

House Bill 1400 (AS PASSED HOUSE AND SENATE)

By: Representative Greene of the 154th

A BILL TO BE ENTITLED
AN ACT

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

H. B. 1400

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 ARTICLE I
21 INCORPORATION AND POWERS

22 Section 1.10.

23 Name.

24 The city 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 City of Damascus, Georgia, and by that name shall have perpetual existence.

27 Section 1.11.

28 Corporate boundaries.

29 (a) The boundaries of this city shall be those existing on the effective date of the adoption
30 of this charter with such alterations as may be made from time to time in the manner
31 provided by law. On the effective date of the adoption of this charter, the existing corporate
32 boundaries of the city extend three-fourths of a mile in every direction from the middle of
33 the intersection of Georgia State Route 200 and the Seaboard Railroad in the city. The
34 boundaries of this city at all times shall be shown on a map to be retained permanently in the
35 City of Damascus City Hall and to be designated: "City of Damascus, Georgia".
36 Photographic, typed, or other copy of such map or description certified by the City of
37 Damascus shall be admitted as evidence in all courts and shall have the same force and effect
38 as with the original map or description.

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

42 Section 1.12.

43 Powers and construction.

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

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

51 Section 1.13.

52 Specific powers.

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

58 (b) Appropriations and expenditures. To make appropriations for the support of the
59 government of the city; to authorize the expenditure of money for any purposes authorized
60 by this charter, or for municipalities by the laws of the State of Georgia; and to provide for
61 the payment of expenses of the city.

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, electrical, gas, and heating and
64 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 other such 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 city taxes
70 or fees.

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

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 city, 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 city.

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

86 (i) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge,
87 or restrict the same; to prescribe fire safety regulations not inconsistent with general law,
88 relating to fire prevention and detection and to fire fighting; and to prescribe penalties and
89 punishment for violations thereof.

90 (j) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and
91 disposal, and other sanitary service charge, tax, or fee for such services as may be necessary

92 in the operation of the city from all individuals, firms, and corporations residing in or doing
93 business therein benefitting from such services or to whom such services are available; to
94 enforce the payment of such charges, taxes, or fees; and to provide for the manner and
95 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 city, and to provide for the enforcement of such standards.

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

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

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

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

112 (p) Municipal agencies and delegation of power. To create, alter, or abolish departments,
113 boards, offices, commissions, and agencies of the city, and to confer upon such agencies the
114 necessary and appropriate authority for carrying out all the powers conferred upon or
115 delegated to the same.

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

- 119 (r) Municipal property ownership. To acquire, dispose of, lease, option, and hold in trust
120 or otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or
121 outside the property limits of the city.
- 122 (s) Municipal property protection. To provide for the preservation and protection of
123 property and equipment of the city and the administration and use of same by the public; and
124 to prescribe penalties and punishment for violations thereof.
- 125 (t) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of
126 public utilities, including, but not limited to, a system of waterworks, sewers and drains,
127 sewage disposal, gas works, electric light plants, cable television, and other
128 telecommunications, transportation facilities, public airports, and any other public utility; and
129 to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties, and to
130 provide for the withdrawal of service for refusal or failure to pay the same.
- 131 (u) Nuisance. To define a nuisance and provide for its abatement whether on public or
132 private property.
- 133 (v) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the
134 authority of this charter and the laws of the State of Georgia.
- 135 (w) Planning and zoning. To provide comprehensive city planning for development by
136 zoning; and to provide subdivision regulation and the like as the city council deems
137 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community.
- 138 (x) Police and fire protection. To exercise the power of arrest through duly appointed
139 policemen and to establish, operate, or contract for a police and a fire fighting agency.
- 140 (y) Public hazards: removal. To provide for the destruction and removal of any building or
141 other structure which is or may become dangerous or detrimental to the public.
- 142 (z) Public improvements. To provide for the acquisition, construction, building, operation,
143 and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries,
144 markets and market houses, public buildings, libraries, public housing, airports, hospitals,
145 terminals, docks, parking facilities, or charitable, cultural, educational, recreational,

146 conservation, sport, curative, corrective, detentional, penal and medical institutions, agencies,
147 and facilities; and to provide any other public improvements, inside or outside the corporate
148 limits of the city; to regulate the use of public improvements; and for such purposes, property
149 may be acquired by condemnation under procedures provided by the O.C.G.A. as the same
150 shall exist from time to time.

