

House Bill 1372 (AS PASSED HOUSE AND SENATE)

By: Representatives Smith of the 138th and Buckner of the 137th

A BILL TO BE ENTITLED
AN ACT

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

H. B. 1372

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 ARTICLE I
21 INCORPORATION AND POWERS

22 SECTION 1.1.
23 Name.

24 The town and the inhabitants thereof are reincorporated by the enactment of this charter and
25 are hereby constituted and declared a body politic and corporate under the name and style
26 Town of Pine Mountain, Georgia, and by that name shall have perpetual succession.

27 SECTION 1.2.
28 Corporate boundaries.

29 (a) The corporate boundaries of this town shall be those existing on the effective date of this
30 charter with such alterations as may be made from time to time by local law or the manner
31 provided by general state law. The boundaries of this town at all times shall be shown on a
32 map, a written description, or any combination thereof, to be retained permanently in the
33 office of the town clerk and to be designated, as the case may be: "The official map or
34 description of the corporate limits of the Town of Pine Mountain, Georgia." Photographic,
35 typed, or other copies of such map or description certified by the town clerk shall be
36 admissible as evidence in all courts of law and shall have the same force and effect as the
37 original map or description.

38 (b) The town 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 earlier map or maps which it designated to replace but such earlier maps shall be retained
41 in the office of the town clerk.

42 SECTION 1.3.

43 Powers and construction.

44 (a) The town shall have all powers possible for a municipal corporation to have under the
45 present or future Constitution and laws of this state as fully and completely as though they
46 were specifically enumerated in this charter. This town shall have all the powers of
47 self-government not otherwise prohibited by this charter or by general law.

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

51 SECTION 1.4.

52 Examples of powers.

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

58 (b) Appropriations and expenditures. To make appropriations for the support of the
59 government of the town; to authorize the expenditure of money for any purposes authorized
60 by this charter and for any purpose for which a municipality is authorized by the laws of the
61 State of Georgia; and to provide for the payment of expenses of the town.

62 (c) Building regulation. To regulate and to license the erection and construction of buildings
63 and all other structures; to adopt building, housing, plumbing, fire safety, electrical, gas, and
64 heating and air conditioning codes; and to regulate all housing, and building trades.

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

71 (e) Condemnation. To condemn property, inside or outside the corporate limits of the town,
72 for present or future use and for any corporate purpose deemed necessary by the governing
73 authority, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such other
74 applicable laws as are or may hereafter be enacted.

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

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

81 (h) Environmental protection. To protect and preserve the natural resources, environment
82 and vital areas of the town, the region, and the state through the preservation and
83 improvement of air quality, the restoration and maintenance of water resources, the control
84 of erosion and sedimentation, the management of storm water and establishment of a
85 stormwater utility, the management of solid and hazardous waste, and other necessary actions
86 for the protection of the environment.

87 (i) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge,
88 or restrict the same; to prescribe fire safety regulations not inconsistent with general law,

89 relating to both fire prevention and detection and to firefighting; and to prescribe penalties
90 and punishment for violations thereof.

91 (j) Garbage fees. To levy, fix, assess, and collect a garbage, refuse and trash collection and
92 disposal, and other sanitary service charge, or fee for such services as may be necessary in
93 the operation of the town from all individuals, firms, and corporations, residing in or doing
94 business therein benefiting from such services; to enforce the payment of such charges, or
95 fees; and to provide for the manner and method of collecting such service charges.

96 (k) General health, safety, and welfare. To define, regulate, and prohibit any act, practice,
97 conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare,
98 and safety of the inhabitants of the town, and to provide for the enforcement of such
99 standards.

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

103 (m) Health and sanitation. To prescribe standards of health and sanitation and to provide
104 for the enforcement of such standards.

105 (n) Jail sentences. To provide that persons given jail sentences in the town's court may work
106 out such sentences in any public works or on the streets, roads, drains, and other public
107 property in the town, to provide for commitment of such persons to any jail, to provide for
108 the use of pretrial diversion and any alternative sentencing allowed by law, or to provide for
109 commitment of such persons to any county work camp or county jail by agreement with the
110 appropriate county officials.

111 (o) Motor vehicles. To regulate the operation of motor vehicles and exercise control over
112 all traffic, including parking upon or across the streets, roads, alleys, and walkways of the
113 town.

114 (p) Municipal agencies and delegation of power. To create, alter, or abolish departments,
115 boards, offices, commissions, and agencies of the town, and to confer upon such agencies the

116 necessary and appropriate authority for carrying out all the powers conferred upon or
117 delegated to the same.

