House Bill 361 (AS PASSED HOUSE AND SENATE)
By: Representative Greene of the 151st

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Edison; to provide for incorporation, boundaries,  
2 and powers of the city; to provide for general powers and limitations on powers; to provide  
3 for a city council and the powers, duties, authority, election, terms, removal from office,  
4 method of filling vacancies, compensation, expenses, and qualifications of members of such  
5 city council; to provide for conflicts of interest and holding other offices; to provide for  
6 inquiries and investigations; to provide for eminent domain; to provide for organization and  
7 procedures; to provide for regular and special meetings; to provide for rules of procedure,  
8 quorum, and voting by commission; to provide for ordinances; to provide for emergencies;  
9 to provide for codes of technical regulations; to provide for signing, recording,  
10 authentication, codification, and printing of ordinances; to provide for administrative  
11 responsibilities; to provide for the office of mayor and certain duties and powers thereto; to  
12 provide for a mayor pro tempore; to provide for administrative departments; to provide for  
13 boards, commissions, and authorities; to provide for a city attorney and city clerk; to provide  
14 for personnel policies; to provide for the establishment of a municipal court and the judge  
15 or judges thereof; to provide for jurisdiction, powers, and appeals from the municipal court;  
16 to provide for practices and procedures; to provide for court fees; to provide for procedures  
17 for municipal elections; to provide for taxation, permits, and fees; to provide for franchises,  
18 service charges, and assessments; to provide for collection of delinquent taxes and fees; to  

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provide for bonded and other indebtedness; to provide for multiyear contacts; to provide for accounting and budgeting; to provide a millage rate cap; to provide for contracting and purchasing; to provide for bonds for officials; to provide for prior ordinances, existing personnel, and pending matters; to provide for definitions and construction; to provide for severability; to provide for related matters; to repeal a specific Act; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I.

INCORPORATION AND POWERS

SECTION 1.10.

Incorporation.

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

SECTION 1.11.

Corporate boundaries.

(a) The boundaries of the 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 the city at all times shall be shown on a map to be retained permanently in the City of Edison city hall and to be identified by the city clerk as the "Official Map of the Corporate Limits of the City of Edison, Georgia."
photographic, typed, or other copy of such map or description certified by the City of Edison 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 the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the entire map or maps which it is designated to replace.

SECTION 1.12.

Powers and construction.

(a) The 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. The city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

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

SECTION 1.13.

Example of powers.

Unless otherwise preempted by federal or state law, the corporate powers of the city may include, but are not limited to, the following:

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

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

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

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

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

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

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

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

(9) Fire Regulations. To fix and establish fire limits and from time to time to extend, enlarge, or restrict the same; to prescribe fire safety regulations consistent with general law relating to fire prevention and detection and to firefighting; and to prescribe penalties and punishment for violations thereof.

(10) Garbage Fees and Solid Waste Disposal. To levy, fix, assess, and collect a garbage, refuse, rubbish, and trash collection and disposal fee and other sanitary service charge as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business therein benefitting from such services or to whom such services are available; to enforce the payment of such charges, taxes, or fees; to provide for the manner and method of collecting such service charges; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials, and to provide for the sale of such items.

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

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

(13) Health and Sanitation. To prescribe standards of health and sanitation and to provide for the enforcement of such standards.

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

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

(16) Municipal Agencies and Delegation of Power. To create, alter, or abolish departments, boards, offices, commissions, and agencies of the city and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same.

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

(18) Municipal Property Ownership. To acquire, dispose of, lease, option, and hold in trust or otherwise accept or transfer an interest in any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city.

(19) Municipal Property Protection. To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public, and to prescribe penalties and punishment for violations thereof.

(20) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including, but not limited to, a system of waterworks, sewers and drains, sewage disposal, gas works, electric light plants, cable television, and other telecommunications, transportation facilities, public airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties, and to provide for the withdrawal of service for refusal or failure to pay the same.