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

153 (bb) Public transportation. To organize and operate such public transportation systems as
154 are deemed beneficial.

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

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

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

167 (ff) Roadways. To lay out, open, extend, widen, narrow, establish, or change the grade of,
168 abandon or close, construct, pave, curb, gutter, provide drainage for, adorn with shade trees,
169 or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys,
170 and walkways within the corporate limits of the city; and to grant franchises and rights of
171 way throughout the streets and roads, and over the bridges and viaducts for the use of public

172 utilities; and to require real estate owners to repair and maintain in a safe condition the
173 sidewalks adjoining their lots or lands, and to impose penalties for failure to do so.

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

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

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

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

195 (kk) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation, and
196 collection of taxes on all property subject to taxation.

197 (ll) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
198 future by law.

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

203 (nn) Urban redevelopment. To organize and operate an urban redevelopment program.

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

214 Section 1.14.

215 Exercise of powers.

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

220 ARTICLE II
221 GOVERNMENT STRUCTURE

222 Section 2.10.
223 City council creation; number; election.

224 The legislative authority of the government of this city, except as otherwise specifically
225 provided in this charter, shall be vested in a city council to be composed of a mayor and four
226 councilmembers. The city council established shall in all respects be a successor to and
227 continuation of the governing authority under prior law. The mayor and councilmembers
228 shall be elected in the manner provided by general law and this charter.

229 Section 2.11.
230 City council terms and qualifications for office.

231 The mayor and members of the city council shall serve for terms of four years and until their
232 respective successors are elected and qualified. No person shall be eligible to serve as mayor
233 or councilmember unless that person shall have been a resident of the city for one year prior
234 to the date of election of the mayor or councilmember; each person holding city office shall
235 continue to reside therein during his or her period of service and to be registered and
236 qualified to vote in municipal elections of this city.

237 Section 2.12.
238 Vacancy; filling of vacancies.

239 (a) The office of mayor or councilmember shall become vacant upon the occurrence of any
240 event specified by the Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such

241 other applicable laws as are or may hereafter be enacted. Provided, however, the office of
242 mayor or councilmember shall become vacant upon the unexcused absence of the holder of
243 the office from four consecutive regularly scheduled meetings of the city council. Excused
244 absences shall be granted by a majority vote of the remaining city councilmembers and the
245 mayor as provided in Section 2.21 and shall be entered upon the minutes of the council
246 meeting.

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

252 Section 2.13.

253 Compensation and expenses.

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

256 Section 2.14.

257 Holding other office; voting when financially interested.

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

260 (b) Neither the mayor nor any member of the city council shall vote upon, sign, or veto any
261 ordinance, resolution, contract, or other matter in which that person is financially interested.

262 Section 2.15.
263 Inquiries and investigations.

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

270 Section 2.16.
271 General power and authority of the city council.

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

274 Section 2.17.
275 Eminent domain.

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

284 Section 2.18.
285 Organizational meetings.

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

290 "I _____ do solemnly swear or affirm that I will properly perform the duties of the
291 office of _____ in and for the City of Damascus, to the best of my knowledge,
292 skill, and ability; that I am not the holder of any unaccounted for public money due to the
293 State of Georgia or any political subdivision or authority thereto; that I am not the holder
294 of any office of trust under the government of the United States, any other state, or any
295 foreign state, which I am by the laws of the State of Georgia prohibited from holding; that
296 I am qualified to hold the office which I am about to enter according to the Constitution
297 and laws of Georgia; that I will support the Constitution of the United States and the State
298 of Georgia; that I have been a resident of the City of Damascus from which elected and the
299 City of Damascus for the time required by the Constitution and laws of the State of Georgia
300 and the Charter of the City of Damascus, so help me God."