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

121 (r) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
122 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
123 outside the property limits of the town.

124 (s) Municipal property protection. To provide for the preservation and protection of
125 property and equipment of the town, and the administration and use of the same by the
126 public; and to prescribe penalties and punishment for violations thereof.

127 (t) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of
128 public utilities, including but not limited to a system of waterworks, sewers and drains,
129 sewage disposal, storm water management, and any other public utility; and to fix the taxes,
130 charges, rates, fares, fees, assessments, regulations, and penalties, and to provide for the
131 withdrawal of service for refusal or failure to pay the same.

132 (u) Nuisance. To define a nuisance and provide for its abatement whether on public or
133 private property.

134 (v) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the
135 authority of this charter and the laws of the State of Georgia.

136 (w) Planning and zoning. To provide comprehensive town planning for development by
137 zoning; and to provide subdivision regulation and the like as the town council deems
138 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community.

139 (x) Police and fire protection. To exercise the power of arrest through duly appointed police
140 officers, and to establish, operate, or contract for a police and firefighting agency.

141 (y) Public hazards; removal. To provide for the destruction and removal of any building or
142 other structure, which is or may become dangerous or detrimental to the public.

143 (z) Public improvements. To provide for the acquisition, construction, building, operation,
144 and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries,
145 markets and market houses, public buildings, libraries, public housing, airports, hospitals,
146 terminals, docks, parking facilities, or charitable, cultural, educational, recreational,
147 conservation, sport, curative, corrective, detentional, penal, and medical institutions,
148 agencies, and facilities; and to provide any other public improvements inside or outside the
149 corporate limits of the town; to regulate the use of public improvements; and for such
150 purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A., or such
151 other applicable laws as are or may hereafter be enacted.

152 (aa) Public peace. To provide for the prevention and punishment of loitering, disorderly
153 conduct, drunkenness, riots, and public disturbances.

154 (bb) Public utilities and services. To grant franchises or to make contracts for, or impose
155 taxes on public utilities and public service companies; and to prescribe the rates, fares,
156 regulations, and standards and conditions of service applicable to the service to be provided
157 by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the
158 public service commission.

159 (cc) Regulation and roadside areas. To prohibit or regulate and control the erection,
160 removal, and maintenance of signs, billboards, trees, shrubs, fences, building and any and
161 all structures or obstructions upon or adjacent to the rights of way of streets and roads or
162 within view thereof, within or abutting the corporate limits of the town; and to prescribe
163 penalties and punishment for violation of such ordinances.

164 (dd) Retirement. To provide and maintain a retirement plan and other employee benefit
165 plans and programs for officers and employees of the town.

166 (ee) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of,
167 abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve,
168 maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within
169 the corporate limits of the town; and to grant franchises and rights of way throughout the

170 streets and roads, and over the bridges and viaducts for the use of public utilities; and to
171 require real estate owners to repair and maintain in a safe condition the sidewalks adjoining
172 their lots or lands, and to impose penalties for failure to do so.

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

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

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

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

194 (jj) Ad valorem taxation. To levy and provide for the assessment, valuation, revaluation,
195 and collection of taxes on all property subject to taxation.

196 (kk) Other taxation. To levy and collect such other taxes as may be allowed now or in the
197 future by law.

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

202 (mm) Urban redevelopment. To organize and operate an urban redevelopment program.

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

213 SECTION 1.5.

214 Exercise of powers.

215 All powers, functions, right, privileges, and immunities of the town, its officers, agencies,
216 or employees shall be carried into execution as provided by this charter. If this charter makes
217 no provision, such shall be carried into execution as provided by ordinance or as provided
218 by pertinent laws of the State of Georgia.

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ARTICLE II

220

GOVERNMENT STRUCTURE

221

SECTION 2.1.

222

Town council creation; number; election.

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The legislative authority of the government of this town, except as otherwise specifically provided in this charter, shall be vested in a town council to be composed of a mayor and five councilmembers. The mayor and councilmembers shall all be elected at large, with each councilmember filling a designated post. The town 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.

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SECTION 2.2.

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Town council terms and qualifications for office.

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The mayor and members of the town 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 member of the council unless that person shall have been a resident of the town for 12 months prior to the date of election of mayor or members of the town council; each shall continue to reside therein during that member's period of service and to be registered and qualified to vote in municipal elections of this town.

237 SECTION 2.3.

238 Vacancy; filling of vacancies.

239 (a) The office of mayor or councilmember shall become vacant upon the incumbent's death,
240 resignation, forfeiture of office, or occurrence of any event specified by the Constitution of
241 the State of Georgia, Title 45 of the O.C.G.A., or such other applicable laws as are or may
242 hereafter be enacted.

