

House Bill 1115 (AS PASSED HOUSE AND SENATE)

By: Representative Rogers of the 10<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide a new charter for the City of Clarkesville; to provide for incorporation,  
2 boundaries, and powers of the city; to provide for general powers and limitations on powers;  
3 to provide for a governing authority of such city and the powers, duties, authority, election,  
4 terms, removal from office, method of filling vacancies, compensation, expenses, and  
5 qualifications; to provide for conflict of interest and holding other offices; to provide for  
6 inquiries and investigations; to provide for organization and procedures; to provide for  
7 ordinances; to provide for eminent domain; to provide for codes of technical regulation; to  
8 provide for the office of mayor and certain duties and powers related thereto; to provide for  
9 a mayor pro tempore; to provide for administrative responsibilities; to provide for a city  
10 manager; to provide for boards, commissions, and authorities; to provide for a city attorney,  
11 a city clerk, and other personnel; to provide for the establishment of a municipal court and  
12 the judge or judges thereof; to provide for practices and procedures; to provide for taxation,  
13 permits, and fees; to provide for franchises, service charges, and assessments; to provide for  
14 bonded and other indebtedness; to provide for accounting and budgeting; to provide for  
15 contracting and purchasing; to provide for bonds for officials; to provide for definitions and  
16 construction; to provide for related matters; to provide for severability; to repeal a specific  
17 Act; to repeal conflicting laws; and for other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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**ARTICLE I.**

20

**INCORPORATION AND POWERS**

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**SECTION 1.10.**

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Incorporation.

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

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**SECTION 1.11.**

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Corporate boundaries.

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

(b) The city council may provide for changes in the official map or description of the city by ordinance to reflect lawful changes in the corporate boundaries.

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**SECTION 1.12.**

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Powers and construction.

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

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

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

- 49 (1) Animal regulations. To regulate and license or to prohibit the keeping or running at  
50 large of animals and fowl, and to provide for the impoundment of same if in violation of  
51 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane  
52 destruction of animals and fowl when not redeemed as provided by ordinance; and to  
53 provide punishment for violation of ordinances enacted hereunder;
- 54 (2) Appropriations and expenditures. To make appropriations for the support of the  
55 government of the city; to authorize the expenditure of money for any purposes  
56 authorized by this charter and for any purpose for which a municipality is authorized by  
57 the laws of the State of Georgia; and to provide for the payment of expenses of the city;
- 58 (3) Building regulation. To regulate and to license the erection and construction of  
59 buildings and all other structures; to adopt building, housing, plumbing, fire safety,  
60 electrical, gas, and heating and air conditioning codes; and to regulate all housing and  
61 building trades;
- 62 (4) Business regulation and taxation. To levy and to provide for the collection of  
63 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized  
64 by Title 48 of the O.C.G.A., or other such applicable laws as are or may hereafter be  
65 enacted; to permit and regulate the same; to provide for the manner and method of  
66 payment of such regulatory fees and taxes; and to revoke such permits after due process  
67 for failure to pay any city taxes or fees;
- 68 (5) Condemnation. To condemn property, inside or outside the corporate limits of the  
69 city, for present or future use and for any corporate purpose deemed necessary by the  
70 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such  
71 other applicable laws as are or may hereafter be enacted;
- 72 (6) Contracts. To enter into contracts and agreements with other governmental entities  
73 and with private persons, firms, and corporations;
- 74 (7) Emergencies. To establish procedures for determining and proclaiming that an  
75 emergency situation exists within or without the city and to make and carry out all  
76 reasonable provisions deemed necessary to deal with or meet such an emergency for the  
77 protection, safety, health, or well-being of the citizens of the city;
- 78 (8) Environmental protection. To protect and preserve the natural resources,  
79 environment, and vital areas of the city, the region, and the state through the preservation  
80 and improvement of air quality, the restoration and maintenance of water resources, the  
81 control of erosion and sedimentation, the management of stormwater and establishment  
82 of a stormwater utility, the management of solid and hazardous waste, and other  
83 necessary actions for the protection of the environment;
- 84 (9) Fire regulations. To fix and establish fire limits and from time to time to extend,  
85 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with

- 86 general law, relating to both fire prevention and detection and to firefighting; and to  
87 prescribe penalties and punishment for violations thereof;
- 88 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse and trash collection  
89 and disposal, and other sanitary service charge, tax, or fee for such services as may be  
90 necessary in the operation of the city from all individuals, firms, and corporations  
91 residing or doing business therein benefiting from such services; to enforce the payment  
92 of such charges, taxes, or fees; and to provide for the manner and method of collecting  
93 such service charges;
- 94 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,  
95 practice, conduct, or use of property which is detrimental to health, sanitation,  
96 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the  
97 enforcement of such standards;
- 98 (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for  
99 any purpose related to powers and duties of the city and the general welfare of its  
100 citizens, on such terms and conditions as the donor or grantor may impose;
- 101 (13) Health and sanitation. To prescribe standards of health and sanitation and to  
102 provide for the enforcement of such standards;
- 103 (14) Jail sentences. To provide that persons given jail sentences in the city's court may  
104 work out such sentences in any public works or on the streets, roads, drains, and other  
105 public property in the city; to provide for commitment of such persons to any jail; to  
106 provide for the use of pretrial diversion and any alternative sentencing allowed by law;  
107 or to provide for commitment of such persons to any county work camp or county jail by  
108 agreement with the appropriate county officials;
- 109 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control  
110 over all traffic, including parking upon or across the streets, roads, alleys, and walkways  
111 of the city;
- 112 (16) Municipal agencies and delegation of power. To create, alter, or abolish  
113 departments, boards, offices, commissions, and agencies of the city and to confer upon  
114 such agencies the necessary and appropriate authority for carrying out all the powers  
115 conferred upon or delegated to the same;
- 116 (17) Municipal debts. To appropriate and borrow money for the payment of debts of the  
117 city and to issue bonds for the purpose of raising revenue to carry out any project,  
118 program, or venture authorized by this charter or the laws of the State of Georgia;
- 119 (18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or  
120 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or  
121 outside the property limits of the city;