(21) Nuisance. To define a nuisance and provide for its abatement whether on public or private property.
(22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the authority of this charter and the laws of the State of Georgia.

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

(24) Police and Fire Protection. To exercise the power of arrest through duly appointed police and to establish, operate, or contract for a police and a firefighting agency.

(25) Removal of Public Hazards. To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public.

(26) Public Improvements. To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detention, penal and medical institutions, agencies, and facilities; and to provide any other public improvements, inside or outside the corporate limits of the city; to regulate the use of public improvements; and for such purposes, property may be acquired by condemnation under procedures provided by the O.C.G.A. as the same shall exist from time to time.

(27) Public Peace. To provide for the prevention and punishment of drunkenness, riots, and public disturbances.

(28) Public Transportation. To organize and operate such public transportation systems as are deemed beneficial.

(29) Public Utilities and Services. To grant franchises or make contracts for or impose taxes on public utilities and public service companies; and to prescribe the rates, fares, regulations, standards, and conditions of service applicable to the service to be provided.
by the franchise grantee or contractor, insofar as the same are not in conflict with valid regulations of the Public Service Commission.

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

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

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

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

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

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

(36) Taxes. To levy and provide for the assessment, valuation, revaluation, and
collection of taxes on all property subject to taxation; to levy and collect such other taxes
as may be allowed now or in the future by law.

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

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

(39) Other Powers. To exercise and enjoy all other powers, functions, rights, privileges,
and immunities necessary or desirable to promote or protect the safety, health, peace,
security, good order, comfort, convenience, or general welfare of the city and its
inhabitants; to exercise all implied powers necessary or desirable to carry into execution
all powers granted in this charter as fully and completely as if such powers were fully
stated herein; and to exercise all powers now or in the future authorized to be exercised
by other municipal governments under other laws of the State of Georgia; and no listing
of particular powers in this charter shall be held to be exclusive of others, nor restrictive
of general words and phrases granting powers, but shall be held to be in addition to such
powers unless expressly prohibited to municipalities under the Constitution or applicable
laws of the State of Georgia.
SECTION 1.14.

Exercise of powers.

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

ARTICLE II.

GOVERNMENT STRUCTURE

SECTION 2.10.

City council; creation; posts; election.

The legislative authority of the government of the city, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of a mayor and four councilmembers. Councilmembers shall be elected to individual posts numbered 1 through 4, respectively. The city council shall in all respects be a successor to and continuation of the governing authority under prior law. The mayor and councilmembers shall be elected in the manner provided by general law and this charter.

SECTION 2.11.

City council terms and qualifications for office.

The members of the city council shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or councilmember unless he or she shall have been a resident of the city for at least 12 months.
prior to the date of election of the mayor or councilmember; each shall continue to reside therein during his or her period of service and to be registered and qualified to vote in municipal elections of the city.

SECTION 2.12.
Vacancies.

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

(b) A vacancy in the office of mayor shall be filled for the remainder of the unexpired term, if any, by appointment of the remaining councilmembers if less than 12 months remain on the unexpired term and otherwise shall be filled by an election as provided for in Section 5.14 of this charter and in accordance with Titles 21 and 45 of the O.C.G.A. or such other laws as are or may hereafter be enacted.

(c) A vacancy in the office of councilmember shall be filled for the remainder of the unexpired term, if any, by appointment of the remaining councilmembers.

SECTION 2.13.
Compensation and expenses.

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

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

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

SECTION 2.15. Inquiries and investigations.

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

SECTION 2.16. General powers and authority of the city council.

Except as otherwise provided by law or this charter, the city council shall be vested with all the powers of government of the city as provided by Article I of this charter.
SECTION 2.17.

Eminent domain.

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

SECTION 2.18.

Organizational meetings.