243 (b) A vacancy in the office of councilmember shall be filled for the remainder of the
244 unexpired term, if any, by appointment by the town council or those members remaining if
245 less than 12 months remain in the unexpired term. If such vacancy occurs 12 months or more
246 prior to the expiration of the term of that office, such vacancy shall be filled by appointment
247 by the town council or those members remaining until the date of the next general election,
248 at which time such vacancy shall be filled for the remainder of the unexpired term in such
249 general election, as provided for in Section 5.7 of this charter and in accordance with Titles
250 21 and 45 of the O.C.G.A., or such other laws as are or may hereafter be enacted.
251 Notwithstanding the foregoing, the town council or those members remaining, in its
252 discretion, may elect to hold a special election to fill any vacancy occurring 12 months or
253 more prior to the expiration of the term of that office.

254 (c) This provision shall also apply to a temporary vacancy created by the suspension from
255 office of the councilmember.

256 SECTION 2.4.

257 Compensation and expenses.

258 The mayor and council shall receive such salary, compensation, and reimbursement of
259 expenses as provided by future ordinance. The salary for the mayor hereunder shall be
260 \$150.00 per month, and the salary for each councilmember shall be \$360.00 per year.

261 SECTION 2.5.

262 Holding other offices; voting when financially interested.

263 (a) Elected and appointed officers of the town are trustees and servants of the residents of
264 the town and shall act in a fiduciary capacity for the benefit of such residents.265 (b) Except as authorized by law, the mayor or any councilmember shall not hold any other
266 town office or town employment during the term for which that person was elected.267 (c) Neither the mayor nor any member of the town council shall vote upon, sign, or veto any
268 ordinance, resolution, contract, or other matter in which that person is financially interested.

269 SECTION 2.6.

270 Inquiries and investigations.

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

277 SECTION 2.7.

278 General power and authority of the town council.

279 (a) Except as otherwise provided by law or this charter, the town council shall be vested with
280 all the powers of government of this town.281 (b) In addition to all other powers conferred upon it by the law, the council shall have the
282 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and

283 regulations, not inconsistent with this charter and the Constitution and the laws of the State
284 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,
285 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,
286 or well-being of the inhabitants of the Town of Pine Mountain and may enforce such
287 ordinances by imposing penalties for violation thereof.

288 SECTION 2.8.

289 Eminent domain.

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

297 SECTION 2.9.

298 Organizational meetings.

299 The town council shall hold an organizational meeting on or prior to the second Monday in
300 January. The meeting shall be called to order by the mayor, or mayor-elect, and the oath of
301 office shall be administered to the newly elected members by a judicial officer authorized to
302 administer oaths and shall, to the extent that it comports with federal and state law, be as
303 follows:

304 "I do solemnly (swear)(affirm) that I will faithfully perform the duties of
305 (mayor)(councilmember) of this town and that I will support and defend the charter thereof

306 as well as the Constitution and laws of the State of Georgia and of the United States of
307 America. I am not the holder of any unaccounted for public money due this state or any
308 political subdivision or authority thereof. I am not the holder of any office of trust under
309 the government of the United States, any other state, or any foreign state which I by the
310 laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold
311 said office according to the Constitution and laws of Georgia. I have been a resident of the
312 Town of Pine Mountain for the time required by the Constitution and laws of this state and
313 by the municipal charter. I will perform the duties of my office in the best interest of the
314 Town of Pine Mountain to the best of my ability without fear, favor, affection, reward, or
315 expectation thereof."

316 SECTION 2.10.

317 Regular and special meetings.

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

320 (b) Special meetings of the town council may be held on call of the mayor or any three
321 members of the council. Notice of such special meetings shall be served on all other
322 members personally, by email, or by telephone personally, at least 48 hours in advance of the
323 meeting. Such notice to councilmembers shall not be required if the mayor and all
324 councilmembers are present when the special meeting is called. Such notice of any special
325 meeting may be waived by a councilmember in writing before or after such a meeting, and
326 attendance at the meeting shall also constitute a waiver of notice on any business transacted
327 in such councilmember's presence. Only the business stated in the notice or call may be
328 transacted at the special meeting.

329 (c) All meetings of the town council shall be public to the extent required by law and notice
330 to the public of special meetings shall be made fully as is reasonably possible as provided by

331 Code Section 50-14-1 of the O.C.G.A., or such other applicable laws as are or may hereafter
332 be enacted.

333 SECTION 2.11.
334 Rules of procedure.

335 (a) The town council shall adopt its rules or procedure and order of business consistent with
336 the provisions of this charter and shall provide for keeping minutes of its proceedings, which
337 shall be a public record.

