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, and powers of the city; to provide for the exercise of powers and limitations on powers; to provide for a governing authority of such city and the powers, duties, authority, prohibitions, elections, terms, removal from office, method of filling vacancies, compensation, expenses, and qualifications; to provide for organization and meeting procedures; to provide for ordinances; to provide for eminent domain; to provide for a quorum and the mayor's veto power; to provide for emergencies; to provide for codes of technical regulations; to provide for the office of mayor and its duties and powers; to provide for a mayor pro tempore; to provide for a city manager and acting city manager; to provide for administrative responsibilities; to provide for boards, commissions, and authorities; to provide for a city attorney, city clerk, and other personnel; to provide for a position classification and pay plan; to provide for personnel policies; to provide for the establishment of a municipal court and the judge or judges thereof; to provide for practices and procedures; to provide for taxation, permits, and fees; to provide for franchises, service charges, and assessments; to provide for bonded and other indebtedness; to provide for accounting and budgeting; to provide for contracting and purchasing; to provide for sale of city property; to provide for bonds for officials; to provide for pending matters; to provide for definitions and construction; to

H. B. 1597
- 1 -
provide for severability; to provide for related matters; to repeal specific Acts; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I

CREATION, INCORPORATION, AND POWERS

SECTION 1.10.

Incorporation.

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

SECTION 1.11.

Corporate boundaries.

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

Election wards for council posts.

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

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

SECTION 1.13.

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 the State of Georgia as fully and completely as though they were specifically enumerated in this charter. This city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

(b) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city.
SECTION 1.14.

Examples of powers and construction.

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

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

(2) Animal regulations. To regulate and license or to prohibit the keeping or running at large of animals and fowl and to provide for the impoundment of 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;

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

(4) 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;

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

(6) 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 enumerated in Title 22 of the O.C.G.A., or such other
applicable laws as are or may hereafter be enacted;
(7) Contracts. To enter into contracts and agreements with other governmental entities and
with private persons, firms, and corporations;
(8) 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;
(9) Environmental protection. To protect and preserve the natural resources, environment,
and vital areas of the state 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;
(10) Ethics. To adopt ethics ordinances and regulations governing such things including,
but not limited to, the conduct of municipal elected officials, appointed officials,
contractors, vendors, and employees; establishing procedures for ethics complaints; and
setting forth penalties for violations of such rules and procedures;
(11) Fees. To establish fees and assessments of special districts for purposes of business
improvement districts;
(12) 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 not inconsistent with
general law relating to both fire prevention and detection and to fire fighting; and to
prescribe penalties and punishment for violations thereof;
(13) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
and disposal and other sanitary service charge, tax, or fee for such services as may be
necessary in the operation of the city from all individuals, firms, and corporations residing
in or doing business therein benefiting from such services; to enforce the payment of such
charges, taxes, or fees; and to provide for the manner and method of collecting such service charges, taxes, or fees;

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

(15) 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;

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

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

(18) Jail sentences. To provide that persons given jail sentences by the city's court may work out such sentences in any public works or on the streets, roads, drains, and squares 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;

(19) 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;

(20) 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;
22 (21) 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 or the laws of the State of Georgia;
(22) Municipal property ownership. To acquire, dispose of, and hold in trust or otherwise
any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the
property limits of the city;
(23) 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;
(24) 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, telecommunications, transportation
facilities, public airports, and any other public utility; to fix the taxes, charges, rates, fares,
fees, assessments, regulations, and penalties; to provide for the withdrawal of service for
refusal or failure to pay the same; and to authorize the extension of water, sewerage, and
electrical distribution systems, and all necessary appurtenances by which said utilities are
distributed, inside and outside the corporate limits of the city as provided by ordinance;
(25) Nuisance. To define a nuisance and provide for its abatement whether on public or
private property;
(26) Ordinances. To make, establish, and adopt such bylaws, ordinances, policies, and
rules and regulations as shall appear necessary for the security, welfare, convenience, and
interest of the city and the inhabitants thereof and for preserving the health, peace, order,
and good government of the city;
(27) 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;
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;

Police and fire protection. To exercise the power of arrest through duly appointed police officers and to establish, operate, contract, or consolidate for a police department and a fire-fighting agency;

Public hazards: Removal. To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;

Public improvements. To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets, public buildings, libraries, public housing, airports, heliports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detential, penal, and medical institutions, agencies, and facilities; 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 Title 22 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted;

