

House Bill 1597 (AS PASSED HOUSE AND SENATE)

By: Representatives Ballinger of the 23rd, Cantrell of the 22nd, Byrd of the 20th, Thomas of the 21st, and Carson of the 46th

A BILL TO BE ENTITLED

AN ACT

1 To provide a new charter for the City of Canton; to provide for incorporation, boundaries,
2 and powers of the city; to provide for the exercise of powers and limitations on powers; to
3 provide for a governing authority of such city and the powers, duties, authority, prohibitions,
4 elections, terms, removal from office, method of filling vacancies, compensation, expenses,
5 and qualifications; to provide for organization and meeting procedures; to provide for
6 ordinances; to provide for eminent domain; to provide for a quorum and the mayor's veto
7 power; to provide for emergencies; to provide for codes of technical regulations; to provide
8 for the office of mayor and its duties and powers; to provide for a mayor pro tempore; to
9 provide for a city manager and acting city manager; to provide for administrative
10 responsibilities; to provide for boards, commissions, and authorities; to provide for a city
11 attorney, city clerk, and other personnel; to provide for a position classification and pay plan;
12 to provide for personnel policies; to provide for the establishment of a municipal court and
13 the judge or judges thereof; to provide for practices and procedures; to provide for taxation,
14 permits, and fees; to provide for franchises, service charges, and assessments; to provide for
15 bonded and other indebtedness; to provide for accounting and budgeting; to provide for
16 contracting and purchasing; to provide for sale of city property; to provide for bonds for
17 officials; to provide for pending matters; to provide for definitions and construction; to

18 provide for severability; to provide for related matters; to repeal specific Acts; to repeal
19 conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 ARTICLE I
22 CREATION, INCORPORATION, AND POWERS

23 SECTION 1.10.
24 Incorporation.

25 This city and the inhabitants thereof are hereby constituted and declared a body politic and
26 corporate under the name and style "City of Canton, Georgia," and by that name shall have
27 perpetual succession.

28 SECTION 1.11.
29 Corporate boundaries.

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

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

41 **SECTION 1.12.**

42 Election wards for council posts.

43 (a) The boundaries for the three wards shall be shown on a map to be retained permanently
44 in the office of the city clerk and to be designated as: "Official Map for City Elections
45 Identifying City Wards."

46 (b) The ward boundaries and official map, as they exist immediately prior to the effective
47 date of this charter, shall continue in force and effect under this charter until revised as
48 provided by law.

49 **SECTION 1.13.**

50 Powers and construction.

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

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

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SECTION 1.14.

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Examples of powers and construction.

60 The powers of the government of the City of Canton to be exercised by the city council shall
61 include, but not be limited to, the following:

62 (1) Air and water pollution. To regulate the emission of smoke or other exhaust which
63 pollutes the air and to prevent the pollution of natural streams which flow within the
64 corporate limits of the city;

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

70 (3) Appropriations and expenditures. To make appropriations for the support of the
71 government of the city in performing its duties as charged; to authorize the expenditure of
72 money for any purposes authorized by this charter and for any purpose for which a
73 municipality is authorized by the laws of the State of Georgia; and to provide for the
74 payment of expenses of the city;

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

78 (5) Business regulation and taxation. To levy and to provide for collection of license fees
79 and taxes on privileges, occupations, trades, and professions; to license and regulate the
80 same; to provide for the manner and method of payment of such licenses and taxes; and to
81 revoke such licenses after due process for failure to pay any city taxes or fees;

82 (6) Condemnation. To condemn property, inside or outside the corporate limits of the city,
83 for present or future use and for any corporate purpose deemed necessary by the governing

84 authority, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such other
85 applicable laws as are or may hereafter be enacted;

86 (7) Contracts. To enter into contracts and agreements with other governmental entities and
87 with private persons, firms, and corporations;

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

92 (9) Environmental protection. To protect and preserve the natural resources, environment,
93 and vital areas of the state through the preservation and improvement of air quality, the
94 restoration and maintenance of water resources, the control of erosion and sedimentation,
95 the management of solid and hazardous waste, and other necessary actions for the
96 protection of the environment;

97 (10) Ethics. To adopt ethics ordinances and regulations governing such things including,
98 but not limited to, the conduct of municipal elected officials, appointed officials,
99 contractors, vendors, and employees; establishing procedures for ethics complaints; and
100 setting forth penalties for violations of such rules and procedures;

101 (11) Fees. To establish fees and assessments of special districts for purposes of business
102 improvement districts;

103 (12) Fire regulations. To fix and establish fire limits and from time to time to extend,
104 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
105 general law relating to both fire prevention and detection and to fire fighting; and to
106 prescribe penalties and punishment for violations thereof;

107 (13) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
108 and disposal and other sanitary service charge, tax, or fee for such services as may be
109 necessary in the operation of the city from all individuals, firms, and corporations residing
110 in or doing business therein benefiting from such services; to enforce the payment of such

111 charges, taxes, or fees; and to provide for the manner and method of collecting such service
112 charges, taxes, or fees;

113 (14) General health, safety, and welfare. To define, regulate, and prohibit any act,
114 practice, conduct, or use of property which is detrimental to the health, sanitation,
115 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the
116 enforcement of such standards;

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

120 (16) Health and sanitation. To prescribe standards of health and sanitation and to provide
121 for the enforcement of such standards;

122 (17) Homestead exemption. To the maximum extent permitted by the Georgia
123 Constitution, to establish and maintain procedures for offering homestead exemptions to
124 residents of the city and maintaining current homestead exemptions of residents of the city
125 as authorized by Acts of the General Assembly;

126 (18) Jail sentences. To provide that persons given jail sentences by the city's court may
127 work out such sentences in any public works or on the streets, roads, drains, and squares
128 in the city; to provide for commitment of such persons to any jail; or to provide for
129 commitment of such persons to any county work camp or county jail by agreement with
130 the appropriate county officials;

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

134 (20) Municipal agencies and delegation of power. To create, alter, or abolish departments,
135 boards, offices, commissions, and agencies of the city and to confer upon such agencies
136 the necessary and appropriate authority for carrying out all the powers conferred upon or
137 delegated to the same;