338 (b) All committees and committee chairs of the town council shall be appointed by the
339 mayor and approved by the town council and shall serve at the pleasure of the mayor.

340 SECTION 2.12.
341 Quorum; voting.

342 (a) The mayor, or mayor pro tempore, and any additional three councilmembers or any four
343 councilmembers shall constitute a quorum and shall be authorized to transact business of the
344 town council. Voting on the adoption of ordinances, resolutions, and motions shall be by
345 voice vote and the vote shall be recorded in the minutes, but any member of the town council
346 shall have the right to request a roll call vote and such vote shall be recorded in the minutes.
347 Except as otherwise provided in this charter, the affirmative vote of a majority of a quorum
348 shall be required for the adoption of any ordinance, resolution, or motion. The mayor shall
349 count as a councilmember for the purposes of meeting the requirement of a quorum;
350 provided, however, that notwithstanding anything to the contrary contained herein, the mayor
351 shall not have the right to make motions and may only vote in the event of a tie.

352 (b) No member of the town council shall abstain from voting on any matter properly brought
353 before the town council for official action except when such councilmember has a conflict

354 of interest that is disclosed in writing prior to or verbally at the meeting and made a part of
355 the minutes. Any member of the town council present and eligible to vote on a matter and
356 refusing to do so for any reason other than a properly disclosed and recorded conflict of
357 interest shall be deemed to have acquiesced or concurred with the members of the majority
358 who did vote on the question involved.

359 SECTION 2.13.

360 Ordinance form; procedures.

361 (a) Every proposed ordinance shall be introduced in writing and in the form required for
362 final adoption. No ordinance shall contain a subject which is not expressed in its title.

363 (b) An ordinance may be introduced by any councilmember and be considered at a regular
364 or special meeting of the town council. Ordinances shall be considered and adopted or
365 rejected by the town council in accordance with the rules which it shall establish; provided,
366 however, that an ordinance shall not be adopted the same day it is introduced, except for
367 emergency ordinances provided in Section 2.15 of this charter. Upon introduction of any
368 ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to each
369 councilmember and shall make available a reasonable number of copies in the office of the
370 clerk and at such other public places as the town council may designate.

371 SECTION 2.14.

372 Action requiring an ordinance.

373 Acts of the town council which have the force and effect of law shall be enacted by
374 ordinance.

375 SECTION 2.15.
376 Emergencies.

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

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

400 SECTION 2.16.
401 Codes of technical regulations.

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

405 (1) The requirements of subsection (b) of Section 2.17 of this charter for distribution and
406 filing of copies of the ordinance shall be construed to include copies of any code of
407 technical regulations, as well as the adopting ordinance; and

408 (2) A copy of each adopted code of technical regulations, as well as the adopting
409 ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.17 of this
410 charter.

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

413 SECTION 2.17.
414 Signing; authenticating; recording; codification; printing.

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

417 (b) The town council shall provide for the preparation of a general codification of all the
418 ordinances of the town having the force and effect of law. The general codification shall be
419 adopted by the town council by ordinance and shall be published promptly, together with all
420 amendments thereto and such codes of technical regulations and other rules and regulations
421 as the town council may specify. This compilation shall be known and cited officially as
422 "The Code of the Town of Pine Mountain, Georgia." Copies of the code shall be furnished

423 to all officers, departments, and agencies of the town, and made available for purchase by the
424 public at a reasonable price as fixed by the town council.

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

434 SECTION 2.18.

435 Election of mayor; forfeiture; compensation.

436 The mayor shall be elected and serve for a term of four years and until a successor is elected
437 and qualified. The mayor shall be a qualified elector of this town and shall have been a
438 resident of the town for 12 months preceding the election. The mayor shall continue to
439 reside in this town during the period of service. The mayor shall forfeit the office on the
440 same grounds and under the same procedure as for councilmembers. The compensation of
441 the mayor shall be established in the same manner as for councilmembers.

442 SECTION 2.19.

443 Mayor pro tempore.

444 By a majority vote, the town council shall elect a councilmember to serve as mayor pro
445 tempore. The mayor pro tempore shall assume the duties and powers of the mayor during

446 the mayor's physical or mental disability, suspension from office, or absence. Any such
447 disability or absence shall be declared by a majority vote of the town council. The mayor pro
448 tempore shall sign all contracts and ordinances in which the mayor has a disqualifying
449 financial interest as provided in Section 2.5 of this charter. When acting as mayor, the mayor
450 pro tempore shall continue to have only one vote as a member of the council. If a vacancy
451 occurs in the office of mayor, the mayor pro tempore shall serve as mayor for the remainder
452 of the unexpired term.