Public peace. To provide for the enforcement of the public peace and punishment of drunkenness, riots, and public disturbances;

Public transportation. To organize and operate such public transportation systems as are deemed beneficial;

Public utilities and services. To grant franchises or make contracts for public utilities and public services; and to prescribe the rates, fares, regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission;
(35) Regulation of roadside areas. To prohibit or regulate and control the erection, removal, and maintenance or 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;

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

(37) Roadways and commuter rail. To lay out, open, extend, widen, narrow, establish, or change the grade of, abandon or close, construct, pave, curb, gutter, 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; to negotiate and execute leases over, through, under, or across any city property or the right of way of any street, road, alley, and walkway or portion thereof, within the corporate limits of the city, for bridges, passageways, or any other purpose or use between buildings on opposite sides of the street and for other bridges, overpasses, and underpasses for private use at such location, to charge a rental therefor in such manner as may be provided by ordinance; to authorize and control the construction of bridges, overpasses, and underpasses within the corporate limits of the city; 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 for private use; 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;

(38) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a 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;

(39) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish, and refuse; to regulate the collection and disposal of garbage, rubbish, and refuse by others; 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;

(40) Special areas of public regulation. To regulate or prohibit junk dealers, pawnshops, the illegal manufacture, sale or transportation of intoxicating liquors, and the discharge of firearms; to regulate the transportation, storage, and use of combustible, explosive, and inflammable materials, body piercing and tattooing, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, 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;

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

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

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

(44) Taxicabs and vehicles for hire. 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 amounts to be prescribed by ordinance; and to regulate the parking of such vehicles;

(45) Urban redevelopment. To organize and operate an urban redevelopment program;
(46) 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 to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated herein; 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 1.15.
Exercise of powers.

All powers, functions, rights, privileges, and immunities of the city and its officers, agencies, or employees shall be carried into execution as provided by this charter. If this charter makes no provision, 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; number; election.

The legislative authority of the government of this city, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of a mayor and six councilmembers. The city council established 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 councilmembers; 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 that person shall be a United States citizen 21 years of age or older who has been a resident of the city for 12 months prior to the date of the election of the mayor and councilmembers and a bona fide resident of the ward which they represent for a period of six months prior to the date of the election for which they are a candidate; each shall continue to reside therein during that member's period of service and be registered and qualified to vote in municipal elections of this city.
SECTION 2.12.
Election at large; majority elects.

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.

SECTION 2.13.
Vacancy; filling of vacancies.

(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.

(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.
SECTION 2.14.
Compensation and expenses.

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

SECTION 2.15.
Conflicts of interest.

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 as per the ethics ordinance.

SECTION 2.16.
General power and authority.

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

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 facilities, waterworks, electrical systems, gas systems, airports, heliports, commuter rail, hospitals, and charitable, educational, recreational, sport,
curative, corrective, detential, 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 on the first Thursday in January after an election. 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) (affirm) that I will faithfully perform the duties of (mayor) (councilmember) of this city and that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America."

SECTION 2.19.
Regular, called, and special meetings.

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

(b) Special meetings of the city council may be held on call of the mayor or three 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 Code Section 50-14-1 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

SECTION 2.20.
Rules of procedure.

(a) The city council shall adopt its 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 city council committees, committee chairpersons, 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 city council committee at any time.

SECTION 2.21.
Quorum; voting.

The mayor, or in the mayor's absence the mayor pro tempore, and three councilmembers shall constitute a quorum and shall be authorized to transact business of the city council. For voting purposes, the mayor pro tempore shall be counted as one of the councilmembers, even when presiding over the meeting. In the event that the city council is unable to obtain a quorum due to the absence of the mayor and mayor pro tempore, then after a period of at least five days the city council may meet with a quorum consisting of four members. Voting on the adoption of ordinances shall be by voice vote or another means of voting approved
by the council and the vote shall be recorded in the journal, but 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 by majority shall 
be required for the adoption of any ordinance, resolution, or motion. No ordinance shall be 
adopted, however, unless it shall receive at least three affirmative votes.

SECTION 2.22.

Ordinance form; procedures.

(a) Every proposed ordinance shall be introduced in writing and in the form required for 
final adoption; provided, however, that an ordinance may be amended and voted on at the 
same meeting. 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 
Canton" and every ordinance shall so begin.

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

SECTION 2.23.