- 138 (21) Municipal debts. To appropriate and borrow money for the payment of debts of the
139 city and to issue bonds for the purpose of raising revenue to carry out any project, program,
140 or venture authorized by this charter or the laws of the State of Georgia;
- 141 (22) Municipal property ownership. To acquire, dispose of, and hold in trust or otherwise
142 any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the
143 property limits of the city;
- 144 (23) Municipal property protection. To provide for the preservation and protection of
145 property and equipment of the city and the administration and use of same by the public;
146 and to prescribe penalties and punishment for violations thereof;
- 147 (24) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
148 of public utilities, including, but not limited to, a system of waterworks, sewers and drains,
149 sewage disposal, gas works, electric light plants, telecommunications, transportation
150 facilities, public airports, and any other public utility; to fix the taxes, charges, rates, fares,
151 fees, assessments, regulations, and penalties; to provide for the withdrawal of service for
152 refusal or failure to pay the same; and to authorize the extension of water, sewerage, and
153 electrical distribution systems, and all necessary appurtenances by which said utilities are
154 distributed, inside and outside the corporate limits of the city as provided by ordinance;
- 155 (25) Nuisance. To define a nuisance and provide for its abatement whether on public or
156 private property;
- 157 (26) Ordinances. To make, establish, and adopt such bylaws, ordinances, policies, and
158 rules and regulations as shall appear necessary for the security, welfare, convenience, and
159 interest of the city and the inhabitants thereof and for preserving the health, peace, order,
160 and good government of the city;
- 161 (27) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
162 the authority of this charter and the laws of the State of Georgia;

- 163 (28) Planning and zoning. To provide comprehensive city planning for development by
164 zoning; and to provide subdivision regulation and the like as the city council deems
165 necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community;
- 166 (29) Police and fire protection. To exercise the power of arrest through duly appointed
167 police officers and to establish, operate, contract, or consolidate for a police department
168 and a fire-fighting agency;
- 169 (30) Public hazards: Removal. To provide for the destruction and removal of any building
170 or other structure which is or may become dangerous or detrimental to the public;
- 171 (31) Public improvements. To provide for the acquisition, construction, building,
172 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
173 cemeteries, markets, public buildings, libraries, public housing, airports, heliports,
174 hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
175 recreational, conservation, sport, curative, corrective, detentional, penal, and medical
176 institutions, agencies, and facilities; to provide any other public improvements inside or
177 outside the corporate limits of the city; to regulate the use of public improvements; and for
178 such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A.,
179 or such other applicable laws as are or may hereafter be enacted;
- 180 (32) Public peace. To provide for the enforcement of the public peace and punishment of
181 drunkenness, riots, and public disturbances;
- 182 (33) Public transportation. To organize and operate such public transportation systems as
183 are deemed beneficial;
- 184 (34) Public utilities and services. To grant franchises or make contracts for public utilities
185 and public services; and to prescribe the rates, fares, regulations, and standards and
186 conditions of service applicable to the service to be provided by the franchise grantee or
187 contractor, insofar as not in conflict with valid regulations of the Public Service
188 Commission;

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

194 (36) Retirement. To provide and maintain a retirement plan for officers and employees
195 of the city;

196 (37) Roadways and commuter rail. To lay out, open, extend, widen, narrow, establish, or
197 change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees,
198 or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads,
199 alleys, and walkways within the corporate limits of the city; to negotiate and execute leases
200 over, through, under, or across any city property or the right of way of any street, road,
201 alley, and walkway or portion thereof, within the corporate limits of the city, for bridges,
202 passageways, or any other purpose or use between buildings on opposite sides of the street
203 and for other bridges, overpasses, and underpasses for private use at such location, to
204 charge a rental therefor in such manner as may be provided by ordinance; to authorize and
205 control the construction of bridges, overpasses, and underpasses within the corporate limits
206 of the city; to grant franchises and rights of way throughout the streets and roads and over
207 the bridges and viaducts for the use of public utilities and for private use; and to require
208 real estate owners to repair and maintain in a safe condition the sidewalks adjoining their
209 lots or lands and to impose penalties for failure to do so;

210 (38) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
211 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
212 and sewerage system; to levy on those to whom sewers and sewerage systems are made
213 available a sewer service fee, charge, or sewer tax for the availability or use of the sewers;
214 to provide for the manner and method of collecting such service charges and for enforcing

215 payment of the same; and to charge, impose, and collect a sewer connection fee or fees to
216 those connected with the system;

217 (39) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
218 and refuse; to regulate the collection and disposal of garbage, rubbish, and refuse by others;
219 and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and
220 other recyclable materials and to provide for the sale of such items;

221 (40) Special areas of public regulation. To regulate or prohibit junk dealers, pawnshops,
222 the illegal manufacture, sale or transportation of intoxicating liquors, and the discharge of
223 firearms; to regulate the transportation, storage, and use of combustible, explosive, and
224 inflammable materials, body piercing and tattooing, and any other business or situation
225 which may be dangerous to persons or property; to regulate and control the conduct of
226 peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind,
227 by taxation or otherwise; and to license, tax, regulate, or prohibit professional
228 fortunetelling, palmistry, adult bookstores, and massage parlors;

229 (41) Special assessments. To levy and provide for the collection of special assessments
230 to cover the costs for any public improvements;

231 (42) Taxes: Ad valorem. To levy and provide for assessment, valuation, revaluation, and
232 collection of taxes on all property subject to taxation;

233 (43) Taxes: Other. To levy and collect such other taxes as may be allowed now or in the
234 future by law;

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

239 (45) Urban redevelopment. To organize and operate an urban redevelopment program;
240 and

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

252 **SECTION 1.15.**

253 Exercise of powers.

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

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SECTION 2.12.

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Election at large; majority elects.

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The councilmembers for each ward and the mayor shall be elected by the qualified electors of the city at large, and each candidate for city council receiving a majority of the votes cast from the city at large shall be declared elected as city council.