301 Section 2.19.
302 Regular and special meetings.

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

305 (b) Special meetings of the city council may be held on call of the mayor or two members
306 of the city council. Notice of such special meetings shall be served on all other members
307 personally, or by telephone personally, at least 24 hours in advance of the meeting. Such

308 notice to councilmembers shall not be required if the mayor and all councilmembers are
309 present when the special meeting is called. Such notice of any special meeting may be
310 waived by a councilmember in writing before or after such a meeting, and attendance at the
311 meeting shall also constitute a waiver of notice on any business transacted in such
312 councilmember's presence. Only the business stated in the call may be transacted at the
313 special meeting. Upon the unanimous consent of all members present, any business which
314 may be transacted at a regular meeting may be conducted at the special meeting.

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

319 Section 2.20.

320 Rules of procedure.

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

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

327 Section 2.21.

328 Quorum; voting.

329 Three councilmembers other than the mayor or the mayor and two councilmembers shall
330 constitute a quorum and shall be authorized to transact business of the city council. Voting

331 on the adoption of ordinances shall be by voice vote, and the vote shall be recorded in the
332 journal; but any member of the city council shall have the right to request a roll call vote, and
333 such vote shall be recorded in the journal. Except as otherwise provided in this charter, the
334 affirmative vote of three councilmembers or two councilmembers and the mayor shall be
335 required for the adoption of any ordinance, resolution, or motion. The mayor shall vote only
336 in the event of a tie or when an affirmative or negative vote by the mayor constitutes a
337 majority of three votes. An abstention shall not be counted as either an affirmative or
338 negative vote.

339 Section 2.22.

340 Ordinance form; procedures.

341 (a) Every proposed ordinance should be introduced in writing and in the form required for
342 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
343 enacting clause shall be "It is hereby ordained by the governing authority of the City of
344 Damascus," and every ordinance shall so begin.

345 (b) An ordinance may be introduced by a councilmember and be read at a regular or special
346 meeting of the city council. Ordinances shall be considered and adopted or rejected by the
347 city council in accordance with the rules which it shall establish; provided, however, an
348 ordinance shall not be adopted the same day it is introduced, except for emergency
349 ordinances provided in Section 2.24. Upon introduction of any ordinance, the city clerk shall
350 as soon as possible distribute a copy to the mayor and to each councilmember and shall file
351 a reasonable number of copies in the office of the city clerk and at such other public places
352 as the city council may designate.

353 Section 2.23.
354 Action requiring an ordinance.

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

356 Section 2.24.
357 Emergencies.

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

374 (b) Such meetings shall be open to the public to the extent required by law, and notice to the
375 public of emergency meetings shall be made as fully as is reasonably possible in accordance

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

378 Section 2.25.

379 Codes of technical regulations.

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

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

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

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

390 Section 2.26.

391 Signing; authenticating; recording; codification; printing.

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

394 (b) The city council shall provide for the preparation of a general codification of all the
395 ordinances of the city having the force and effect of law. The general codification shall be
396 adopted by the city council by ordinance and shall be published promptly, together with all
397 amendments thereto and such codes of technical regulations and other rules and regulations
398 as the city council may specify. This compilation shall be known and cited officially as "The

399 Code of the City of Damascus, Georgia." Copies of the code shall be furnished to all
400 officers, departments, and agencies of the city and made available for purchase by the public
401 at a reasonable price as fixed by the city council.

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

411 Section 2.27.

412 Election of mayor; forfeiture; compensation.

413 The mayor shall be elected and serve for a term of four years and until a successor is elected
414 and qualified. The mayor shall be a qualified elector of this city and shall have been a
415 resident of the city for one year preceding the date of the election. The mayor shall continue
416 to reside in this city during the period of service. The mayor shall forfeit the office on the
417 same grounds and under the same procedure as for councilmembers. The compensation of
418 the mayor shall be established in the same manner as for councilmembers.