Mayor's veto power.

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

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

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

1. Approve the ordinance and return it to the city clerk; or

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

H. B. 1597
- 17 -
(d) If the mayor has approved the ordinance, it shall become effective upon the date of his or her approval. If the mayor neither approves nor vetoes the ordinance, then it shall become effective at 12:00 noon on the tenth calendar day after its adoption.

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

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 and 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 a majority of 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 90 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section 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 section 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 Chapter 14 of Title 50 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

SECTION 2.25.

Codes of technical regulations.

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 Section 2.26 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 clerk pursuant to Section 2.26.

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

SECTION 2.26.

Signing; authenticating; recording; codification; printing.

The city clerk shall authenticate by 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 Canton, 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 promptly delivered in an appropriate format to the entity or agency that the city has retained to facilitate the codification and online viewing and download of the charter and all city ordinances. The charter and city ordinances shall otherwise be available in hard copy format for viewing and copying at the office of the city clerk in conformance with state law.

SECTION 2.27.
City manager; appointment.

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

SECTION 2.28.
Acting city manager.

At the beginning of each calendar year, the city manager shall designate, subject to the approval of the city council, another city employee to act as acting city manager in the event that the city manager is unavailable to perform his or her duties. The acting city manager shall be authorized to act for up to 14 days. In the event that the city manager is unavailable to perform his or her duties for longer than 14 days, then the city council shall designate such
employee to be the acting city manager during such period. The city council may revoke such designation at any time and appoint another officer of the city to serve.

SECTION 2.29.

Powers and duties of the city manager.

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

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

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

3. Attend all open city council meetings and attend all closed meetings as required by the city council;

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

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

6. Submit to the city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
(7) Make such other reports as the city council may require concerning the operations of
city departments, offices, and agencies subject to the manager's direction and supervision;
(8) Keep the city council fully advised as to the financial condition and future needs of the
city and make such recommendations to the city council concerning the affairs of the city
as the manager deems desirable. Reports to the city council shall be in the format of
monthly income and expenditure statements in line item detail corresponding to the
approved annual budgets, providing such substantiating detail as may be requested;
(9) Sign contracts when authorized to do so by the city council or when the contract is for
an amount that is within the spending authority of the city manager;
(10) Perform such other duties as are specified in this charter or as may be required by the
city council;
(11) Meet with the mayor biweekly, or as frequently as required, for consultation and
advice on the affairs of the city; and
(12) Advise the mayor immediately of any reported situation in the city that would likely
attract public attention or create press inquiries.

SECTION 2.30.

Interference with administration.

Except for the purpose of informal inquiries and investigations, or upon approval of the city
council, the individual members of the city council shall deal with city officers and
employees who are subject to the direction or supervision of the city manager solely through
the city manager, and the members of the city council shall not give orders or direction to
any such officer or employee, either publicly or privately.
SECTION 2.31.

Purchasing limits of city manager.

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

SECTION 2.32.

Selection of mayor pro tempore.

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

SECTION 2.33.

Mayor pro tempore.

During the absence, disqualification, or disability of the mayor for any cause, or upon the mayor's refusal to act, the mayor pro tempore, or in his or her absence, disqualification, or disability for any reason, any one of the councilmembers chosen by a majority vote of the city council, shall be clothed with all the rights and privileges of the office of mayor and shall perform the duties of the office of mayor so long as such absence, disqualification, or disability or refusal to act shall continue, except that the mayor pro tempore shall not have veto power or the power to suspend the city manager. Any such absence, disqualification, disability, or refusal to act shall be declared by the majority vote of all councilmembers. The
mayor pro tempore or selected councilmember shall sign all contracts and ordinances in which the mayor has a disqualifying financial interest.

SECTION 2.34.

Election of mayor; forfeiture; compensation.

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

SECTION 2.35.

Powers and duties of mayor.

The mayor shall:

(1) Preside at all meetings of the city council;
(2) Be the head of the city for service of process and for ceremonial purposes and be the official spokesperson for the city and the chief advocate of policy;
(3) Have the power to administer oaths and to take affidavits;
(4) Preside as chief executive officer of the city;
(5) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, and other instruments executed by the city which by law are required to be in writing;
(6) Fulfill such other executive and administrative duties as the city council shall by ordinance establish;
(7) Conduct inquiries and investigations into the conduct of the city's affairs and shall have such other duties as may be provided by ordinance;

(8) Prepare or have prepared an agenda for each meeting of the city council which shall include all business submitted by the mayor, any member of the city council, the city manager, the city attorney, and any member of the public as provided by ordinance;

(9) Meet with the city manager on a biweekly basis, or as required, for consultation and advice on the affairs of the city; and

(10) Have the power to suspend the city manager until the next city council meeting.