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SECTION 2.13.

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Vacancy; filling of vacancies.

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(a) The office of mayor or councilmember shall become vacant upon the occurrence of any event specified by the Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted. A vacancy shall also occur if the mayor or councilmember is no longer a resident of the city, or if a councilmember is no longer a resident of the ward for which they were elected. If a current councilmember runs for the position of mayor, they must first resign from their current position.

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(b) A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, by appointment by the city council; provided, however, that if there is a general municipal election held prior to the end of the unexpired term in which the vacant seat is not on the ballot, then there shall be a special election for the vacant seat held in conjunction with the general municipal election, in which case the appointment by the city council would stand only until the results of the special election are certified. The winner of the special election shall take office immediately upon certification of the results. The special election shall be held as provided for in Section 5.14 of this charter.

298 **SECTION 2.14.**

299 Compensation and expenses.

300 The mayor and councilmembers shall receive compensation and expenses for their services
301 as provided by ordinance. The mayor and councilmembers shall be entitled to receive their
302 actual and necessary expenses incurred in the performance of their duties.

303 **SECTION 2.15.**

304 Conflicts of interest.

305 Elected and appointed officers of the city are trustees and servants of the residents of the city
306 and shall act in a fiduciary capacity for the benefit of such residents as per the ethics
307 ordinance.

308 **SECTION 2.16.**

309 General power and authority.

310 Except as otherwise provided by law or this charter, the city council shall be vested with all
311 the powers of government of this city.

312 **SECTION 2.17.**

313 Eminent domain.

314 The city council is hereby empowered to acquire, construct, operate, and maintain public
315 ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,
316 sewers, drains, sewage treatment facilities, waterworks, electrical systems, gas systems,
317 airports, heliports, commuter rail, hospitals, and charitable, educational, recreational, sport,

318 curative, corrective, detentional, penal, and medical institutions, agencies, and facilities, and
319 any other public improvements inside or outside the city, and to regulate the use thereof, and
320 for such purposes, property may be condemned under procedures established under general
321 law applicable now or as provided in the future.

322 **SECTION 2.18.**

323 Organizational meetings.

324 The city council shall hold an organizational meeting on the first Thursday in January after
325 an election. The meeting shall be called to order by the city clerk and the oath of office shall
326 be administered to the newly elected members as follows:

327 "I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor)
328 (councilmember) of this city and that I will support and defend the charter thereof as well
329 as the Constitution and laws of the State of Georgia and of the United States of America."

330 **SECTION 2.19.**

331 Regular, called, and special meetings.

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

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

341 councilmember's presence. Only the business stated in the call may be transacted at the
342 special meeting.

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

347 **SECTION 2.20.**

348 Rules of procedure.

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

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

355 **SECTION 2.21.**

356 Quorum; voting.

357 The mayor, or in the mayor's absence the mayor pro tempore, and three councilmembers
358 shall constitute a quorum and shall be authorized to transact business of the city council. For
359 voting purposes, the mayor pro tempore shall be counted as one of the councilmembers, even
360 when presiding over the meeting. In the event that the city council is unable to obtain a
361 quorum due to the absence of the mayor and mayor pro tempore, then after a period of at
362 least five days the city council may meet with a quorum consisting of four members. Voting
363 on the adoption of ordinances shall be by voice vote or another means of voting approved

364 by the council and the vote shall be recorded in the journal, but any member of the city
365 council shall have the right to request a roll call vote and such vote shall be recorded in the
366 journal. Except as otherwise provided in this charter, the affirmative vote by majority shall
367 be required for the adoption of any ordinance, resolution, or motion. No ordinance shall be
368 adopted, however, unless it shall receive at least three affirmative votes.

369 **SECTION 2.22.**

370 Ordinance form; procedures.

371 (a) Every proposed ordinance shall be introduced in writing and in the form required for
372 final adoption; provided, however, that an ordinance may be amended and voted on at the
373 same meeting. No ordinance shall contain a subject which is not expressed in its title. The
374 enacting clause shall be "It is hereby ordained by the governing authority of the City of
375 Canton" and every ordinance shall so begin.

376 (b) No ordinance shall be approved for its final passage on the same day on which it is first
377 introduced, except for emergency ordinances as provided for in Section 2.24 of this charter.

378 **SECTION 2.23.**

379 Mayor's veto power.

380 (a) Every ordinance adopted by the city council shall be presented promptly by the city clerk
381 to the mayor for signature.

382 (b) The mayor shall have the right to veto any ordinance adopted by the city council.

383 (c) The mayor, within ten calendar days of the date of adoption of the ordinance, shall either:

384 (1) Approve the ordinance and return it to the city clerk; or

385 (2) Return the ordinance to the city clerk with a veto, along with a written statement of the
386 mayor's reason or reasons for the veto.

387 (d) If the mayor has approved the ordinance, it shall become effective upon the date of his
388 or her approval. If the mayor neither approves nor vetoes the ordinance, then it shall become
389 effective at 12:00 noon on the tenth calendar day after its adoption.

390 (e) If the mayor has vetoed the ordinance, then the city clerk shall place the ordinance on
391 the agenda for the next scheduled meeting of the city council. At the next meeting of the city
392 council, the city council shall vote on the ordinance and, should the city council adopt the
393 ordinance with the affirmative vote of at least four members, the ordinance shall become
394 effective immediately and shall not be subject to any further veto by the mayor.

395 **SECTION 2.24.**

396 Emergencies.

397 (a) To meet a public emergency affecting life, health, property, or public peace, the city
398 council may convene on call of the mayor and three councilmembers and promptly adopt an
399 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
400 franchise; regulate the rate charged by any public utility for its services; or authorize the
401 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
402 shall be introduced in the form prescribed for ordinances generally, except that it shall be
403 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
404 a declaration stating that an emergency exists and describing the emergency in clear and
405 specific terms. An emergency ordinance may be adopted, with or without amendment, or
406 rejected at the meeting at which it is introduced, but the affirmative vote of at least a majority
407 of councilmembers shall be required for adoption. It shall become effective upon adoption
408 or at such later time as it may specify. Every emergency ordinance shall automatically stand
409 repealed 90 days following the date upon which it was adopted, but this shall not prevent
410 reenactment of the ordinance in the manner specified in this section if the emergency still
411 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
412 in the same manner specified in this section for adoption of emergency ordinances.