453 SECTION 2.20.

454 Powers and duties of mayor.

455 As the chief executive of the town, the mayor shall:

- 456 (1) Preside at all meetings of the town council;
- 457 (2) Be the head of the town for the purpose of service of process and for ceremonial
458 purposes, and be the official spokesperson for the town and the chief advocate of policy;
- 459 (3) Have the power to administer oaths and to take affidavits;
- 460 (4) Sign as a matter of course on behalf of the town all written and approved contracts,
461 ordinances, and other instruments executed by the town which by law are required to be
462 in writing;
- 463 (5) Vote on matters before the town council in the event of a tie and be counted toward a
464 quorum as any other councilmember;
- 465 (6) Fulfill such other executive and administrative duties as the town council shall by
466 ordinance establish;
- 467 (7) Recommend to the town council such measures relative to the affairs of the town,
468 improvement of the government, and promotion of the welfare of its inhabitants as the
469 mayor may deem expedient; and

470 (8) Call special meetings of the town council as provided for in Section 2.10(b) of this
471 charter.

472 ARTICLE III
473 ADMINISTRATIVE AFFAIRS

474 SECTION 3.1.
475 Administrative and service departments.

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

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

483 (c) All officers and directors of departments shall receive such compensation as prescribed
484 by ordinance or resolution.

485 (d) There shall be a director of each department or agency who shall be its principal officer.
486 Each director shall, subject to the direction and supervision of the mayor and town council,
487 be responsible for the administration and direction of the affairs and operations of that
488 director's department or agency.

489 (e) All officers and directors under the supervision of the mayor and town council shall be
490 nominated and confirmed by the mayor and town council. All officers and directors shall be
491 employees at will and subject to removal or suspension at any time by the mayor and town
492 council unless otherwise provided by law or ordinance.

493

SECTION 3.2.

494

Boards, commissions, and authorities.

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

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

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

505 (d) Except as otherwise provided by charter or by law, no member of any board,
506 commission, or authority shall hold an elective office in the town.

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

510 (f) No member of a board, commission, or authority shall assume office until that person has
511 executed and filed with the clerk of the town an oath obligating himself or herself to
512 faithfully and impartially perform the duties of that member's office, such oath to be
513 prescribed by ordinance and administered by the mayor.

514 (g) All board members serve at will and may be removed at any time by a vote of four
515 members of the town council unless otherwise provided by law.

516 (h) Except as otherwise provided by this charter or by law, each board, commission, or
517 authority of the town shall elect one of its members as chair and one member as vice-chair,
518 and may elect as its secretary one of its own members or may appoint as secretary an

519 employee of the town. Each board, commission, or authority of the town government may
520 establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances
521 of the town, or law, as it deems appropriate and necessary for the fulfillment of its duties or
522 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with
523 the clerk of the town.

524 SECTION 3.3.

525 Town attorney.

526 The town council and mayor shall appoint a town attorney, together with such assistant town
527 attorneys as may be authorized, and shall provide for the payment of such attorney or
528 attorneys for services rendered to the town. The town attorney shall be responsible for
529 providing for the representation and defense of the town in all litigation in which the town
530 is a party; may be the prosecuting officer in the municipal court; shall attend the meetings
531 of the council as directed; shall advise the town council, mayor, and other officers and
532 employees of the town concerning legal aspects of the town's affairs; and shall perform such
533 other duties as may be required by virtue of the person's position as town attorney. The town
534 attorney is not a public official of the town and does not take an oath of office. The town
535 attorney shall at all times be an independent contractor. A law firm, rather than an individual,
536 may be designated as the town attorney.

537 SECTION 3.4.

538 Town clerk.

539 The town council and mayor shall hire or appoint a town clerk who shall not be a
540 councilmember. The town clerk shall be custodian of the official town seal and town records;

541 maintain town council records required by this charter; and perform such other duties as may
542 be required by the town council.

543 SECTION 3.5.

544 Position classification and pay plans.

545 The mayor and town council may prepare a position classification and pay plan which shall
546 be submitted to the town council for approval. Such plan may apply to all employees of the
547 town and any of its agencies, departments, boards, commissions, or authorities. When a pay
548 plan has been adopted, the town council shall not increase or decrease the salary range
549 applicable to any position except by amendment of such pay plan. For purposes of this
550 section, all elected and appointed town officials are not town employees. Notwithstanding
551 the foregoing, the town clerk shall hold the dual status of appointee and town employee.