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

"I __________ do solemnly swear or affirm that I will properly perform the duties of the office of ____________ in and for the City of Edison, to the best of my knowledge, skill, and ability; that I am not the holder of any unaccounted for public money due to the State of Georgia or any political subdivision or authority thereof; that I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state, which I am by the laws of the State of Georgia prohibited from holding; that I am qualified to hold the office which I am about to enter according to the Constitution and laws of Georgia; that I will support the Constitutions of the United States and the State of Georgia."
Georgia; that I have been a resident of the post from which elected and the City of Edison for the time required by the Constitution and laws of the State of Georgia and the charter of the City of Edison."

SECTION 2.19.

Regular and special meetings.

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

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

(c) All meetings of the city council shall be public to the extent required by law, and notice to the public of special meetings shall be made fully as is reasonably possible as provided by O.C.G.A. § 50-14-1 or other such applicable laws as are or may hereafter be enacted.
SECTION 2.20.
Rules of procedure.

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

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

SECTION 2.21.
Quorum; voting.

Three councilmembers other than the mayor shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of ordinances shall be by oral vote, and the vote shall be recorded in the journal; provided, however, that any member of the city council shall have the right to request a roll call vote, and such vote shall be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote of three councilmembers shall be required for the adoption of any ordinance, resolution, or motion. The mayor shall vote only in the event of a tie. An abstention shall not be counted as either an affirmative or negative vote.
(a) Except as herein provided, every official action of the city council which is to become law shall be by ordinance. Each proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "It is hereby ordained by the governing authority of the City of Edison," and every ordinance shall so begin.

(b) An ordinance may be introduced by a councilmember and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish. All ordinances shall have two separate readings; provided, however, that the city council may dispense with the second reading with unanimous consent of the members present. Emergency ordinances, as provided in Section 2.24, may be adopted on the same day that they are introduced without dispensing with the second reading. Upon introduction of any ordinance, the city clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the city clerk and at such other public places as the city council may designate.

SECTION 2.23.

Action requiring an ordinance.

Acts of the city council which have the force and effect of law shall be enacted by ordinance.
SECTION 2.24.
Emergencies.

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

(b) Such meetings shall be open to the public to the extent required by law, and notice to the public of emergency meetings shall be made as fully as is reasonably possible in accordance with O.C.G.A. § 50-14-1, or such other applicable laws as are or may hereafter be enacted.
SECTION 2.25.

Codes of technical regulations.

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

(1) The requirements of subsection (b) of Section 2.22 of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and

(2) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 2.26 of this charter.

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

SECTION 2.26.

Signing; authenticating; recording; codification; printing.

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

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

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

SECTION 2.27.

Chief executive officer.

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

SECTION 2.28.

Powers and duties of mayor.

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

(1) See that all laws and ordinances of the city are faithfully executed;
(2) Recommend to the city council such measures relative to the affairs of the city, improvement of the government, and promotion of the welfare of its inhabitants as the mayor may deem expedient;

(3) Call special meetings of the city council as provided for in subsection (b) of Section 2.19 of this charter;

(4) Preside at all meetings of the city council and vote only in the event of a tie or when an affirmative or negative vote by the mayor constitutes a majority of three votes;

(5) Provide for an annual audit of all accounts of the city;

(6) Require any department or agency of the city to submit written reports whenever the mayor and council deems it expedient; and

(7) Perform such other duties as may be required by law, this charter, or by ordinance.

SECTION 2.29.

Mayor pro tempore.

At the first meeting in January of each year, the city council shall elect a councilmember to serve as mayor pro tempore. In the mayor's absence, the mayor pro tempore shall preside at meetings of the city council and shall assume the duties and powers of the mayor upon the mayor's physical or mental disability; provided, however, that the mayor pro tempore shall vote as a member of the city council at all times when serving as herein provided.
ARTICLE III.

ADMINISTRATIVE AFFAIRS

SECTION 3.10.

Administrative and service departments.

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

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

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

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

SECTION 3.11.

Boards, commissions, and authorities.

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

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

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

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

e) No member of a board, commission, or authority shall assume office until he or she has executed and filed with the city clerk an oath obligating himself or herself to faithfully and impartially perform the duties of his or her office, such oath to be prescribed by ordinance and administered by the mayor.