The mayor shall provide notice of the suspension to the city clerk, who shall notify the city councilmembers.

SECTION 2.36.

Chief executive officer.

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

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 or duties of and establish, abolish, or alter all nonelective offices, positions of employment, departments, and agencies of the city, as necessary for the proper administration of the affairs and government of this city.

H. B. 1597

- 25 -
(b) Except as otherwise provided by this charter or by law, the directors of 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) There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the city manager, unless otherwise stipulated, be responsible for the administration and direction of the affairs and operations of his or her department or agency.

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

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

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

(f) 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.

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

(h) 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 may establish such bylaws, rules, and regulations, not inconsistent 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 mayor shall nominate a city attorney, subject to the approval of the city council, together with such assistant city attorneys as may be authorized. In the event that the mayor has not made a nomination within 60 days of the position becoming vacant, or in the event that the person nominated by the mayor is not approved by a majority of the city council, then any
member of the city council may make a motion to approve a city attorney, and the mayor's nomination shall no longer be required. The city council shall provide for the payment of such attorney or attorneys for services rendered to the city. The city attorney shall be responsible for providing 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 meetings of the city 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 mayor shall nominate a city clerk, also to be known as "the clerk," subject to the approval of the city council. In the event that the mayor has not made a nomination within 60 days of the position becoming vacant, or in the event that the person nominated by the mayor is not approved by a majority of the city council, then any member of the city council may make a motion to approve a city clerk, and the mayor's nomination shall no longer be required. The city clerk shall keep a journal of the proceedings of the city council, shall maintain in a safe place all records and documents pertaining to the affairs of the city, and shall perform such other duties as may be required by law or ordinance or as the city council may direct. The city council shall determine the compensation of the city clerk.

SECTION 3.14.

Position classification and pay plan.

The city manager or his or her designee shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the city council for approval. Such plan may apply to all employees of the city and any of its agencies, departments, boards,
commissions, or authorities. When a plan has been adopted, the city council shall not increase or decrease the salary range applicable to any position except by amendment of such plan. For purposes of this section, all elected and appointed city officials are not city employees.

SECTION 3.15.
Prohibition on hiring elected officials.

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

SECTION 3.16.
Personnel policies.

The city council shall adopt rules and regulations consistent with this charter concerning:

(1) The method of employee selection and probationary periods of employment;
(2) The administration of the position classification and pay plan, methods of promotion and application of service ratings thereto, and transfer of employees within the plan;
(3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and the order and manner in which layoffs shall be effected;
(4) Such dismissal hearings as due process may require; and
(5) Such other personnel notices as may be necessary to provide for adequate and systematic handling of personnel affairs.
ARTICLE IV
MUNICIPAL COURT

SECTION 4.10.
Creation; name.

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

SECTION 4.11.
Chief judge; associate judge.

(a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or standby 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 shall have attained the age of 21 years, shall be a member of the State Bar of Georgia, and shall possess all qualifications required by law. All judges shall be appointed by the city council for a term of two years and shall serve until a successor is appointed and qualified.

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

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

(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 his or her office to the best of that person's 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.
SECTION 4.12.  
Convening.

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

SECTION 4.13.  
Jurisdiction; powers.

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

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

(c) The municipal court may fix punishment for offenses within its jurisdiction to the extent allowed by the laws of the State of Georgia, 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 operations and shall be entitled to reimbursement of the cost of meals, transportation, and caretaking 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 shall fail to appear at the time fixed for trial, his or her bond shall be forfeited by the presiding judge at such time, and an execution issued thereon by serving the defendant and his or her 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 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) The municipal court shall have the authority to bind prisoners over to the appropriate court when it appears by probable cause that a state law has been violated.

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

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

SECTION 4.14.

Code enforcement court; jurisdiction; powers.

The code enforcement court shall:

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

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

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

SECTION 4.15.
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 Cherokee County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

SECTION 4.16.
Rules for court.

With the approval of the city council, the judge 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 superior courts. The rules and regulations made or adopted shall be filed with the city clerk and 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.
ARTICLE V

ELECTIONS AND REMOVAL

SECTION 5.10.