419 Section 2.28.
420 Chief executive officer.

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

424 Section 2.29.
425 Powers and duties of mayor.

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

- 427 (1) See that all laws and ordinances of the city are faithfully executed;
- 428 (2) Exercise supervision over all executive and administrative work of the city and over
429 all employees and departments of the city and provide for the coordination of
430 administrative activities;
- 431 (3) Prepare and submit to the city council a recommended operating budget and capital
432 budget;
- 433 (4) Submit to the city council at least once a year a statement covering the financial
434 conditions of the city, and from time to time, such other information as the city council
435 may request;
- 436 (5) Recommend to the city council such measures relative to the affairs of the city,
437 improvement of the government, and promotion of the welfare of its inhabitants as the
438 mayor may deem expedient;
- 439 (6) Call special meetings of the city council as provided for in Section 2.19(b);
- 440 (7) Preside at all meetings of the city council and vote only in the event of a tie or when
441 an affirmative or negative vote by the mayor constitutes a majority of three votes;
- 442 (8) Provide for an annual audit of all accounts of the city;

- 443 (9) Require any department or agency of the city to submit written reports whenever the
444 mayor deems it expedient; and
445 (10) Perform such other duties as may be required by law, this charter, or by ordinance.

446 Section 2.30.

447 Mayor pro tempore; selection; duties.

448 By a majority vote, the city council shall elect a councilmember to serve as mayor pro
449 tempore. In the mayor's absence, the mayor pro tempore shall preside at meetings of the city
450 council and shall assume the duties and powers of the mayor upon the mayor's physical or
451 mental disability; provided that the mayor pro tempore shall vote as a member of the council
452 at all times when serving as herein provided.

453 ARTICLE III

454 ADMINISTRATIVE AFFAIRS

455 Section 3.10.

456 Administrative and service departments.

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

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

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

466 (d) There shall be a director of each department or agency who shall be its principal officer.
467 Each director shall, subject to the direction and supervision of the mayor, be responsible for
468 the administration and direction of the affairs and operations of that director's department or
469 agency.

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

475 Section 3.11.

476 Boards, commissions, and authorities.

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

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

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

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

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

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

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

498 (h) Except as otherwise provided by this charter or by law, each board, commission, or
499 authority of the city shall elect one of its members as chair and one member as vice-chair and
500 may elect as its secretary one of its own members or may appoint as secretary an employee
501 of the city. Each board, commission, or authority of the city government may establish such
502 bylaws, rules, and regulations, not inconsistent with this charter, ordinances of the city, or
503 law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of
504 its affairs. Copies of such bylaws, rules, and regulations shall be filed with the city clerk.

505 Section 3.12.

506 City attorney.

507 The city council shall appoint a city attorney, together with such assistant city attorneys as
508 may be authorized, and shall provide for the payment of such attorney or attorneys for
509 services rendered to the city. The city attorney shall be responsible for providing for the
510 representation and defense of the city in all litigation in which the city is a party; may be the
511 prosecuting officer in the municipal court; shall attend the meetings of the council as
512 directed; shall advise the city council, mayor, and other officers and employees of the city

513 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
514 required by virtue of the person's position as city attorney.

515 Section 3.13.

516 City clerk.

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

521 Section 3.14.

522 Personnel policies.

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

525 ARTICLE IV
526 JUDICIAL BRANCH

527 Section 4.10.

528 Municipal court creation.

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

530 Section 4.11.

531 Chief judge; associate judge.

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

534 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
535 that person shall have attained the age of 21 years and shall possess all qualifications
536 required by law. All judges shall be appointed by the city council and shall serve until a
537 successor is appointed and qualified.

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

539 (d) Judges shall serve a term and may be removed as provided by general law.

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

544 Section 4.12.

545 Convening.

546 The municipal court shall be convened at such times as designated by ordinance or at such
547 times as deemed necessary to keep current the dockets thereof.

548 Section 4.13.

549 Jurisdiction; powers.

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

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

554 (c) The municipal court may fix punishment for offenses within its jurisdiction not
555 exceeding a fine of \$1,000.00 or imprisonment for 180 days, or other such fine and
556 imprisonment, or may fix punishment by fine, imprisonment, or alternative sentencing as
557 now or hereafter provided by law.

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

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

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

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

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

583 Section 4.14.
584 Appeal.

585 Any person aggrieved by a decision of the municipal court shall have the right to appeal as
586 provided by law to the Superior Court of Early County.