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

417 **SECTION 2.25.**

418 Codes of technical regulations.

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

422 (1) The requirements of Section 2.26 for distribution and filing of copies of the ordinance
423 shall be construed to include copies of any code of technical regulations, as well as the
424 adopting ordinance; and

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

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

429 **SECTION 2.26.**

430 Signing; authenticating; recording; codification; printing.

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

433 (b) The city council shall provide for the preparation of a general codification of all the
434 ordinances of the city having the force and effect of law. The general codification shall be
435 adopted by the city council by ordinance and shall be published promptly, together with all
436 amendments thereto and such codes of technical regulations and other rules and regulations

437 as the city council may specify. This compilation shall be known and cited officially as "The
438 Code of the City of Canton, Georgia." Copies of the code shall be furnished to all officers,
439 departments, and agencies of the city and made available for purchase by the public at a
440 reasonable price as fixed by the city council.

441 (c) The city council shall cause each ordinance and each amendment to this charter to be
442 promptly delivered in an appropriate format to the entity or agency that the city has retained
443 to facilitate the codification and online viewing and download of the charter and all city
444 ordinances. The charter and city ordinances shall otherwise be available in hard copy format
445 for viewing and copying at the office of the city clerk in conformance with state law.

446 **SECTION 2.27.**

447 City manager; appointment.

448 The mayor shall nominate a city manager, also to be known as "the manager," subject to the
449 approval of the city council. In the event that the mayor has not made a nomination
450 within 60 days of the vacant position, or in the event that the person nominated by the mayor
451 does not receive approval by a majority of the city council, then any member of the city
452 council may make a motion to approve a city manager, and the mayor's nomination shall no
453 longer be required.

454 **SECTION 2.28.**

455 Acting city manager.

456 At the beginning of each calendar year, the city manager shall designate, subject to the
457 approval of the city council, another city employee to act as acting city manager in the event
458 that the city manager is unavailable to perform his or her duties. The acting city manager
459 shall be authorized to act for up to 14 days. In the event that the city manager is unavailable
460 to perform his or her duties for longer than 14 days, then the city council shall designate such

461 employee to be the acting city manager during such period. The city council may revoke
462 such designation at any time and appoint another officer of the city to serve.

463 **SECTION 2.29.**

464 Powers and duties of the city manager.

465 The city manager shall be the chief administrative officer of the city and shall be responsible
466 to the city council for the administration of all city affairs placed in his or her charge by or
467 under this charter. As the chief administrative officer, the manager shall:

468 (1) Appoint and, when the manager deems it necessary for the good of the city, suspend
469 or remove city employees and administrative officers the manager appoints, except as
470 otherwise provided by law or personnel ordinances adopted pursuant to this charter. The
471 manager may authorize any administrative officer who is subject to the manager's direction
472 and supervision to exercise these powers with respect to subordinates in that officer's
473 department, office, or agency;

474 (2) Direct and supervise the administration of all departments, offices, and agencies of the
475 city, except as otherwise provided by this charter or by law;

476 (3) Attend all open city council meetings and attend all closed meetings as required by the
477 city council;

478 (4) See that all laws, provisions of this charter, and acts of the city council, subject to
479 enforcement by the manager or by officers subject to the manager's direction and
480 supervision, are faithfully executed;

481 (5) Prepare and submit the annual operating budget and capital budget, including any and
482 all requested substantiating details supporting planned line item revenues and expenditures,
483 to the city council. The annual operating and capital budgets for the next fiscal year are
484 to be submitted 75 days in advance of the start of the next fiscal year;

485 (6) Submit to the city council and make available to the public a complete report on the
486 finances and administrative activities of the city as of the end of each fiscal year;

- 487 (7) Make such other reports as the city council may require concerning the operations of
488 city departments, offices, and agencies subject to the manager's direction and supervision;
- 489 (8) Keep the city council fully advised as to the financial condition and future needs of the
490 city and make such recommendations to the city council concerning the affairs of the city
491 as the manager deems desirable. Reports to the city council shall be in the format of
492 monthly income and expenditure statements in line item detail corresponding to the
493 approved annual budgets, providing such substantiating detail as may be requested;
- 494 (9) Sign contracts when authorized to do so by the city council or when the contract is for
495 an amount that is within the spending authority of the city manager;
- 496 (10) Perform such other duties as are specified in this charter or as may be required by the
497 city council;
- 498 (11) Meet with the mayor biweekly, or as frequently as required, for consultation and
499 advice on the affairs of the city; and
- 500 (12) Advise the mayor immediately of any reported situation in the city that would likely
501 attract public attention or create press inquiries.

502

SECTION 2.30.

503

Interference with administration.

504 Except for the purpose of informal inquiries and investigations, or upon approval of the city
505 council, the individual members of the city council shall deal with city officers and
506 employees who are subject to the direction or supervision of the city manager solely through
507 the city manager, and the members of the city council shall not give orders or direction to
508 any such officer or employee, either publicly or privately.

509 **SECTION 2.31.**

510 Purchasing limits of city manager.

511 All purchases by the city manager or contracts to pay out money in excess of the sum
512 of \$20,000.00 shall be approved in writing by the city council or by some person or
513 committee appointed by ordinance for said person.

514 **SECTION 2.32.**

515 Selection of mayor pro tempore.

516 At each organizational meeting described in Section 2.18, the mayor shall nominate, subject
517 to the approval of the city council, a mayor pro tempore from among the members of the
518 council. If the mayor does not nominate a mayor pro tempore at the organizational meeting,
519 or if the member nominated by the mayor is not approved by a majority of the city council,
520 then any member of the city council may make a motion to name the mayor pro tempore, and
521 the mayor's nomination shall no longer be required.