552 SECTION 3.6.

553 Personnel policies.

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

556 ARTICLE IV
557 JUDICIAL BRANCH; MUNICIPAL COURT

558 SECTION 4.1.
559 Creation; name.

560 There shall be a court to be known as the municipal court of the Town of Pine Mountain.

561 SECTION 4.2.
562 Chief judge; associate judge.

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

565 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
566 that person shall possess all qualifications required by law. All judges shall be appointed by
567 the town council and shall serve until a successor is appointed and qualified.

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

569 (d) Judges shall serve terms and may be removed in accordance with Code
570 Section 36-32-2.1 of the O.C.G.A.

571 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge
572 will honestly and faithfully discharge the duties of the office to the best of that person's
573 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of
574 the town council minutes required in Section 2.17 of this charter.

575 SECTION 4.3.

576 Convening.

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

578 SECTION 4.4.

579 Jurisdiction; powers.

580 (a) The municipal court shall have jurisdiction and authority to try and punish violations of
581 this charter, all town ordinances, and such other violations as provided by law.

582 (b) The municipal court shall have authority to punish those in its presence for contempt,
583 provided that such punishment shall not exceed \$200.00 or ten days in jail.

584 (c) The municipal court may fix punishment for offenses within its jurisdiction not
585 exceeding a fine of \$1,000.00 or imprisonment for 180 days or both such fine and
586 imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as now
587 or hereafter provided by law.

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

591 (e) The municipal court shall have authority to establish bail and recognizances to ensure
592 the presence of those charged with violations before said court, and shall have discretionary
593 authority to accept cash or personal or real property as surety for the appearance of persons
594 charged with violations. Whenever any person shall give bail for that person's appearance
595 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
596 presiding at such time, and an execution issued thereon by serving the defendant and the
597 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the
598 event that cash or property is accepted in lieu of bond for security for the appearance of a

599 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
600 the cash so deposited shall be on order of the judge declared forfeited to the town, or the
601 property so deposited shall have a lien against it for the value forfeited which lien shall be
602 enforceable in the same manner and to the same extent as a lien for town property taxes.

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

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

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

613 SECTION 4.5.

614 Appeal.

615 Any person aggrieved by a decision of the municipal court shall have the right to appeal as
616 provided by law to the Superior Court of Harris County.

617 SECTION 4.6.

618 Rules for court.

619 With the approval of the town council, the judge shall have full power and authority to make
620 reasonable rules and regulations necessary and proper to secure the efficient and successful
621 administration of the municipal court; provided, however, that the town council may adopt

622 in part or in whole the rules and regulations applicable to municipal courts. The rules and
623 regulations made or adopted shall be filed with the town clerk, shall be available for public
624 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court
625 proceedings at least 48 hours prior to said proceedings.

626 ARTICLE V
627 ELECTIONS AND REMOVAL

628 SECTION 5.1.
629 Applicability of general law.

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

632 SECTION 5.2.
633 Election of the town council and mayor.

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

636 (b) Each council position shall be designated as a post, designated Post I, II, III, IV, and V,
637 for the purposes of conducting the current terms for the mayor and council Posts III and IV
638 will expire on December 31, 2025. Council Posts I, II, and V shall be filled at the election
639 alternating with the first election so that a continuing body is created; the current terms for
640 council Posts I, II, and V will expire on December 31, 2027. The mayor and
641 councilmembers shall serve terms of office of four years.

642 SECTION 5.3.

643 Nonpartisan elections.

644 Political parties shall not conduct primaries for town offices and all names of candidates for
645 town offices shall be listed without party designations.

646 SECTION 5.4.

647 Election by plurality.

648 The person receiving a plurality of the votes cast for any town office shall be elected.

649 SECTION 5.5.

650 Special elections; vacancies.

651 Any special elections for vacancies required hereunder shall be held and conducted in
652 accordance with the Georgia Election Code, as now or hereafter amended.

653 SECTION 5.6.

654 Other provisions.

655 Except as otherwise provided by this charter, the town council shall, by ordinance, prescribe
656 such rules and regulations it deems appropriate to fulfill any options and duties under the
657 Georgia Election Code, as now or hereafter amended.

658

SECTION 5.7.

659

Removal of officers.