- 122 (19) Municipal property protection. To provide for the preservation and protection of  
123 property and equipment of the city and the administration and use of same by the public  
124 and to prescribe penalties and punishment for violations thereof;
- 125 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose  
126 of public utilities, including but not limited to a system of waterworks, sewers and drains,  
127 sewage disposal, stormwater management, gas works, electric light plants, cable  
128 television and other telecommunications, transportation facilities, public airports, and any  
129 other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations,  
130 and penalties; and to provide for the withdrawal of service for refusal or failure to pay the  
131 same;
- 132 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or  
133 private property;
- 134 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to  
135 the authority of this charter and the laws of the State of Georgia;
- 136 (23) 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 (24) Police and fire protection. To exercise the power of arrest through duly appointed  
140 police officers and to establish, operate, or contract for a police and a firefighting agency;
- 141 (25) Public hazards: removal. To provide for the destruction and removal of any  
142 building or other structure which is or may become dangerous or detrimental to the  
143 public;
- 144 (26) Public improvements. To provide for the acquisition, construction, building,  
145 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,  
146 cemeteries, markets and market houses, public buildings, libraries, public housing,  
147 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,  
148 recreational, conservation, sport, curative, corrective, detention, penal, and medical  
149 institutions, agencies, and facilities and to provide any other public improvements, inside  
150 or outside the corporate limits of the city; to regulate the use of public improvements; and  
151 for such purposes, property may be acquired by condemnation under Title 22 of the  
152 O.C.G.A., or such other applicable laws as are or may hereafter be enacted;
- 153 (27) Public peace. To provide for the prevention and punishment of loitering, disorderly  
154 conduct, drunkenness, riots, and public disturbances;
- 155 (28) Public transportation. To organize and operate such public transportation systems  
156 as are deemed beneficial;
- 157 (29) Public utilities and services. To grant franchises or make contracts for, or impose  
158 taxes on, public utilities and public service companies and to prescribe the rates, fares,

159 regulations, and standards and conditions of service applicable to the service to be  
160 provided by the franchise grantee or contractor, insofar as not in conflict with valid  
161 regulations of the Public Service Commission;

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

167 (31) Retirement. To provide and maintain a retirement plan and other employee benefit  
168 plans and programs for officers and employees of the city;

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

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

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

187 (35) Special areas of public regulation. To regulate or prohibit junk dealers and the  
188 manufacture and sale of intoxicating liquors; to regulate the transportation, storage, and  
189 use of combustible, explosive, and inflammable materials, the use of lighting and heating  
190 equipment, and any other business or situation which may be dangerous to persons or  
191 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical  
192 performances, exhibitions, and shows of any kind, by taxation or otherwise; to license  
193 and tax professional fortune telling, palmistry, and massage parlors; and to restrict adult  
194 bookstores to certain areas;

195 (36) Special assessments. To levy and provide for the collection of special assessments  
 196 to cover the costs for any public improvements;  
 197 (37) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,  
 198 and collection of taxes on all property subject to taxation;  
 199 (38) Taxes: other. To levy and collect such other taxes as may be allowed now or in the  
 200 future by law;  
 201 (39) Taxicabs. To the extent permitted by general law, to regulate and license vehicles  
 202 operated for hire in the city; to limit the number of such vehicles; to require the operators  
 203 thereof to be licensed; to require public liability insurance on such vehicles in the  
 204 amounts to be prescribed by ordinance; and to regulate the parking of such vehicles;  
 205 (40) Urban redevelopment. To organize and operate an urban redevelopment program;  
 206 and  
 207 (41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,  
 208 and immunities necessary or desirable to promote or protect the safety, health, peace,  
 209 security, good order, comfort, convenience, or general welfare of the city and its  
 210 inhabitants; to exercise all implied powers necessary or desirable to carry into execution  
 211 all powers granted in this charter as fully and completely as if such powers were fully  
 212 stated herein; and to exercise all powers now or in the future authorized to be exercised  
 213 by other municipal governments under other laws of the State of Georgia. No listing of  
 214 particular powers in this charter shall be held to be exclusive of others, nor restrictive of  
 215 general words and phrases granting powers, but shall be held to be in addition to such  
 216 powers unless expressly prohibited to municipalities under the Constitution or applicable  
 217 laws of the State of Georgia.

218 **SECTION 1.13.**  
 219 Exercise of powers.

220 All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or  
 221 employees shall be carried into execution as provided by this charter. If this charter makes  
 222 no provision, such powers, functions, rights, privileges, and immunities shall be carried into  
 223 execution as provided by ordinance of the governing authority and as provided by pertinent  
 224 laws of the State of Georgia.

225 **ARTICLE II.**  
226 **GOVERNING BODY**

227 **SECTION 2.10.**  
228 **Form of government.**

229 The government of the City of Clarkesville shall be vested in a mayor and city council, said  
230 council to be composed of five councilmembers chosen as hereinafter provided.

231 **SECTION 2.11.**  
232 **Terms and qualifications of office.**

233 The mayor and members of the city council shall serve for terms of four years and until their  
234 respective successors are elected and qualified. No person shall be eligible to serve as mayor  
235 or councilmember unless that person shall:

- 236 (1) Have been a resident of the city for 12 months prior to the date of election of mayor  
237 or members of the city council;
- 238 (2) Continue to reside therein during that member's period of service;
- 239 (3) Be registered and qualified to vote in municipal elections of this city; and
- 240 (4) Meet the qualification standards required for members of the Georgia House of  
241 Representatives as are now or may in the future be prescribed by the Georgia  
242 Constitution.