522 **SECTION 2.33.**

523 Mayor pro tempore.

524 During the absence, disqualification, or disability of the mayor for any cause, or upon the
525 mayor's refusal to act, the mayor pro tempore, or in his or her absence, disqualification, or
526 disability for any reason, any one of the councilmembers chosen by a majority vote of the
527 city council, shall be clothed with all the rights and privileges of the office of mayor and
528 shall perform the duties of the office of mayor so long as such absence, disqualification, or
529 disability or refusal to act shall continue, except that the mayor pro tempore shall not have
530 veto power or the power to suspend the city manager. Any such absence, disqualification,
531 disability, or refusal to act shall be declared by the majority vote of all councilmembers. The

532 mayor pro tempore or selected councilmember shall sign all contracts and ordinances in
533 which the mayor has a disqualifying financial interest.

534 **SECTION 2.34.**

535 Election of mayor; forfeiture; compensation.

536 The mayor shall be elected and serve for a term of four years and until a successor is elected
537 and qualified. The mayor shall be a citizen of the United States, shall be a qualified elector
538 of this city, and shall have been a resident of the city for 12 months prior to the election. The
539 mayor shall continue to reside in this city during the period of his or her service. The mayor
540 shall forfeit his or her office on the same grounds and under the same procedure as for
541 councilmembers. The compensation of the mayor shall be established in the same manner
542 as for councilmembers.

543 **SECTION 2.35.**

544 Powers and duties of mayor.

545 The mayor shall:

- 546 (1) Preside at all meetings of the city council;
- 547 (2) Be the head of the city for service of process and for ceremonial purposes and be the
548 official spokesperson for the city and the chief advocate of policy;
- 549 (3) Have the power to administer oaths and to take affidavits;
- 550 (4) Preside as chief executive officer of the city;
- 551 (5) Sign as a matter of course on behalf of the city all written and approved contracts,
552 ordinances, and other instruments executed by the city which by law are required to be
553 in writing;
- 554 (6) Fulfill such other executive and administrative duties as the city council shall by
555 ordinance establish;

- 556 (7) Conduct inquiries and investigations into the conduct of the city's affairs and shall
557 have such other duties as may be provided by ordinance;
- 558 (8) Prepare or have prepared an agenda for each meeting of the city council which shall
559 include all business submitted by the mayor, any member of the city council, the city
560 manager, the city attorney, and any member of the public as provided by ordinance;
- 561 (9) Meet with the city manager on a biweekly basis, or as required, for consultation and
562 advice on the affairs of the city; and
- 563 (10) Have the power to suspend the city manager until the next city council meeting.
564 The mayor shall provide notice of the suspension to the city clerk, who shall notify the
565 city councilmembers.

566 **SECTION 2.36.**

567 Chief executive officer.

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

571 **ARTICLE III**

572 **ADMINISTRATIVE AFFAIRS**

573 **SECTION 3.10.**

574 Administrative and service departments.

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

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

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

584 (d) There shall be a director of each department or agency who shall be its principal officer.
585 Each director shall, subject to the direction and supervision of the city manager, unless
586 otherwise stipulated, be responsible for the administration and direction of the affairs and
587 operations of his or her department or agency.

588

SECTION 3.11.

589

Boards, commissions, and authorities.

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

594 (b) Members of boards, commissions, and authorities of the city shall be nominated by the
595 mayor, subject to the approval of the city council, for such terms of office and in such
596 manner as shall be provided by ordinance, except where other appointing authority, terms
597 or office, or manner of appointment is prescribed by this charter or by law. In the event that
598 the mayor has not made a nomination within 60 days of the position becoming vacant, or in
599 the event that the person nominated by the mayor is not approved by a majority of the city
600 council, then any member of the city council may make a motion, and the mayor's
601 nomination shall no longer be required.

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

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

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

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

613 (g) Any member of a board, commission, or authority may be removed from office for cause
614 by a vote of the majority of the members of the city council unless otherwise provided by
615 law.

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

624 **SECTION 3.12.**

625 City attorney.

626 The mayor shall nominate a city attorney, subject to the approval of the city council, together
627 with such assistant city attorneys as may be authorized. In the event that the mayor has not
628 made a nomination within 60 days of the position becoming vacant, or in the event that the
629 person nominated by the mayor is not approved by a majority of the city council, then any

630 member of the city council may make a motion to approve a city attorney, and the mayor's
631 nomination shall no longer be required. The city council shall provide for the payment of
632 such attorney or attorneys for services rendered to the city. The city attorney shall be
633 responsible for providing the representation and defense of the city in all litigation in which
634 the city is a party; may be the prosecuting officer in the municipal court; shall attend
635 meetings of the city council as directed; shall advise the city council, mayor, and other
636 officers and employees of the city concerning legal aspects of the city's affairs; and shall
637 perform such other duties as may be required by virtue of his or her position as city attorney.

638 **SECTION 3.13.**

639 City clerk.

640 The mayor shall nominate a city clerk, also to be known as "the clerk," subject to the
641 approval of the city council. In the event that the mayor has not made a nomination within
642 60 days of the position becoming vacant, or in the event that the person nominated by the
643 mayor is not approved by a majority of the city council, then any member of the city council
644 may make a motion to approve a city clerk, and the mayor's nomination shall no longer be
645 required. The city clerk shall keep a journal of the proceedings of the city council, shall
646 maintain in a safe place all records and documents pertaining to the affairs of the city, and
647 shall perform such other duties as may be required by law or ordinance or as the city council
648 may direct. The city council shall determine the compensation of the city clerk.

649 **SECTION 3.14.**

650 Position classification and pay plan.

651 The city manager or his or her designee shall be responsible for the preparation of a position
652 classification and pay plan which shall be submitted to the city council for approval. Such
653 plan may apply to all employees of the city and any of its agencies, departments, boards,

654 commissions, or authorities. When a plan has been adopted, the city council shall not
655 increase or decrease the salary range applicable to any position except by amendment of such
656 plan. For purposes of this section, all elected and appointed city officials are not city
657 employees.