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

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

665 (1) Following a hearing at which an impartial panel shall render a decision. In the event
666 an elected officer is sought to be removed by the action of the town council, such officer
667 shall be entitled to a written notice specifying the ground or grounds for removal and to a
668 public hearing which shall be held not less than ten days after the service of such written
669 notice. The town council shall provide by ordinance for the manner in which such hearings
670 shall be held. Any elected officer sought to be removed from office as herein provided
671 shall have the right of appeal from the decision of the town council to the Superior Court
672 of Harris County. Such appeal shall be governed by the same rules as govern appeals to
673 the superior court from the probate court; or

674 (2) By an order of the Superior Court of Harris County following a hearing on a complaint
675 seeking such removal brought by any resident of the Town of Pine Mountain.

676 ARTICLE VI
677 FINANCE

678 SECTION 6.1.
679 Property tax.

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

686 SECTION 6.2.
687 Millage rate; due dates; payment methods.

688 The town council, by resolution, shall establish a millage rate for the town property tax, a due
689 date, and the time period within which these taxes must be paid. The town council, by said
690 resolution, may also provide for the payment of these taxes in one lump sum, as well as
691 authorize the voluntary payment of taxes prior to the time when due.

692 SECTION 6.3.
693 Occupation and business taxes.

694 The town council by ordinance shall have the power to levy such corporation or business
695 taxes as are not denied by law. The town council may classify businesses, occupations, or

696 professions for the purpose of such taxation in any way which may be lawful and may
697 compel the payment of such taxes as provided in Section 6.9 of this charter.

698 SECTION 6.4.
699 Regulatory fees; permits.

700 The town council by ordinance shall have the power to require businesses or practitioners
701 doing business within this town to obtain a permit for such activity from the town and pay
702 a reasonable regulatory fee for such permit as provided by general law. Such fees shall
703 reflect the total cost to the town of regulating the activity, and if unpaid, shall be collected
704 as provided in Section 6.9 of this charter.

705 SECTION 6.5.
706 Franchises.

707 (a) The town council shall have the power to grant franchises for the use of this town's street
708 and alleys for the purposes of railroads, street railways, telephone companies, electric
709 companies, electric membership corporations, cable television and other telecommunications
710 companies, gas companies, transportation companies, and other similar organizations. The
711 town council shall determine the duration, terms, whether the same shall be exclusive or
712 nonexclusive, and the consideration for such franchises; provided, however, that no franchise
713 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
714 the town receives just and adequate compensation therefor. The town council shall provide
715 for the registration of all franchises with the town clerk in a registration book kept by the
716 clerk. The town council may provide by ordinance for the registration within a reasonable
717 time of all franchises previously granted.

718 (b) If no franchise agreement is in effect, the town council shall have the authority to impose
719 a tax on gross receipts for the use of this town's streets and alleys for the purposes of
720 railroads, street railways, telephone companies, electric companies, electric membership
721 corporations, cable television and other telecommunications companies, gas companies,
722 transportation companies, and other similar organizations.

723 SECTION 6.6.

724 Service charges.

725 The town council by ordinance shall have the power to assess and collect fees, charges,
726 assessments, and tolls for sewers, sanitary and health services, or any other services provided
727 or made available within and without the corporate limits of the town. If unpaid, such
728 charges shall be collected as provided in Section 6.9 of this charter.

729 SECTION 6.7.

730 Special assessments.

731 The town council by ordinance shall have the power to assess and collect the cost of
732 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
733 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
734 owners. If unpaid, such charges shall be collected as provided in Section 6.9 of this charter.

735 SECTION 6.8.

736 Construction; other taxes and fees.

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

740 SECTION 6.9.

741 Collection of delinquent taxes and fees.

742 The town council, by ordinance, may provide generally for the collection of delinquent taxes,
743 fees, or other revenue due the town under Sections 6.3 through 6.8 of this charter by
744 whatever reasonable means as are not precluded by law. This shall include providing for the
745 dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi.
746 fas.; creation and priority of liens; making delinquent taxes and fees personal debts of the
747 persons required to pay the taxes or fees imposed; revoking town permits for failure to pay
748 any town taxes or fees; and providing for the assignment or transfer of tax executions.

749 SECTION 6.10.

750 General obligation bonds.

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

755 SECTION 6.11.

756 Revenue bonds.

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

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

759 for which they were issued.

760 SECTION 6.12.

761 Short-term loans.

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

763 of each year, unless otherwise provided by law.

764 SECTION 6.13.

765 Lease-purchase contracts.

766 The town may enter into multi-year lease, purchase or lease-purchase contracts for the

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

768 the contract terminates without further obligation on the part of the municipality at the close

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

770 year for which it may be renewed. Contracts must be executed in accordance with the

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

772 or may hereafter be enacted.

