term of such office; provided, however, if at least three council persons or two council  
509   persons and the mayor remain said vacancies in office may be filled by appointment by the  
510   remaining members of the council. Both special elections and qualifications of candidates  
511   therefor shall conform to the applicable provisions of this charter and the Georgia Election  
512   Code and general Georgia laws as now or hereafter amended.



513 **SECTION 4.13.**

514 Grounds for removal.

515 The mayor or any council person shall be subject to removal from office for any one or more  
516 of the following causes:

- 517 (1) Misfeasance or malfeasance in office;  
518 (2) Conviction of a crime involving moral turpitude;  
519 (3) Failure at any time to possess any of the qualifications of office as provided by this  
520 charter or by law;  
521 (4) Willful violation of any express prohibition of this charter;  
522 (5) Abandonment of office or neglect to perform the duties thereof; or  
523 (6) Failure for any other cause to perform the duties of office as required by this charter  
524 or by law.

525 **SECTION 4.14.**

526 Procedures for removal.

527 Removal of an elected officer from office may be accomplished by one of the following  
528 methods:

- 529 (1) By action of two-thirds vote of the entire membership of the council. In the event an  
530 elected officer is sought to be removed by the action of the council, such officer shall be  
531 entitled to a written notice specifying the grounds for removal and to a public hearing  
532 which shall be held not less than ten days from the service of such written notice. Any  
533 elected officer sought to be removed from office as herein provided shall have the right  
534 of appeal from the decision of the council to the Superior Court of Stephens County, such  
535 appeal to be governed by the same rules as govern appeals to the superior court from the  
536 probate court.  
537 (2) By information filed in the Superior Court of Stephens County as provided by law.  
538 (3) By recall as now or hereafter provided by Georgia law.

539 **ARTICLE V.**540 **FINANCIAL AND FISCAL MATTERS**541 **SECTION 5.10.**

542 Property taxes.

543 All property subject to taxation for state or county purposes, assessed as of January 1 in each  
544 year, shall be subject to the property tax levied by the City of Avalon.

545 **SECTION 5.11.**

546 Tax levy.

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

553 **SECTION 5.12.**

554 Millage rates; due dates; tax bills.

555 The council by ordinance shall establish a millage rate for general operating funds, for the  
556 city property tax; a due date; and in what length of time those taxes must be paid. The  
557 council by ordinance may provide for the payment of these taxes by installation or in one  
558 lump sum, as well as to authorize the voluntary payment of taxes prior to the time when due,  
559 and may, in its discretion, provide for a reduction in the amount due for such voluntary  
560 payment.

561 **SECTION 5.13.**

562 Collection of delinquent taxes.

563 The council may provide by ordinance for the collection of delinquent taxes by fi.fa. issued  
564 by the city clerk and executed by any police officer of the city under the same procedure  
565 provided by the laws governing execution of such process from the superior court, or by the  
566 use of any other available legal processes and remedies. A lien shall exist against all  
567 property upon which city property taxes are levied, as of the assessment date of each year,  
568 which lien shall be superior to all other liens, except that it shall have equal dignity with  
569 those of federal, state, or county taxes. In cases of hardship, the council shall have  
570 discretionary authority to waive any and all penalties imposed by this charter on delinquent  
571 taxes, fees, assessments or on other amounts due to the city.

572

**SECTION 5.14.**

573

License fees, occupational taxes, excise taxes.

574 The council by ordinance shall have full power to levy such license fees and specific or  
 575 occupation taxes upon the residents of the City of Avalon, both individual and corporate, and  
 576 on all those who transact or offer to transact business therein, or who practice or offer to  
 577 practice any profession or calling therein, as the council may deem expedient for the public  
 578 health, safety, benefit, convenience or advantage of the city; to classify businesses,  
 579 occupations, professions or callings for the purpose of such taxation in any way which may  
 580 be lawful; to require such persons to procure licenses; to compel the payment of such  
 581 licenses by execution or any other lawful manner; and to make laws and regulations  
 582 necessary or proper to carry out the powers herein conferred, and to prescribe penalties for  
 583 the violation thereof. The council shall have full power and authority to levy an excise tax  
 584 not prohibited by general law.

585

**SECTION 5.15.**

586

Sewer service charges.

587 The council by ordinance shall have the right, power and authority to assess and collect fees,  
 588 charges, and tolls for sewer services rendered both within and without the corporate limits  
 589 of the City of Avalon, to provide for the cost and expense of providing for the collection and  
 590 disposal of sewage through the sewerage facilities of the city. If unpaid, said sewer service  
 591 charge shall constitute a lien against any property of persons served, which lien shall be  
 592 second in priority only to liens for county and city property taxes and shall be enforceable  
 593 in the same manner and under the same remedies as a lien for city property taxes.

594

**SECTION 5.16.**

595

Sanitary and health service charges.