658 **SECTION 3.15.**

659 Prohibition on hiring elected officials.

660 The mayor and councilmembers shall be ineligible to be hired as an employee for any
661 position appointed by the city council, unless 30 days have elapsed from the resignation or
662 the expiration of the term of office of the mayor or councilmember.

663 **SECTION 3.16.**

664 Personnel policies.

665 The city council shall adopt rules and regulations consistent with this charter concerning:
666 (1) The method of employee selection and probationary periods of employment;
667 (2) The administration of the position classification and pay plan, methods of promotion
668 and application of service ratings thereto, and transfer of employees within the plan;
669 (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and the
670 order and manner in which layoffs shall be effected;
671 (4) Such dismissal hearings as due process may require; and
672 (5) Such other personnel notices as may be necessary to provide for adequate and
673 systematic handling of personnel affairs.

674

ARTICLE IV

675

MUNICIPAL COURT

676

SECTION 4.10.

677

Creation; name.

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

679

SECTION 4.11.

680

Chief judge; associate judge.

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

683 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
684 he or she shall have attained the age of 21 years, shall be a member of the State Bar of
685 Georgia, and shall possess all qualifications required by law. All judges shall be appointed
686 by the city council for a term of two years and shall serve until a successor is appointed and
687 qualified.

688 (c) Compensation of the judges shall be fixed by the city council.

689 (d) Judges may be removed from office on the grounds set forth in and following the
690 procedures set forth in Code Section 36-32-2.1 of the O.C.G.A., as amended.

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

695 **SECTION 4.12.**

696 Convening.

697 The municipal court shall be convened at regular intervals as determined by the municipal
698 court judge and approved by the city council.

699 **SECTION 4.13.**

700 Jurisdiction; powers.

701 (a) The municipal court shall try and punish violations of this charter, all city ordinances,
702 and those state laws for which jurisdiction is given to municipal courts.

703 (b) The municipal court shall have authority to punish those in its presence for contempt.

704 (c) The municipal court may fix punishment for offenses within its jurisdiction to the extent
705 allowed by the laws of the State of Georgia, by fine, imprisonment, or alternative sentencing
706 as now or hereafter provided by law.

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

710 (e) The municipal court shall have authority to establish bail and recognizance to ensure the
711 presence of those charged with violations before said court and shall have discretionary
712 authority to accept cash or personal or real property as surety for the appearance of persons
713 charged with violations. Whenever any person shall give bail for his or her appearance and
714 shall fail to appear at the time fixed for trial, his or her bond shall be forfeited by the
715 presiding judge at such time, and an execution issued thereon by serving the defendant and
716 his or her sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the
717 event that cash or property is accepted in lieu of bond for security for the appearance of a
718 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
719 the cash so deposited shall be on order of the judge declared forfeited to the city, or the

720 property so deposited shall have a lien against it for the value forfeited, which shall be
721 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

730 (i) The municipal court shall have the authority to administer oaths and to perform all other
731 acts necessary or proper to the conduct of the court.

732 (j) The municipal court is vested with the jurisdiction and powers throughout the geographic
733 area of the City of Canton granted by law to municipal courts, particularly by such laws as
734 authorize the abatement of nuisances and prosecution of traffic violations.

735

SECTION 4.14.

736

Code enforcement court; jurisdiction; powers.

737 The code enforcement court shall:

738 (1) Try and punish violations of this charter, all city ordinances, and such other
739 violations that are not of a criminal nature as provided by law;

740 (2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served
741 by the sheriff, marshal, or city police department or any other individual authorized by
742 Title 24 of the O.C.G.A. to serve subpoenas;

743 (3) Order the violator to pay an administrative fine in an amount set in accordance with
744 state law;

- 745 (4) Impose an administrative fine for a violation that is not a violation involving the
746 health or safety of a third party but shall not exceed that which is authorized by state law;
747 (5) Subpoena evidence to its hearings in the same way as provided by this section;
748 (6) Take testimony under oath; and
749 (7) Issue orders having the force of law to command whatever steps are necessary to
750 bring the violation into compliance.

751 **SECTION 4.15.**

752 Certiorari.

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

757 **SECTION 4.16.**

758 Rules for court.

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

766 ARTICLE V
767 ELECTIONS AND REMOVAL

768 SECTION 5.10.
769 Applicability of general law.

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

772 SECTION 5.11.
773 Regular elections; time for holding.

774 (a) There shall be a municipal general election held biennially in odd-numbered years on the
775 Tuesday next following the first Monday in November.

776 (b) There shall be elected the mayor and three councilmembers at one election and at every
777 other election thereafter. The remaining city council seats shall be filled at the election
778 alternating with the first election so that a continuing body is created.

779 SECTION 5.12.
780 Nonpartisan elections.

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

783 **SECTION 5.13.**

784 Election by majority.

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

786 **SECTION 5.14.**

787 Special elections; vacancies.

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

790 **SECTION 5.15.**

791 Other provisions.

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

795 **SECTION 5.16.**

796 Removal of officers.

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

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

802 (1) Following a hearing at which an impartial panel shall render a decision. In the event
803 an elected officer is to be removed by the action of the city council, such officer shall be

804 entitled to a written notice specifying the ground or grounds for removal and to a public
805 hearing which shall be held not less than ten days after the service of such written notice.
806 The city council shall provide by ordinance for the manner in which such hearings shall
807 be held. Any elected officer sought to be removed from office as provided in this section
808 shall have the right of appeal from the decision of the city council to the Superior Court of
809 Cherokee County. Such appeal shall be governed by the same rules as govern appeals to
810 the superior court from the probate court; or
811 (2) By an order of the Superior Court of Cherokee County following a hearing on a
812 complaint seeking such removal brought by any resident of the City of Canton.

813 **ARTICLE VI**

814 **FINANCE**

815 **SECTION 6.10.**

816 **Property tax.**

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

823 **SECTION 6.11.**

824 **Millage rate; due dates; payment methods.**

825 The city council by ordinance shall establish a millage rate for the city property tax, a due
826 date, and the time period within which these taxes must be paid. The city council by

827 ordinance may provide for the payment of these taxes by installments or in one lump sum,
828 as well as authorize voluntary payment of taxes prior to the time when due.