773 SECTION 6.14.

774 Fiscal year.

775 The town council shall set the fiscal year by ordinance. This fiscal year shall constitute the
776 budget year and the year for financial accounting and reporting of each and every office,
777 department, agency, and activity of the town government unless otherwise provided by state
778 or federal law.

779 SECTION 6.15.

780 Preparation of budgets.

781 The town council shall provide an ordinance on the procedures and requirements for the
782 preparation and execution of an annual operating budget, a capital improvement plan, and
783 a capital budget, including requirements as to the scope, content, and form of such budgets
784 and plans.

785 SECTION 6.16.

786 Submission of operating budget to town council.

787 On or before a date fixed by the town council but not later than the last regular council
788 meeting of the prior fiscal year, the clerk in direct coordination with the mayor and town
789 council shall submit to the town council a proposed operating budget for the ensuing fiscal
790 year. The operating budget and the capital budget hereinafter provided for and all supporting
791 documents shall be filed in the office of the town clerk and shall be open to public inspection.

792

SECTION 6.17.

793

Action by town council on budget.

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

799 (b) The town council by ordinance shall adopt the final operating budget for the ensuing
800 fiscal year not later than the last regular meeting of the prior fiscal year. If the town council
801 fails to adopt the budget by this date, the amounts appropriated for operation for the current
802 fiscal year shall be deemed adopted by the ensuing fiscal year on a month-to-month basis,
803 with all items prorated accordingly until such time as the town council adopts a budget for
804 the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations
805 ordinance setting out the estimated revenues in detail by sources and making appropriations
806 according to fund and by organizational unit, purpose, or activity as set out in the budget
807 preparation ordinance adopted pursuant to Section 6.15 of this charter.

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

812

SECTION 6.18.

813

Tax levies.

814 The town council shall levy by ordinance such taxes as are necessary. The taxes and tax
815 rates set by such ordinances shall be such that reasonable estimates of revenues from such

816 levy shall at least be sufficient, together with other anticipated revenues, fund balances, and
817 applicable reserves, to equal the total amount appropriated for each of the several funds set
818 forth in the annual operating budget for defraying the expenses of the general government
819 of this town.

820 SECTION 6.19.

821 Changes in appropriations.

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

826 SECTION 6.20.

827 Independent audit.

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

833 SECTION 6.21.

834 Contracting procedures.

835 No contract with the town shall be binding on the town unless:

836 (1) It is in writing;

- 837 (2) It is drawn by or submitted to and reviewed by the town attorney; and
838 (3) It is made or authorized by the town council and such approval is entered in the town
839 council minutes.

840 SECTION 6.22.
841 Centralized purchasing.

842 The town council may by ordinance prescribe procedures for a system of centralized
843 purchasing for the town.

844 SECTION 6.23.
845 Sale and lease of town property.

- 846 (a) The town council may sell and convey, or lease any real or personal property owned or
847 held by the town for governmental or other purposes as now or hereafter provided by law.
848 (b) The town council may quitclaim any rights it may have in property not needed for public
849 purposes upon report by the mayor and adoption of a resolution, both finding that the
850 property is not needed for public or other purposes and that the interest of the town has not
851 readily ascertainable monetary value.

852

ARTICLE VII

853

GENERAL PROVISIONS

854

SECTION 7.1.

855

Bonds for officials.

856

The officers and employees of this town, both elected and appointed, shall execute such

857

surety or fidelity bonds in such amounts and upon such terms and conditions as the town

858

council may from time to time require by ordinance or as may be provided by law.

859

SECTION 7.2.

860

Prior ordinances.

861

All ordinances, resolutions, rules, and regulations now in force in the town not inconsistent

862

with this charter are hereby declared valid and of full effect and force until amended or

863

repealed by the town council.

864

SECTION 7.3.

865

Existing personnel and officers.

866

Except as specifically provided otherwise by this charter, all personnel and officers of the

867

town and their rights, privileges, and powers shall continue beyond the time this charter takes

868

effect.

869 SECTION 7.4.

870 Pending matters.

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

875 SECTION 7.5.

876 Construction.

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

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

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

882 SECTION 7.6.

883 Severability.

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

890 SECTION 7.7.

891 Specific repealer.

892 An Act to incorporate the Town of Chipley (now known as the Town of Pine Mountain), in
893 the County of Harris, approved December 9, 1882 (Ga. L. 1882-1883 p. 265), is hereby
894 repealed in its entirety; and all amendatory acts thereto are likewise repealed in their entirety.

895 SECTION 7.8.

896 General repealer.

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