243 **SECTION 2.12.**  
244 **Vacancy; forfeiture of office; filling of vacancies.**

- 245 (a) The office of mayor or councilmember shall become vacant upon the incumbent's death,  
246 resignation, forfeiture of office, or removal from office in any manner authorized by this  
247 charter or the laws of the State of Georgia.
- 248 (b) The mayor or any councilmember shall forfeit his or her office if he or she:
- 249 (1) Lacks at any time during the term of office any qualifications of the office as  
250 prescribed by this charter or the laws of the State of Georgia;
- 251 (2) Willfully and knowingly violates any express prohibition of this charter; or
- 252 (3) Is convicted of a crime involving moral turpitude.
- 253 (c) A vacancy in the office of mayor or councilmember shall be filled for the remainder of  
254 the unexpired term, if any, by appointment by the city council or those members remaining  
255 if less than 12 months remain in the unexpired term. If such vacancy occurs 12 months or

256 more prior to the expiration of the term of that office, it shall be filled for the remainder of  
 257 the unexpired term by a special election, as provided for in Article V of this charter and in  
 258 accordance with Titles 21 and 45 of the O.C.G.A., or other such laws as are or may hereafter  
 259 be enacted.

260 (d) This provision shall also apply to a temporary vacancy created by the suspension from  
 261 office of the mayor or any councilmember.

### 262 **SECTION 2.13.**

#### 263 Compensation and expenses.

264 The mayor and councilmembers shall receive as compensation for their services an amount  
 265 prescribed by ordinance passed by the council in conformity with the laws of the State of  
 266 Georgia. The mayor and councilmembers shall be entitled to receive their actual and  
 267 necessary expenses incurred in the performance of their duties of office.

### 268 **SECTION 2.14.**

#### 269 Prohibitions.

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

272 (b) Except as authorized by law, no member of the council shall hold any other elective  
 273 municipal office or municipal employment in the City of Clarkesville during the term for  
 274 which he or she was elected.

275 (c) Neither the mayor nor any councilmember shall vote upon, sign, or veto any ordinance,  
 276 resolution, contract, or other matter in which he or she is personally interested.

### 277 **SECTION 2.15.**

#### 278 Inquiries and investigations.

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

285 **SECTION 2.16.**

286 General power and authority of the city council.

287 (a) Except as otherwise provided by law or by this charter, the city council shall be vested  
 288 with all the powers of government of the City of Clarkesville provided in Article I of this  
 289 charter.

290 (b) In addition to all other powers conferred on it by law, the city council shall have the  
 291 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and  
 292 regulations, not inconsistent with this charter and the Constitution and the laws of the State  
 293 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,  
 294 protection of life and property, health and welfare, sanitation, comfort, convenience, and  
 295 prosperity or well-being of the inhabitants of the City of Clarkesville and may enforce such  
 296 ordinances, resolutions, rules, and regulations by imposing penalties for violation thereof.

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

300 **SECTION 2.17.**

301 Eminent domain.

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

310 **SECTION 2.18.**

311 Organization meeting.

312 The city council shall meet for organization on the date and at the time of the first regular  
 313 meeting in January following each regular election. The meeting shall be called to order by  
 314 the incumbent mayor or the city clerk and the oath of office shall be administered to all  
 315 newly elected officials of the city as follows:

316 "I, \_\_\_\_\_, do solemnly swear that I will well and truly perform the  
317 duties of mayor (or councilmember, as the case may be) of the City of Clarkesville to the  
318 best of my skill and ability, without favor or affection and that I will adopt such measures,  
319 rules, and regulations as in my judgment shall be best calculated to promote the welfare of  
320 the inhabitants of said city, so help me God."

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

### 323 **SECTION 2.19.**

#### 324 Regular and special meetings.

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

327 (b) Special meetings of the city council may be held on call of the mayor or three members  
328 of the city council. Notice of such special meetings shall be served on all other members  
329 personally, or by telephone personally, at least 24 hours in advance of the meeting. Such  
330 notice to councilmembers shall not be required if the mayor and all councilmembers are  
331 present when the special meeting is called. Such notice of any special meeting may be  
332 waived by a councilmember in writing before or after such a meeting, and attendance at the  
333 meeting shall also constitute a waiver of notice on any business transacted in such  
334 councilmember's presence. Only the business stated in the call may be transacted at the  
335 special meeting.

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

### 340 **SECTION 2.20.**

#### 341 Rules of procedure.

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

345 **SECTION 2.21.**

346 Quorum; voting.

347 (a) The mayor or mayor pro tem and three councilmembers shall constitute a quorum and  
348 shall be authorized to transact business of the city council. Voting on the adoption of  
349 ordinances shall be by voice vote, and the vote shall be recorded in the journal, but any  
350 member of the city council shall have the right to request a roll call vote, and such vote shall  
351 be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote  
352 of three councilmembers shall be required for the adoption of any ordinance, resolution, or  
353 motion.

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

361 **SECTION 2.22.**

362 Enactment of ordinances.

363 (a) Except as herein provided, every official action of the city council which is to become  
364 law or shall have the force and effect of law shall be enacted by ordinance. Each proposed  
365 ordinance shall be introduced in writing and in the form required for final adoption. No  
366 ordinance shall contain a subject which is not expressed in its title. The enacting clause shall  
367 be: "Be it ordained by the city council of Clarkesville...". Any ordinance which repeals or  
368 amends an existing ordinance shall set forth the ordinance sections or subsections to be  
369 repealed or amended.