829 **SECTION 6.12.**

830 Occupation and business taxes.

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

835 **SECTION 6.13.**

836 Regulatory fees; permits.

837 The city council by ordinance shall have the power to require businesses or practitioners
838 doing business in this city to obtain permits for such activities from the city and, upon
839 approval, may require a business or practitioner to pay a regulatory fee for a permit as
840 provided by general law. Such fees should reflect the total cost to the city of regulating the
841 activity and if unpaid shall be collected as provided in Section 6.18 of this charter.

842 **SECTION 6.14.**

843 Franchises.

844 (a) The city council shall have the power to grant franchises for the use of this city's streets,
845 alleys, and other property for the purposes of railroads, street railways, telephone and cellular
846 telephone companies, electric companies, electric membership corporations, cable television
847 and other telecommunications companies, fiber optic cable companies, internet companies,
848 gas companies, transportation companies, and other similar organizations. The city council

849 shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and
850 the consideration for such franchises; provided, however, that no franchise shall be granted
851 for a period in excess of 35 years and no franchise shall be granted unless the city receives
852 just and adequate compensation therefor. The city council shall provide for the registration
853 of all franchises with the city clerk in a registration book kept by the clerk. The city council
854 may provide by ordinance for the registration within a reasonable time of all franchises
855 previously granted.

856 (b) If no franchise agreement is in effect, the city council has the authority to impose a tax
857 on gross receipts for the use of this city's streets, alleys, and other property for the purposes
858 of railroads, street railways, telephone and cellular telephone companies, electric companies,
859 electric membership corporations, cable television and other telecommunications companies,
860 fiber optic cable companies, internet companies, gas companies, transportation companies,
861 and other similar organizations.

862 **SECTION 6.15.**

863 Service charges.

864 The city council by ordinance shall have the power to assess and collect fees, charges, and
865 tolls for sewer, storm water, water, emergency, law enforcement, fire, sanitary, and health
866 services, and any other services provided or made available within and outside the corporate
867 limits of the city. If unpaid, such charges shall be collected as provided in Section 6.18 of
868 this charter.

869 **SECTION 6.16.**

870 Special assessments.

871 The city council by ordinance shall have the power to assess and collect the cost of
872 constructing, reconstructing, widening, or improving any public way, street, sidewalk,

873 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
874 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be
875 collected as provided in Section 6.18 of this charter.

876 **SECTION 6.17.**

877 Construction; other taxes and fees.

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

881 **SECTION 6.18.**

882 Collection of delinquent taxes and fees.

883 The city council by ordinance may provide generally for the collection of delinquent taxes,
884 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
885 whatever reasonable means as are not precluded by law. This shall include providing for the
886 dates when the taxes or fees are due; late penalties or interest; issuance and execution of
887 fi.fas.; creation and priority of liens; making delinquent taxes and fees personal debts of the
888 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay
889 any city taxes or fees; and providing for the assignment or transfer of tax executions.

890 **SECTION 6.19.**

891 General obligation bonds.

892 The city council shall have the power to issue bonds for the purpose of raising revenue to
893 carry out any project, program, or venture authorized under this charter or the laws of this

894 state. Such bonding authority shall be exercised in accordance with the laws governing bond
895 issuance by municipalities in effect at the time said issue is undertaken.

896 **SECTION 6.20.**

897 Revenue bonds.

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

901 **SECTION 6.21.**

902 Short-term loans.

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

905 **SECTION 6.22.**

906 Lease-purchase contracts.

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

914 **SECTION 6.23.**

915 Fiscal year.

916 The fiscal year for the City of Canton begins October 1 and ends September 30. This fiscal
917 year shall constitute the budget year and the year for financial accounting and reporting of
918 each and every office, department, agency, and activity of the city government.

919 **SECTION 6.24.**

920 Preparation of budgets.

921 The city council shall provide by ordinance for the procedures and requirements for the
922 preparation and execution of an annual operating budget, a capital improvements budget, and
923 a capital budget, including requirements as to the scope, content, and form of such budgets.

924 **SECTION 6.25.**

925 Submission of operating budget to city council.

926 On or before a date fixed by the city council, but not later than 30 days prior to the beginning
927 of each fiscal year, the city manager or his or her designee shall submit to the city council a
928 proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by
929 a message from the city manager or his or her designee containing a statement of the general
930 fiscal policies of the city, the important features of the budget, explanations of major changes
931 recommended for the next fiscal year, a general summary of the budget, and such other
932 comments and information as the city manager may deem pertinent. The operating budget
933 and the capital improvements budget provided for in Section 6.29, the budget message, and
934 all supporting documents shall be filed in the office of the city clerk and shall be open to
935 public inspection.

936

SECTION 6.26.

937

Action by city council on budget.

938 (a) The city council may amend the operating budget proposed by the city manager or his
939 or her designee; provided, however, that the budget as finally amended and adopted must
940 provide for all expenditures required by state law or by other provisions of this charter and
941 for all debt service requirements for the ensuing fiscal year, and the total appropriations from
942 any fund shall not exceed the estimated fund balance, reserves, and revenues.

943 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
944 year not later than 30 days prior to the end of the current fiscal year or until such time as
945 prescribed by the city council. If the city council fails to adopt the budget by this date, the
946 amounts appropriated for operation for the current fiscal year shall be deemed adopted for
947 the ensuing fiscal year on a month-to-month basis, with items prorated accordingly until such
948 time as the city council adopts a budget for such fiscal year. Adoption of the budget shall
949 take the form of an appropriations ordinance setting out the estimated revenues in detail by
950 sources and making appropriations according to fund and by organizational unit, purpose, or
951 activity as set out in the budget preparation ordinance adopted pursuant to Section 6.24.

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

956

SECTION 6.27.

957

Tax levies.

958 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates
959 shall be such that reasonable estimates of revenues from such levy shall at least be sufficient,
960 together with other anticipated revenues, fund balances, and applicable reserves, to equal the

961 total amount appropriated for each of the several funds set forth in the annual operating
962 budget for defraying the expenses of the general government of this city.