Applicability of general law.

All 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; time for holding.

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

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

SECTION 5.12.

Nonpartisan elections.

Political parties shall not conduct primaries for city offices, and all names of 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; vacancies.

Any 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 or resolution prescribe such rules and regulations as it deems appropriate to fulfill any options and duties under Chapter 2 of Title 21 of the O.C.G.A., 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) Following a hearing at which an impartial panel shall render a decision. In the event an elected officer is 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 section
shall have the right of appeal from the decision of the city council to the Superior Court of
Cherokee 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 Cherokee County following a hearing on a
complaint seeking such removal brought by any resident of the City of Canton.

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. Such tax shall be for the purpose of raising revenues to defray the costs of operating
the city government, of 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; payment methods.

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 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; permits.

The city council by ordinance shall have the power to require businesses or practitioners doing business in this city to obtain permits for such activities from the city and, upon approval, may require a business or practitioner to pay a regulatory fee for a permit as provided by general law. Such fees should reflect the total cost to the city of 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 this city's streets, alleys, and other property for the purposes of railroads, street railways, telephone and cellular telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, fiber optic cable companies, internet 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 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 city council has the authority to impose a tax
on gross receipts for the use of this city's streets, alleys, and other property for the purposes
of railroads, street railways, telephone and cellular telephone companies, electric companies,
electric membership corporations, cable television and other telecommunications companies,
fiber optic cable companies, internet 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 sewer, storm water, water, emergency, law enforcement, fire, sanitary, and health
services, and any other services provided or made available within and outside the corporate
limits of the city. 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.

This 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 this city to govern its local affairs.

SECTION 6.18.

Collection of delinquent taxes and fees.

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

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 this
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 state law.

SECTION 6.22.
Lease-purchase contracts.
The city may enter into multiyear lease, purchase, 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 city 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 Code Section 36-60-13 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted.
SECTION 6.23.

Fiscal year.

The fiscal year for the City of Canton begins October 1 and ends September 30. This fiscal year shall constitute the budget year and the year for financial accounting and 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 by ordinance for the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvements budget, and a capital budget, including requirements as to the scope, content, and form of such budgets.

SECTION 6.25.

Submission of operating budget to city council.

On or before a date fixed by the city council, but not later than 30 days prior to the beginning of each fiscal year, the city manager or his or her designee 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 city manager or his or her designee 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 comments and information as the city manager may deem pertinent. The operating budget and the capital improvements budget provided for in Section 6.29, 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 city manager or his or her designee; provided, however, 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 30 days prior to the end of the current fiscal year or until such time as prescribed by the city council. If the city council fails to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with items prorated accordingly until such time as the city council adopts a budget for such 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.

(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 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 this 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, special, or emergency meeting called for such purpose, but any additional appropriations may be made only from an existing unexpended surplus.

SECTION 6.29.

Capital improvements budget.

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

(b) The city council shall adopt by ordinance the final capital improvements budget for the ensuing fiscal year not later than 30 days prior to the end of the fiscal year or until such time as prescribed by the city council. No appropriation provided for in a prior capital
improvements budget shall lapse until the purpose for which the appropriation was made
shall have been accomplished or abandoned; provided, however, that the city manager or his
or her designee may submit amendments to the capital improvements budget at any time
during the fiscal year, accompanied by his or her recommendations. Any such amendment
to the capital improvements budget shall become effective only upon adoption by ordinance.

SECTION 6.30.
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 accounting principles. Any audit of any funds by
the state or federal government may be accepted as satisfying the requirements of this
section. Copies of all audit reports shall be available at printing costs to the public.

SECTION 6.31.
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 him or her 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 2.20, or is signed by the city manager
pursuant to paragraph (9) of Section 2.29.
SECTION 6.32.
Centralized purchasing.

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

SECTION 6.33.
Sale and lease of city property.

(a) The city council may sell and convey any real or personal property owned or held by the city for governmental 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 city manager or his or her designee 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 city manager or his or her designee 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 this 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 not inconsistent with this charter are hereby declared valid and of full effect and force 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 60 days, before or during which the existing city council shall pass a transition ordinance detailing the changes in personnel and appointed 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.

SECTION 7.14.

Construction.

(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 or 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 7.15.
Specific repealer.

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

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

SECTION 7.16.
General repealer.

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