370 (b) An ordinance may be introduced by any city councilmember and read at a regular or  
371 special meeting of the city council. Ordinances shall be considered and adopted or rejected  
372 by the city council in accordance with the rules which it shall establish. Every ordinance  
373 which becomes law shall be signed by the mayor.

374 **SECTION 2.23.**

375 Emergencies.

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

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

397 **SECTION 2.24.**

398 Codes of technical regulation.

399 (a) The city council may adopt any standard code of technical regulations by reference  
400 thereto in an adopting ordinance. The procedure and requirements governing such adopting  
401 ordinance shall be as prescribed for ordinances generally except that a copy of each adopted  
402 code of technical regulations, as well as the adopting ordinance, shall be authenticated and  
403 recorded by the city clerk pursuant to Section 2.25 of this charter.

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

406 **SECTION 2.25.**

407 Authentication, recording, and codification of ordinances.

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

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

415 **SECTION 2.26.**

416 City manager; appointment; qualifications; compensation.

417 The city council shall appoint a city manager, also known as the manager, for an indefinite  
418 term and shall fix the manager's compensation. The manager shall be appointed solely on  
419 the basis of executive and administrative qualifications. He or she need not be a resident of  
420 the city or state at the time of his or her appointment.

421 **SECTION 2.27.**

422 Removal of city manager.

423 The city council may remove the manager from office in accordance with the following  
424 procedures:

425 (1) The city council shall adopt by affirmative vote of a majority of all its members a  
426 preliminary resolution which must state the reasons for removal and may suspend the  
427 manager from duty for a period not to exceed 45 days. A copy of the resolution shall be  
428 delivered promptly to the manager;

429 (2) Within five days after a copy of the resolution is delivered to the manager, the  
430 manager may file with the city council a written request for a public hearing. This  
431 hearing shall be held within 30 days after the request is filed. The manager may file with  
432 the city council a written reply not later than five days before the hearing. At the hearing,  
433 the manager shall have the right to be represented by counsel, to present evidence, and  
434 to cross-examine any witnesses against him or her; and

435 (3) If the manager has not requested a public hearing within the time specified in  
436 paragraph (2) of this section, the city council may adopt a final resolution for removal,  
437 which may be made effective immediately, by an affirmative vote of a majority of all its

438 members. If the manager has requested a public hearing, the city council may adopt a  
439 final resolution for removal, which may be made effective immediately, by an affirmative  
440 vote of a majority of all its members at any time after the public hearing.

441 **SECTION 2.28.**

442 Acting city manager.

443 By letter filed with the city clerk, the manager shall designate, subject to approval of the city  
444 council, a qualified city administrative officer to exercise the powers and perform the duties  
445 of manager during the manager's temporary absence or physical or mental disability. During  
446 such absence or disability, the city council may revoke such designation at any time and  
447 appoint another officer of the city to serve until the manager shall return or the manager's  
448 disability shall cease.

449 **SECTION 2.29.**

450 Powers and duties of the city manager.

451 The city manager shall be the chief operating and administrative officer of the city. The  
452 manager shall be responsible to the city council for the administration of all city affairs  
453 placed in the manager's charge by or under this charter. As the chief operating and  
454 administrative officer, the manager shall:

- 455 (1) When the manager deems it necessary for the good of the city, appoint, suspend, or  
456 remove all city employees and administrative officers, except as otherwise provided by  
457 law or personnel ordinances adopted pursuant to this charter. The manager may authorize  
458 any administrative officer who is subject to the manager's direction and supervision to  
459 exercise these powers with respect to subordinates in that officer's department, office, or  
460 agency;
- 461 (2) Direct and supervise the administration of all departments, offices, and agencies of  
462 the city, except as otherwise provided by this charter or by law;
- 463 (3) Attend all city council meetings and shall have the right to take part in discussion but  
464 shall not vote;
- 465 (4) See that all laws, provisions of this charter, and acts of the city council, subject to  
466 enforcement by the manager or by officers subject to the manager's direction and  
467 supervision, are faithfully executed;
- 468 (5) Prepare and submit the annual operating budget and capital budget to the city  
469 council;

- 470 (6) Submit to the city council and make available to the public a complete report on the  
 471 finances and administrative activities of the city as of the end of each fiscal year;  
 472 (7) Make such other reports as the city council may require concerning the operations  
 473 of city departments, offices, and agencies subject to the manager's direction and  
 474 supervision;  
 475 (8) Keep the city council fully advised as to the financial condition and future needs of  
 476 the city and make such recommendations to the city council concerning the affairs of the  
 477 city as the manager deems desirable; and  
 478 (9) Perform other such duties as are specified in this charter or as may be required by the  
 479 city council.

480 **SECTION 2.30.**

481 Council interference with administration.

482 Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the  
 483 mayor and city council or its members shall deal with city officers and employees who are  
 484 subject to the direction and supervision of the manager solely through the manager, and  
 485 neither the mayor or city council nor its members shall give orders to any such officer or  
 486 employee, either publicly or privately.

487 **SECTION 2.31.**

488 Powers and duties of mayor.

489 The mayor shall be the chief executive officer of the City of Clarkesville. He or she shall  
 490 possess all of the executive and administrative powers granted to the city under the  
 491 Constitution and laws of this state and all the executive and administrative powers contained  
 492 in this charter. The mayor shall:

- 493 (1) Preside at all meetings of the city council;  
 494 (2) Vote as a member of the council only at such times as are necessary to break a tie or  
 495 deadlock of the city council;  
 496 (3) Be the official head of the city for the service of process and for ceremonial purposes;  
 497 (4) Have power to administer oaths and to take affidavits;  
 498 (5) Sign all written contracts entered into by the city council on behalf of the city and all  
 499 other contracts and instruments executed by the city which by law are required to be in  
 500 writing;  
 501 (6) See that all laws and ordinances of the city are faithfully executed; and  
 502 (7) Perform other duties as may be required by law, this charter, or ordinance.