963 **SECTION 6.28.**

964 Changes in appropriations.

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

969 **SECTION 6.29.**

970 Capital improvements budget.

971 (a) On or before the date fixed by the city council, but not later than 30 days prior to the end
972 of the fiscal year or until such time as prescribed by the city council, the city manager or his
973 or her designee shall submit to the city council a proposed capital improvements budget that
974 is compatible to the comprehensive plan, along with recommendations as to the means of
975 financing the improvements proposed for the ensuing fiscal year. Such proposal shall include
976 the capital improvements plan in the comprehensive plan adopted by the city council. The
977 city council shall have the power to accept, with or without amendments, or reject the
978 proposed improvements and proposed means of financing. The city council shall not
979 authorize an expenditure for the construction of any building, structure, work, or
980 improvement, unless the appropriations for such project are included in the capital
981 improvements budget, except to meet a public emergency as provided in Section 2.24.

982 (b) The city council shall adopt by ordinance the final capital improvements budget for the
983 ensuing fiscal year not later than 30 days prior to the end of the fiscal year or until such time
984 as prescribed by the city council. No appropriation provided for in a prior capital

985 improvements budget shall lapse until the purpose for which the appropriation was made
986 shall have been accomplished or abandoned; provided, however, that the city manager or his
987 or her designee may submit amendments to the capital improvements budget at any time
988 during the fiscal year, accompanied by his or her recommendations. Any such amendment
989 to the capital improvements budget shall become effective only upon adoption by ordinance.

990 **SECTION 6.30.**

991 Independent audit.

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

997 **SECTION 6.31.**

998 Contracting procedures.

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

- 1000 (1) It is in writing;
- 1001 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of course,
1002 is signed by him or her to indicate such drafting or review; and
- 1003 (3) It is made or authorized by the city council and such approval is entered in the city
1004 council journal of proceedings pursuant to Section 2.20, or is signed by the city manager
1005 pursuant to paragraph (9) of Section 2.29.

SECTION 6.32.

1006

1007

Centralized purchasing.

1008 The city council shall by ordinance or resolution prescribe procedures for a system of
1009 centralized purchasing for the city.

SECTION 6.33.

1010

1011

Sale and lease of city property.

1012 (a) The city council may sell and convey any real or personal property owned or held by the
1013 city for governmental or other purposes as now or hereafter provided by law.

1014 (b) The city council may quitclaim any rights it may have in property not needed for public
1015 purposes upon report by the city manager or his or her designee and adoption of a resolution,
1016 both finding that the property is not needed for public or other purposes and that the interest
1017 of the city has no readily ascertainable monetary value.

1018 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
1019 of the city, a small parcel or tract of land is cut off or separated by such work from a larger
1020 tract or boundary of land owned by the city, the city council may authorize the city manager
1021 or his or her designee to sell and convey said cut-off or separated parcel or tract of land to
1022 an abutting or adjoining property owner or owners, where such sale and conveyance
1023 facilitates the enjoyment of the highest and best use of the abutting owner's property.
1024 Included in the sales contract shall be a provision for the rights of way of said street, avenue,
1025 alley, or public place. Each abutting property owner shall be notified of the availability of the
1026 property and given the opportunity to purchase said property under such terms and conditions
1027 as set out by ordinance. All deeds and conveyances heretofore and hereafter so executed and
1028 delivered shall convey all title and interest the city has in such property, notwithstanding the
1029 fact that no public sale after advertisement was or is hereafter made.

1030 ARTICLE VII
1031 GENERAL PROVISIONS

1032 **SECTION 7.10.**
1033 Bonds for officials.

1034 The officers and employees of this city, both elected and appointed, shall execute such surety
1035 or fidelity bonds in such amounts and upon such terms and conditions as the city council
1036 shall from time to time require by ordinance or as may be provided by law.

1037 **SECTION 7.11.**
1038 Prior ordinances.

1039 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent
1040 with this charter are hereby declared valid and of full effect and force until amended or
1041 repealed by the city council.

1042 **SECTION 7.12.**
1043 Existing personnel and officers.

1044 Except as specifically provided otherwise by this charter, all personnel and officers of the city
1045 and their rights, privileges, and powers shall continue beyond the time this charter takes
1046 effect for a period of 60 days, before or during which the existing city council shall pass a
1047 transition ordinance detailing the changes in personnel and appointed officers required or
1048 desired and arranging such titles, rights, privileges, and powers as may be required or desired
1049 to allow a reasonable transition.

1050 **SECTION 7.13.**

1051 Pending matters.

1052 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
1053 contracts, and legal or administrative proceedings shall continue, and any such ongoing work
1054 or cases shall be completed by such city agencies, personnel, or offices as may be provided
1055 by the city council.

1056 **SECTION 7.14.**

1057 Construction.

1058 (a) Section captions in this charter are informative only and are not to be considered as a part
1059 thereof.

1060 (b) The word "shall" is mandatory and the word "may" is permissive.

1061 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1062 versa.

1063 **SECTION 7.15.**

1064 Severability.

1065 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
1066 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
1067 or impair other parts of this charter unless it clearly appears that such other parts are wholly
1068 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
1069 legislative intent in enacting this charter that each article, section, subsection, paragraph,
1070 sentence, or part thereof be enacted separately and independent of each other.

1071 **SECTION 7.15.**

1072 Specific repealer.

1073 (a) An Act to reincorporate the City of Canton in the County of Cherokee, approved
1074 August 1, 1922 (Ga. L. 1922, p. 604), is hereby repealed in its entirety and all amendatory
1075 acts thereto are likewise repealed in their entirety.

1076 (b) The purported new charter for the City of Canton, Ordinance No. 2005090102, approved
1077 by the governing authority of the City of Canton on September 1, 2005, and recorded at
1078 Ga. L. 2014, p. 4365, is hereby repealed in its entirety and all amendatory acts thereto are
1079 likewise repealed in their entirety.

1080 **SECTION 7.16.**

1081 General repealer.

1082 All laws and parts of laws in conflict with this Act are repealed.