

House Bill 28 (AS PASSED HOUSE AND SENATE)

By: Representatives Anderson of the 10<sup>th</sup> and Erwin of the 32<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act to reincorporate and provide a new charter for the Town of Alto, Georgia,  
2 approved May 6, 2009 (Ga. L. 2009, p. 3686), so as to provide anti-nepotism requirements  
3 for future mayors and councilmembers; to clarify the role of the mayor pro tempore; to  
4 increase the maximum fine the municipal court may impose for ordinance violations; to  
5 provide that the municipal court may not impose fines on statutory misdemeanor or traffic  
6 offenses in excess of maximum penalties provided for in general law; to provide for related  
7 matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 An Act to reincorporate and provide a new charter for the Town of Alto, Georgia, approved  
11 May 6, 2009 (Ga. L. 2009, p. 3686), is amended in Section 2.10 by revising subsection (b)  
12 as follows:

13 "(b)(1) The mayor and councilmembers shall serve for terms of four years and until their  
14 respective successors are elected and qualified. No person shall be eligible to serve as  
15 mayor or councilmember unless that person shall have been a resident of this town for 12  
16 months immediately preceding the election of mayor or councilmembers; each such

H. B. 28

17 person shall continue to reside within the town during that person's period of service and  
18 shall be registered and qualified to vote in municipal elections of this town. No person's  
19 name shall be listed as a candidate on the ballot for election for either mayor or  
20 councilmember unless such person shall file a written notice with the clerk of said town  
21 that he or she desires his or her name to be placed on said ballot as a candidate either for  
22 mayor or councilmember. No person shall be eligible for the office of mayor or  
23 councilmember unless such person shall file such notice within the time provided in  
24 Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

25 (2)(A) In addition to the requirements and limitations in paragraph (1) of this  
26 subsection, no person who has an immediate family member serving on the town  
27 council or serving as town manager, finance director, town clerk, or department head  
28 for the town shall be eligible for election or appointment to the town council.

29 (B) As used in this paragraph, the term 'immediate family member' means a spouse,  
30 child, sibling, or parent or the spouse of a child, sibling, or parent of a mayor,  
31 councilmember, town manager, finance director, town clerk, or department head of the  
32 town who held such position on or after July 1, 2023.

33 (C) The provisions of this paragraph shall not apply to any councilmember serving on  
34 the effective date of this Act."

35 **SECTION 2.**

36 Said Act is further amended by revising Section 2.33 as follows:

37 "SECTION 2.33.

38 Mayor pro tempore.

39 The town council at the first regular meeting, after the newly elected councilmembers have  
40 taken office following each annual election, shall elect from its membership a mayor pro

41 tempore for a term of one year. In the event that no decision is reached at such first regular  
42 meeting, the town council shall elect from its membership, within ten days following such  
43 meeting, the mayor pro tempore; otherwise, the councilmember who received the highest  
44 number of votes when he or she was last elected shall become mayor pro tempore. The  
45 mayor pro tempore shall perform the duties of the mayor during the mayor's temporary  
46 absence or temporary inability to act. A councilmember performing the duties of mayor  
47 due to such councilmember's position as mayor pro tempore shall retain the right to vote  
48 on matters before the town council."

49 **SECTION 3.**

50 Said Act is further amended in Section 4.14 by revising subsection (c) as follows:

51 "(c) The municipal court may fix punishment for violations of any ordinance not exceeding  
52 a fine of \$3,000.00 or imprisonment for 180 days, or both, or may sentence any offender  
53 upon conviction to labor for the town on the streets, sidewalks, squares, or other public  
54 places for a period not exceeding 180 days. A fine levied by the municipal court shall not  
55 be subject to suspension, stay, or probation except that, if the fine will impose an economic  
56 hardship on the defendant, the judge of the municipal court, in such judge's sole discretion,  
57 may order the defendant to pay such fine in installments or under an order of probation, and  
58 such order may be enforced through a contempt proceeding. This subsection shall not  
59 authorize fines for statutory misdemeanor or traffic offenses beyond the limits provided for  
60 by general statutory law and the municipal court's authority to fix punishments for such  
61 statutory offenses within its jurisdiction shall be as provided for by general statutory law."

62 **SECTION 4.**

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