503 **SECTION 2.32.**

504 Submission of ordinance to the mayor; veto power.

505 (a) Every ordinance adopted by the city council shall be presented promptly by the city clerk  
506 to the mayor.

507 (b) The mayor, within four calendar days of receipt of an ordinance, shall return it to the  
508 clerk with or without his or her approval, or with his or her disapproval. If the ordinance has  
509 been approved by the mayor, it shall become law upon its return to the clerk. If the  
510 ordinance is neither approved nor disapproved, it shall become law at 12:00 Noon on the  
511 tenth calendar day after its adoption. If the ordinance is disapproved, the mayor shall submit  
512 to the city council through the city clerk a written statement of his or her reasons for his or  
513 her veto. The city clerk shall record upon the ordinance the date of its delivery to and receipt  
514 from the mayor.

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

518 **SECTION 2.33.**

519 Position of mayor pro tem.

520 During the absence or physical or mental disability of the mayor for any cause, the mayor  
521 pro tem, or in the mayor pro tem's absence or disability for any reason, any one of the  
522 councilmembers chosen by a majority vote of the city council, shall be clothed with all the  
523 rights and privileges of the mayor and shall perform the duties of the office of the mayor so  
524 long as such absence or disability shall continue. Any such absence or disability shall be  
525 declared by majority vote of all councilmembers. The mayor pro tem or selected  
526 councilmember shall sign all contracts and ordinances in which the mayor has a disqualifying  
527 financial interest as provided in Section 2.14 of this charter. When acting as mayor, the  
528 mayor pro tem shall continue to have only one vote as a member of the council.

529 **SECTION 2.34.**

530 Election of mayor; forfeiture; compensation.

531 The mayor shall be elected and serve for a term of four years and until a successor is elected  
532 and qualified. The mayor shall be a qualified elector of this city and shall have been a  
533 resident of the city for 12 months prior to the election. The mayor shall continue to reside  
534 in this city during the period of service. The mayor shall forfeit the office on the same

535 grounds and under the same procedure as for councilmembers. The compensation of the  
536 mayor shall be established in the same manner as for councilmembers.

537 **ARTICLE III.**

538 **ORGANIZATIONAL AND GENERAL PROVISIONS**

539 **SECTION 3.10.**

540 **Administrative and service departments.**

541 (a) Except as otherwise provided herein, the city council, by ordinance, may establish,  
542 abolish, merge, consolidate offices, or leave vacant positions of employment, departments,  
543 and agencies of the city, as the city council shall deem necessary, for the proper  
544 administration of the affairs and government of the city; shall prescribe the functions and  
545 duties of existing departments, offices, and agencies or of any departments, offices, and  
546 agencies hereinafter created or established; may provide that the same person shall fill any  
547 number of offices and positions of employment; and may transfer or change the function or  
548 duties of offices, positions of employment, departments, and agencies of the city.

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

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

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

561 (e) All appointed officers and directors of departments shall receive such compensation as  
562 prescribed by ordinance of the city council.

563 **SECTION 3.11.**

564 **Boards, commissions, and authorities.**

565 (a) All members of boards, commissions, and authorities of the city shall be appointed by  
566 the city council for such terms of office and such manner of appointment as provided by

567 ordinance, except where other appointing authority, term of office, or manner of appointment  
568 is prescribed by this charter or by applicable state law. The city manager shall be an ex  
569 officio member of all such boards, commissions, and authorities and shall act as liaison  
570 officer between them and the mayor and the city council.

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

574 (c) No member of any board, commission, or authority shall assume office until he or she  
575 shall have executed and filed with the city clerk an oath obligating himself or herself to  
576 faithfully and impartially perform the duties of his or her office, such oath to be prescribed  
577 by ordinance of the city council and administered by the mayor.

578 (d) Any member of any board, commission, or authority may be removed from office for  
579 cause by a two-thirds' vote of the members of the city council.

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

582 (f) The qualifications required of members of boards, commissions, and authorities shall be  
583 as prescribed by ordinance.

584 (g) Except as otherwise provided by this charter or by applicable state law, each board,  
585 commission, or authority of the city government shall elect one of its members as  
586 chairperson and one member as vice chairperson for terms of one year and may elect as its  
587 secretary one of its own members or may appoint as secretary an employee of the city. Each  
588 board, commission, or authority of the city government may establish such bylaws, rules and  
589 regulations, not inconsistent with this charter, ordinances of the city, or applicable state law,  
590 as it deems appropriate and necessary for the conduct of its affairs, copies of which shall be  
591 filed with the city clerk.

592 **SECTION 3.12.**

593 City attorney.

594 The city council shall appoint a city attorney, together with such assistant city attorneys as  
595 may be authorized, and shall provide for the payment of such attorney or attorneys for  
596 services rendered to the city. The city attorney shall be responsible for providing for the  
597 representation and defense of the city in all litigation in which the city is a party; may be the  
598 prosecuting officer in the municipal court; shall attend the meetings of the council as  
599 directed; shall advise the city council, mayor, and other officers and employees of the city  
600 concerning legal aspects of the city's affairs; and shall perform such other duties as may be  
601 required by virtue of the person's position as city attorney. The city attorney is not a public

602 official of the city and does not take an oath of office. The city attorney shall at all times be  
603 an independent contractor. A law firm, rather than an individual, may be designated as the  
604 city attorney.