(f) All board members serve at will and may be removed at any time by a vote of three members of the city council unless otherwise provided by law.

(g) Except as otherwise provided by this charter or by law, each board, commission, or authority of the city shall elect one of its members as chairperson and one member as vice chairperson and may elect as its secretary one of its own members or may appoint as secretary an employee of the city. Each board, commission, or authority of the city government may establish such bylaws, rules, and regulations, consistent with this charter, ordinances of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with the city clerk.
SECTION 3.12. City attorney.

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

SECTION 3.13. City clerk.

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


All employees serve at will and may be removed from office at any time unless otherwise provided by ordinance.
ARTICLE IV.
JUDICIAL BRANCH

SECTION 4.10.
Municipal court; creation.

There shall be a court to be known as the Municipal Court of the City of Edison.

SECTION 4.11.
Judges of the municipal court.

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

(b) No person shall be qualified or eligible to serve as a judge on the municipal court unless he or she has attained the age of 21 years and possesses all qualifications required by law. All judges shall be appointed by the city council to terms as provided by law and shall serve until a successor is appointed and qualified.

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

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

(e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge will honestly and faithfully discharge the duties of the office to the best of his or her ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council journal required in Section 2.20 of this charter.
Convening.

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

SECTION 4.13.

Jurisdiction; powers.

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

(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed $500 or ten days in jail.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of $1,000 or imprisonment for 180 days, or other such fine and imprisonment, or may fix punishment by fine, imprisonment, or alternative sentencing as now or hereafter provided by law.

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

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

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

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

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

SECTION 4.14.

Certiorari.

The right of certiorari from the decision and judgment of the municipal court shall exist in
all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
the sanction of a judge of the Superior Court of Calhoun County under the laws of the State
of Georgia regulating the granting and issuance of writs of certiorari.
SECTION 4.15.

Rules of court.

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

SECTION 4.16.

Indigent defense and prosecutor.

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

SECTION 5.10.
Applicability of general law.

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

SECTION 5.11.
Regular elections.

Beginning in 2021, and every four years thereafter, on the Tuesday following the first Monday in November, there shall be an election for mayor and councilmembers for Posts 1 and 2. Beginning in 2023, and every four years thereafter, on the Tuesday following the first Monday in November, there shall be an election for councilmembers for Posts 3 and 4. The terms of office for officers elected at such time shall begin at the organizational meeting as provided for in Section 2.18.

SECTION 5.12.
Nonpartisan elections.

Political parties shall not conduct primaries for city offices, and names of all candidates for city offices shall be listed without party designations.
SECTION 5.13.

Election by majority.

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

SECTION 5.14.

Special elections.

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

SECTION 5.15.

Other provisions.

Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules and regulations as it deems appropriate to fulfill any obligations and duties under the "Georgia Election Code."
SECTION 5.16.

Removal of officers.

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

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

(1) By vote of three councilmembers or by the mayor and two councilmembers after an investigative hearing. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. The city council shall provide by ordinance for the manner in which such hearings shall be held. Any elected officer sought to be removed from office as provided in this paragraph shall have the right of appeal from the decision of the city council to the Superior Court of Calhoun County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court, or

(2) By an order of the Superior Court of Calhoun County following a hearing on a complaint seeking such removal brought by any resident of the City of Edison.
ARTICLE VI.
FINANCE

SECTION 6.10.
Property tax.

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

SECTION 6.11.
Millage rate; due dates; method of payment.

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

SECTION 6.12.
Occupation and business taxes.

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

SECTION 6.13.
Regulatory fees and permits.

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

Franchises.

(a) The city council shall have the power to grant franchises for the use of the city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television, and other telecommunications companies, gas companies, transportation companies, and other similar organizations. The city council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, that no franchise shall be granted for a period in excess of 35 years, and no franchise shall be granted unless the city receives just and adequate compensation therefor. The city council shall provide for the registration of all franchises with the city clerk in a registration book kept by the city clerk. The city council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.
(b) If no franchise agreement is in effect, the council has the authority to impose a tax on gross receipts for the use of the city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television, and other telecommunications companies, gas companies, transportation companies, and other similar organizations.