596 The council shall have authority by ordinance to provide for, to enforce, to levy and to collect  
 597 the cost of sanitary and health services necessary in the operation of the city from all  
 598 individuals, firms and corporations, residing in or doing business in the city benefiting from  
 599 such service. Such authority shall include the power to assess, levy and collect annual or  
 600 monthly sanitary taxes or fees in such amount or amounts, and based upon and in accordance  
 601 with such classification of property and sanitary service or service provided, as may be fixed  
 602 by ordinance. Said sanitary taxes and the assessment thereof shall be a charge and lien  
 603 against the real estate in respect to which said taxes are so assessed, and the owner or owners

604 thereof, superior to all other liens, except liens for county and city property taxes, and shall  
 605 be enforceable in the same manner and under the same remedies as a lien for city property  
 606 taxes.

607 **SECTION 5.17.**

608 Special assessments.

609 The council shall have power and authority to assess all or part of the cost of constructing,  
 610 reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters,  
 611 sewers, or other utility mains and appurtenances against the abutting property owners, under  
 612 such terms and conditions as may be prescribed by ordinance. Such special assessments  
 613 shall become delinquent 30 days after their due dates, shall thereupon be subject, in addition  
 614 to fi.fa. charges, to a penalty of 10 percent and shall thereafter be subject to interest at the  
 615 rate of 9 percent per annum from date due until paid. A lien shall exist against the abutting  
 616 property superior to all other liens, except that it shall be of equal dignity with liens for  
 617 county and city property taxes, and said lien shall be enforceable by the same procedures and  
 618 under the same remedies as provided for in this article for city property taxes.

619 **SECTION 5.18.**

620 Construction; other taxes.

621 The City of Avalon shall be empowered to levy any other tax allowed now or thereafter by  
 622 state law and the specific mention of any right, power or authority in this charter shall not be  
 623 construed as limiting in any way the general powers of the city to govern its local affairs.

624 **SECTION 5.19.**

625 Transfer of executions.

626 The city clerk shall be authorized to assign or transfer any fi.fa. or execution issued for any  
 627 tax or for any street, sewer, or other assessment in the same manner and to the same extent  
 628 as provided by Georgia law regarding sales and transfers of fi.fas. Such transfer or  
 629 assignment, when made, shall vest the purchaser or transferee with all right, title and interest  
 630 as provided by Georgia law governing sales and transfer of fi.fas. Provided that, upon levy  
 631 of execution and sale of property pursuant to such tax fi.fa. whether assigned, transferred or  
 632 executed by the city, the owner of such property, in fee simple or lesser interest, shall not  
 633 lose his or her right to redeem the property in accord with the requirements of redemption

634 of property sold under state or county ad valorem tax fi.fas., as said requirements now exist  
635 or as may be hereinafter provided by law.

636 **SECTION 5.20.**

637 General obligation bonds.

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

642 **SECTION 5.21.**

643 Revenue bonds.

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

645 **SECTION 5.22.**

646 Fiscal year; preparation and adoption of operating budget.

647 (a) The council shall set the fiscal year by ordinance. Said fiscal year shall constitute the  
648 budget year and the year for financial accounting and reporting unless otherwise provided  
649 by state or federal law.

650 (b) On or before a date fixed by the council prior to the beginning of each fiscal year, the  
651 council shall adopt a budget for the ensuing fiscal year. The council shall provide by  
652 ordinance the procedures and requirements for the preparation and execution of said annual  
653 budget. The budget and all supporting documents shall be filed in the office of the city clerk  
654 and shall be open to public inspection.

655 **ARTICLE VI.**

656 **GENERAL PROVISIONS**

657 **SECTION 6.10.**

658 Official bonds.

659 The officers and employees of the City of Avalon, both elective and appointive, shall execute  
660 such official bonds in such amounts and upon such terms and conditions as the city council  
661 may from time to time require.

662 **SECTION 6.11.**

663 Existing ordinances and regulations.

664 Existing ordinances and resolutions of the City of Avalon not inconsistent with the  
 665 provisions of this charter shall continue in effect until they have been repealed, modified, or  
 666 amended by the council. The existing rules and regulations of departments or agencies of  
 667 the City of Avalon not inconsistent with the provisions of this charter shall continue in effect  
 668 until they have been repealed, modified, or amended.

669 **SECTION 6.12.**

670 Section captions.

671 The captions to the several sections of this charter are informative only and are not to be  
 672 considered as a part thereof.

673 **SECTION 6.13.**

674 Penalties.

675 The violation of any provision of this charter, for which penalty is not specifically provided  
 676 for herein, is hereby declared to be a misdemeanor and shall be punishable by a fine of not  
 677 more than \$1,000.00 or by imprisonment not to exceed six months, or both such fine and  
 678 imprisonment.

679 **SECTION 6.14.**

680 Specific Repealer.

681 This Act shall constitute the whole charter of the City of Avalon, in the County of Stephens,  
 682 repealing and replacing the charter provided by an Act of the General Assembly, approved  
 683 August 9, 1909 (Ga. Laws 1909, p. 562), as amended by an Act of the General Assembly,  
 684 approved August 13, 1910 (Ga. Laws 1910, p. 380), and all Acts amendatory thereto.

685 **SECTION 6.15.**

686 Effective date.

687 This Act shall become effective upon its approval by the Governor or upon its becoming law  
 688 without such approval.

689

**SECTION 6.16.**

690

General repealer.

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