605 **SECTION 3.13.**

606 Personnel administration.

607 The city council may adopt ordinances, rules, and regulations consistent with this charter  
608 dealing with:

- 609 (1) The method of employment selection and probationary periods of employment;  
610 (2) Adoption and administration of a position classification and pay plan including  
611 methods of promotion and application of service ratings thereto and transfer of employees  
612 within the classification plan;  
613 (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and  
614 the order and manner in which layoff shall be effected; and  
615 (4) Such other personnel policies and procedures as may be necessary to provide for  
616 adequate and systematic handling of the personnel affairs of the city.

617 **SECTION 3.14.**

618 Personnel policies.

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

621 **SECTION 3.15.**

622 City clerk.

623 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk  
624 shall keep a journal of the proceedings of the city council, maintain in a safe place all records  
625 and documents pertaining to the affairs of the city, and perform such other duties as may be  
626 required by law or as the council or city manager may direct.

627 **ARTICLE IV.**  
628 **JUDICIAL BRANCH**

629 **SECTION 4.10.**  
630 **Municipal court.**

631 There is hereby created a court to be known as the Municipal Court of the City of  
632 Clarkesville which shall have jurisdiction and authority to try offenses against the laws and  
633 ordinances of said city and to punish for a violation of the same. Such court shall have the  
634 power and authority to enforce its judgments by the imposition of such penalties as may be  
635 provided by law.

636 **SECTION 4.11.**  
637 **Chief judge; associate judge.**

- 638 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,  
639 or stand-by judges as shall be provided by ordinance.
- 640 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless  
641 that person shall have attained the age of 21 years, shall be a member of the State Bar of  
642 Georgia, and shall possess all qualifications required by law. All judges shall be appointed  
643 by the city council and shall serve until a successor is appointed and qualified.
- 644 (c) Compensation of the judges shall be fixed by the city council.
- 645 (d) Judges may be removed from office pursuant to general law.
- 646 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge  
647 will honestly and faithfully discharge the duties of the office to the best of that person's  
648 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of  
649 the city council journal required in Section 2.18 of this charter.

650 **SECTION 4.12.**  
651 **Convening.**

652 Said court shall be convened at such times as designated by ordinance or as deemed  
653 necessary to keep current the dockets thereof.

654

**SECTION 4.13.**

655

## Jurisdiction; powers.

656 (a) The municipal court is specifically vested with all of the jurisdiction and powers  
657 throughout the entire area of the City of Clarkesville granted by state laws generally to  
658 municipal courts, and particularly by such laws as authorize abatement of nuisances.

659 (b) The municipal court shall have authority to punish those in its presence for contempt by  
660 a fine not to exceed \$200.00 or imprisonment not to exceed ten days. The municipal court  
661 may fix punishment for any offense within its jurisdiction not exceeding the maximum  
662 allowed by state law.

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

666 (d) The municipal court shall have authority to establish bail and recognizances to ensure  
667 the presence of those charged with violations before said court and shall have discretionary  
668 authority to accept cash or personal or real property as surety for appearance of persons  
669 charged with violations. Whenever any person shall give bail for their appearance and shall  
670 fail to appear at the time fixed for trial, their bond shall be forfeited by the judge presiding  
671 at such time, and an execution issued thereon by serving the defendant and their sureties with  
672 a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or  
673 property is accepted in lieu of a bond for security for the appearance of a defendant at trial,  
674 and if such defendant fails to appear at the time and place fixed for trial, the cash so  
675 deposited shall be on order of the judge declared forfeited to the City of Clarkesville, or the  
676 property so deposited shall have a lien against it for the value forfeited, which lien shall be  
677 enforceable in the same manner and to the same extent as a lien for city property taxes.

678 (e) The municipal court shall have the authority to bind prisoners over to the appropriate  
679 court when it appears by probable cause that a state law has been violated.

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

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

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

690 **SECTION 4.14.**

691 Certiorari.

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

696 **SECTION 4.15.**

697 Rules for court.

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

705 **SECTION 4.16.**

706 Appeal.

707 Any person convicted of an offense in the municipal court shall have the right to appeal to  
 708 the Superior Court of Habersham County. The right of appeal and procedures pertaining to  
 709 appeal bonds to the superior court from the municipal court shall be in the same manner and  
 710 under the same procedure as generally prescribed for appeals and appeal bonds from the  
 711 probate court.

712 **ARTICLE V.**713 **ELECTIONS AND REMOVAL**714 **SECTION 5.10.**

715 Regular elections.

716 (a) All elections for the positions of mayor or councilmember shall be held in accordance  
 717 with the provisions of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code,"  
 718 as now or hereafter amended.

719 (b) Nothing contained herein shall affect the offices of those persons presently serving as  
 720 mayor and councilmembers at the date of approval of this charter, and said officers shall  
 721 serve out the remainder of the terms such offices were elected to fill.

722 **SECTION 5.11.**

723 Applicability of general laws.

724 The procedures and requirements for election of all elected officials of the City of  
 725 Clarkesville as to primary, special, and general elections shall be held and conducted in  
 726 accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now  
 727 or hereafter amended.

728 **SECTION 5.12.**

729 Special elections; vacancies.

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

737 **SECTION 5.13.**

738 Other provisions.

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

742 **SECTION 5.14.**

743 Grounds for removal.

744 The mayor or any councilmember shall be subject to removal from office for any one or  
 745 more of the following causes:

- 746 (1) Misfeasance or malfeasance in office;  
 747 (2) Conviction of a crime involving moral turpitude;

- 748 (3) Failure at any time to possess any of the qualifications of office as provided by this  
 749 charter or by law;
- 750 (4) Willful violation of any express prohibition of this charter;
- 751 (5) Abandonment of office or neglect to perform the duties thereof; or
- 752 (6) Failure for any other cause to perform the duties of office as required by this charter  
 753 or by law.