SECTION 6.15.

Service charges.

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

SECTION 6.16.

Special assessments.

The city council, by ordinance, shall have the power to assess and collect the cost of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property owners under such terms and conditions as are reasonable. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.
SECTION 6.17.
Construction; other taxes and fees.

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

SECTION 6.18.
Collection of delinquent taxes and fees.

(a) The city council shall have the power and authority to provide by ordinance for the collection from delinquent taxpayers, in addition to all other sums, the costs of collection and the costs of levy preparation and execution procedures and to add such sums to the amounts due on tax executions. The costs of levy preparation and execution procedures shall include, but shall not be limited to, the costs of title searches, name and address verifications, legal fees, and all other levy and enforcement costs.

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

(c) Executions for any and all taxes or licenses, or demands of any sort due the city or its corporate authorities by any person, firm or corporation, or against any property subject thereto, shall be issued by the city clerk, be signed by him or her, bear teste in the name of the mayor, and be directed to the chief of police of said city and his or her deputies and all or singular sheriffs, deputy sheriffs, and constables of this state.
(d) Except as otherwise provided by this charter, all executions issued by the city clerk for taxes, license fees, special assessments, fines, or forfeitures due the city shall be governed by the laws governing executions for state and county taxes and shall be subject to all presumptions of law and fact which apply to executions for state and county taxes.

SECTION 6.19.
General obligation bonds.

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

SECTION 6.20.
Revenue bonds.

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

SECTION 6.21.
Short-term loans.

The city may obtain short-term loans and must repay such loans not later than December 31 of each year, unless otherwise provided by law.
SECTION 6.22.

Lease-purchase contracts.

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

SECTION 6.23.

Fiscal year.

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

SECTION 6.24.

Preparation of budgets.

The city council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement plan, and a capital budget, including requirements as to the scope, content, and form of such budgets and plans.
SECTION 6.25.
Submission of budget to city council.

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

SECTION 6.26.
Action by city council on budget.

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

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

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

SECTION 6.27.
Tax levies.

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

SECTION 6.28.
Changes in appropriations.

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

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SECTION 6.29.

Independent audit.

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

SECTION 6.30.

Contracting procedures.

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

(1) It is in writing;

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

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

SECTION 6.31.

Centralized purchasing.

The city council, by ordinance, shall prescribe procedures for a system of centralized purchasing for the city.
SECTION 6.32.

Sale and lease of city property.

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

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

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

GENERAL PROVISIONS

SECTION 7.10.

Bonds for officials.

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

SECTION 7.11.

Prior ordinances.

All ordinances, resolutions, rules, and regulations now in force in the city and consistent with this charter are hereby declared valid and of full force and effect until amended or repealed by the city council.

SECTION 7.12.

Existing personnel and officers.

Except as specifically provided otherwise by this charter, all personnel and officers of the city and their rights, privileges, and powers shall continue beyond the time this charter takes effect for a period of 180 days before or during which the existing city council shall pass a transition ordinance detailing the changes in personnel and appointive officers required or desired and arranging such titles, rights, privileges, and powers as may be required or desired to allow a reasonable transition.
SECTION 7.13. Pending matters.

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


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

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

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

SECTION 7.15. Severability.

If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect nor impair other parts of this charter unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it being the legislative intent in enacting this charter that each article, section, subsection, paragraph, sentence, or part thereof be enacted separately and independent of each other.
SECTION 7.16.

Specific repealer.

An Act to provide a new charter for the City of Edison, Georgia in the County of Calhoun, approved April 17, 1975, (Ga. L. 1975, p. 3489), is hereby repealed in its entirety; and all amendatory acts thereto are likewise repealed in their entirety.

SECTION 7.17.

General repealer.

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