754 **SECTION 5.15.**

755 Procedures for removal.

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

- 758 (1) By action of two-thirds' vote of the entire membership of the city council. In the  
 759 event an elected officer is sought to be removed by the action of the city council, such  
 760 officer shall be entitled to a written notice specifying the grounds for removal and to a  
 761 public hearing which shall be held not less than ten days from the service of such written  
 762 notice. Any elected officer sought to be removed from office as herein provided shall  
 763 have the right of appeal from the decision of the city council to the Superior Court of  
 764 Habersham County, and such appeal shall be governed by the same rules as govern  
 765 appeals to the superior court from the probate court;
- 766 (2) By an order of the Superior Court of Habersham County following a hearing on a  
 767 complaint seeking such removal brought by any resident of the City of Clarkesville; or
- 768 (3) By recall as provided by law.

769 **ARTICLE VI.**

770 **FINANCIAL AND FISCAL MATTERS**

771 **SECTION 6.10.**

772 Property taxes.

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

775 **SECTION 6.11.**

776 Tax levy.

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

783 **SECTION 6.12.**

784 Millage rates; due dates; payment methods.

785 The city council, by ordinance, shall establish a millage rate not in excess of ten mills for  
 786 general operating funds for the city property tax, a due date, and in what length of time those  
 787 taxes must be paid. The city council, by ordinance, shall establish a millage rate for the city  
 788 property tax, a due date, and the time period within which these taxes must be paid. The city  
 789 council, by ordinance, may provide for the payment of these taxes by two installments or in  
 790 one lump sum and may authorize the voluntary payment of taxes prior to the time when such  
 791 taxes are due.

792 **SECTION 6.13.**

793 Collection of delinquent taxes.

794 The city council, by ordinance, may provide generally for the collection of delinquent taxes,  
 795 fees, or other revenue due the city under this charter by whatever reasonable means as are  
 796 not precluded by law. This shall include providing for the dates when the taxes or fees are  
 797 due, late penalties or interest, issuance and execution of fi.fas, creation and priority of liens,  
 798 making delinquent taxes and fees personal debts of the persons required to pay the taxes or  
 799 fees imposed, revoking city permits for failure to pay any city taxes or fees, and providing  
 800 for the assignment or transfer of tax executions.

801 **SECTION 6.14.**

802 License fees, occupational taxes, excise taxes.

803 The city council by ordinance shall have the power to levy such occupation or business taxes  
 804 as authorized by general law. The city council may classify businesses, occupations, or

805 professions for the purpose of such taxation in any way which may be lawful and may  
806 compel the payment of such taxes as provided in this article.

807 **SECTION 6.15.**

808 Franchises.

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

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

825 **SECTION 6.16.**

826 Sewer service charges.

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

834 **SECTION 6.17.**

835 Special assessments.

836 The city council shall have power and authority to assess all or part of the cost of  
837 constructing, reconstructing, widening, or improving any public way, street, sidewalk, curb,  
838 gutter, sewer, or other utility mains and appurtenances against the abutting property owners,  
839 under such terms and conditions as may be prescribed by ordinance. Such special  
840 assessments may be collected in the same manner provided in Section 6.13 of this charter.

841 **SECTION 6.18.**

842 Construction; other taxes and fees.

843 The City of Clarkesville shall be empowered to levy any other tax or fee allowed now or  
844 thereafter by state law and the specific mention of any right, power, or authority in this article  
845 shall not be construed as limiting in any way the general powers of the city to govern its local  
846 affairs.

847 **SECTION 6.19.**

848 Transfer of executions.

849 The city clerk shall be authorized to assign or transfer any fi.fa. or execution issued for any  
850 tax or for any street, sewer, or other assessment in the same manner and to the same extent  
851 as provided by general law regarding sales and transfers of fi.fas.

852 **SECTION 6.20.**

853 General obligation bonds.

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

858 **SECTION 6.21.**

859 Revenue bonds.

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

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

862 for which they were issued.

863 **SECTION 6.22.**

864 Short-term loans.

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

866 of each year, unless otherwise provided by law.

867 **SECTION 6.23.**

868 Lease-purchase contracts.

869 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the

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

871 that the contract terminates without further obligation on the part of the municipality at the

872 close of the calendar year in which it was executed and at the close of each succeeding

873 calendar year for which it may be renewed. Contracts must be executed in accordance with

874 the requirements of Code Section 36-60-13 of the O.C.G.A., or other such applicable laws

875 as are or may hereafter be enacted.

876 **SECTION 6.24.**

877 Fiscal year; preparation and adoption of operating budget.

878 (a) The council shall set the fiscal year by ordinance. Said fiscal year shall constitute the

879 budget year and the year for financial accounting and reporting unless otherwise provided

880 by state or federal law.

881 (b) On or before a date fixed by the council prior to the beginning of each fiscal year, the

882 council shall adopt a budget for the ensuing fiscal year. The council shall provide by

883 ordinance the procedures and requirements for the preparation and execution of said annual

884 budget. The budget and all supporting documents shall be filed in the office of the city clerk

885 and shall be open to public inspection.

886

**SECTION 6.25.**

887

Submission of operating budget to city council.

888 On or before a date fixed by the city council but not later than 30 days prior to the beginning  
889 of each fiscal year, the city manager shall submit to the city council a proposed operating  
890 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the  
891 city manager containing a statement of the general fiscal policies of the city, the important  
892 features of the budget, explanations of major changes recommended for the next fiscal year,  
893 a general summary of the budget, and such other pertinent comments and information. The  
894 operating budget and the capital budget hereinafter provided for, the budget message, and  
895 all supporting documents shall be filed in the office of the city clerk and shall be open to  
896 public inspection.

897

**SECTION 6.26.**

898

Action by city council on budget.

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

904 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal  
905 year not later than October 31 of each year. If the city council fails to adopt the budget by  
906 this date, the amounts appropriated for operation for the current fiscal year shall be deemed  
907 adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated  
908 accordingly until such time as the city council adopts a budget for the ensuing fiscal year.  
909 Adoption of the budget shall take the form of an appropriations ordinance setting out the  
910 estimated revenues in detail by sources and making appropriations according to fund and by  
911 organizational unit, purpose, or activity as set out in the budget preparation ordinance  
912 adopted pursuant to Section 6.24 of this charter.

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

917 **SECTION 6.27.**

918 Tax levies.

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

925 **SECTION 6.28.**

926 Changes in appropriations.

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

931 **SECTION 6.29.**

932 Capital budget.

933 (a) On or before the date fixed by the city council but no later than October 31 of each fiscal  
 934 year, the city manager shall submit to the city council a proposed capital improvements plan  
 935 with a recommended capital budget containing the means of financing the improvements  
 936 proposed for the ensuing fiscal year. The city council shall have power to accept, with or  
 937 without amendments, or reject the proposed plan and proposed budget. The city council shall  
 938 not authorize an expenditure for the construction of any building, structure, work, or  
 939 improvement, unless the appropriations for such project are included in the capital budget,  
 940 except to meet a public emergency as provided in Section 2.23 of this charter.

941 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal  
 942 year not later than October 31 of each year. No appropriation provided for in a prior capital  
 943 budget shall lapse until the purpose for which the appropriation was made shall have been  
 944 accomplished or abandoned; provided, however, that the city manager may submit  
 945 amendments to the capital budget at any time during the fiscal year, accompanied by  
 946 recommendations. Any such amendments to the capital budget shall become effective only  
 947 upon adoption by ordinance.

948 **SECTION 6.30.**

949 Independent audit.

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

955 **SECTION 6.31.**

956 Contracting procedures.

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

958 (1) It is in writing;

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

961 (3) It is made or authorized by the city council and such approval is entered in the city  
 962 council journal of proceedings pursuant to Section 2.20 of this charter.

963 **SECTION 6.32.**

964 Centralized purchasing.

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

967 **SECTION 6.33.**

968 Sale and lease of city property.

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

971 **ARTICLE VII.**  
 972 **GENERAL PROVISIONS**

973 **SECTION 7.10.**  
 974 Bonds for officials.

975 The officers and employees of the City of Clarkesville, both elective and appointive, shall  
 976 execute such surety or fidelity bonds in such amounts and upon such terms and conditions  
 977 as the city council may from time to time require by ordinance or as may be provided by law.

978 **SECTION 7.11.**  
 979 Existing ordinances and regulations.

980 Existing ordinances and regulations of the City of Clarkesville not inconsistent with the  
 981 provisions of this charter shall continue in effect until they have been repealed, modified, or  
 982 amended by the city council. The existing rules and regulations of departments or agencies  
 983 of the City of Clarkesville not inconsistent with the provisions of this charter shall continue  
 984 in effect until they have been repealed, modified, or amended.

985 **SECTION 7.12.**  
 986 Penalties.

987 The violation of any provision of this charter, for which penalty is not specifically provided  
 988 for herein, is hereby declared to be a misdemeanor and shall be punishable by a fine of not  
 989 more than \$1,000.00 or by imprisonment not to exceed 12 months, or both such fine and  
 990 imprisonment.

991 **SECTION 7.13.**  
 992 Existing personnel and officers.

993 Except as specifically provided otherwise by this charter, all personnel and officers of the  
 994 city and their rights, privileges, and powers shall continue beyond the time this charter takes  
 995 effect for a period of 60 days before or during which the existing city council shall pass a  
 996 transition ordinance detailing the changes in personnel and appointive officers required or  
 997 desired and arranging such titles, rights, privileges, and powers as may be required or desired  
 998 to allow a reasonable transition.

999 **SECTION 7.14.**

1000 Pending matters.

1001 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,  
 1002 contracts, and legal or administrative proceedings shall continue, and any such ongoing work  
 1003 or cases shall be completed by such city agencies, personnel, or offices as may be provided  
 1004 by the city council.

1005 **SECTION 7.15.**

1006 Construction.

1007 (a) Section captions in this charter are informative only and are not to be considered as a  
 1008 part thereof.

1009 (b) The word "shall" is mandatory and the word "may" is permissive.

1010 (c) The singular shall include the plural, the masculine shall include the feminine, and vice  
 1011 versa.

1012 **SECTION 7.16.**

1013 Severability.

1014 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be  
 1015 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect  
 1016 or impair other parts of this charter unless it clearly appears that such other parts are wholly  
 1017 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the  
 1018 legislative intent in enacting this charter that each article, section, subsection, paragraph,  
 1019 sentence, or part thereof be enacted separately and independent of each other.

1020 **SECTION 7.17.**

1021 Specific repealer.

1022 An Act creating a new charter for the City of Clarkesville in the County of Habersham,  
 1023 approved April 9, 1981 (Ga. L. 1981, p. 4502), as amended, is hereby repealed in its entirety,  
 1024 and all amendatory acts thereto are likewise repealed in their entirety. All other laws and  
 1025 parts of laws in conflict with this charter are hereby repealed.

1026 **SECTION 7.18.**

1027 General repealer.

1028 All laws and parts of laws in conflict with this Act are hereby repealed.