587 Section 4.15.
588 Rules for court.

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

596 Section 4.16.
597 Indigent defense and prosecutor.

598 The mayor and council shall have the power to provide for a system of defense for indigent
599 persons charged in the municipal court of the City of Damascus with violations of ordinances

622 Section 5.12.

623 Nonpartisan elections.

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

626 Section 5.13.

627 Election by majority.

628 The person receiving a majority of the votes cast in the city election for the office of mayor
629 shall be elected. The person receiving a majority of the votes cast in the city election for
630 each of the city council positions shall be elected to the respective post.

631 Section 5.14.

632 Special elections; vacancies.

633 In the event that the office of mayor or councilmember shall become vacant as provided in
634 Section 2.12 of this charter, the city council or those remaining shall appoint a successor for
635 the remainder of the term.

636 Section 5.15.

637 Other provisions.

638 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe
639 such rules and regulations it deems appropriate to fulfill any options and duties required by
640 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter
641 amended.

642 Section 5.16.
643 Removal of officers.

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

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

649 (1) Following a hearing at which an impartial panel shall render a decision. In the event
650 an elected officer is sought to be removed by the action of the city council, such officer
651 shall be entitled to a written notice specifying the ground or grounds for removal and to a
652 public hearing which shall be held not less than ten days after the service of such written
653 notice. The city council shall provide by ordinance for the manner in which such hearings
654 shall be held. Any elected officer sought to be removed from office as herein provided
655 shall have the right of appeal from the decision of the city council to the Superior Court of
656 Early County. Such appeal shall be governed by the same rules as govern appeals to the
657 superior court from the probate court.

658 (2) By an order of the Superior Court of Early County following a hearing on a complaint
659 seeking such removal brought by any resident of the City of Damascus.

660 ARTICLE VI
661 FINANCE

662 Section 6.10.
663 Property tax.

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

670 Section 6.11.
671 Millage rate; due dates; payment methods.

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

676 Section 6.12.
677 Occupation and business taxes.

678 The city council, by ordinance, shall have the power to levy such occupation or business
679 taxes as are not denied by law. The city council may classify businesses, occupations, or

680 professions for the purpose of such taxation in any way which may be lawful and may
681 compel the payment of such taxes as provided in Section 6.18.

682 Section 6.13.

683 Regulatory fees; permits.

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

689 Section 6.14.

690 Franchises.

691 (a) The city council shall have the power to grant franchises for the use of this city's streets
692 and alleys for the purposes of railroads, street railways, telephone companies, electric
693 companies, electric membership corporations, cable television, and other telecommunications
694 companies, gas companies, transportation companies, and other similar organizations. The
695 city council shall determine the duration, terms, whether the same shall be exclusive or
696 nonexclusive, and the consideration for such franchises; provided, however, no franchise
697 shall be granted for a period in excess of 35 years, and no franchise shall be granted unless
698 the city receives just and adequate compensation therefor. The city council shall provide for
699 the registration of all franchises with the city clerk in a registration book kept by said clerk.
700 The city council may provide by ordinance for the registration within a reasonable time of
701 all franchises previously granted.

702 (b) If no franchise agreement is in effect, the city council has the authority to impose a tax
703 on gross receipts for the use of this city's streets and alleys for the purposes of railroads,
704 street railways, telephone companies, electric companies, electric membership corporations,
705 cable television, and other telecommunications companies, gas companies, transportation
706 companies, and other similar organizations.

707 Section 6.15.

708 Service charges.

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

714 Section 6.16.

715 Special assessments.

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

721 Section 6.17.

722 Construction; other taxes and fees.

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

726 Section 6.18.

727 Collection of delinquent taxes and fees.

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

735 Section 6.19.

736 General obligation bonds.

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

741 Section 6.20.

742 Revenue bonds.

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

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

745 for which they were issued.

746 Section 6.21.

747 Short-term loans.

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

749 of each year, unless otherwise provided by law.

750 Section 6.22.

751 Lease-purchase contracts.

752 The city may enter into multi-year lease, purchase or lease-purchase contracts for the

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

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

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

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

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

758 or may hereafter be enacted.

759 Section 6.23.

760 Fiscal year.

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

764 Section 6.24.

765 Preparation of budgets.

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

770 Section 6.25.

771 Submission of operating budget to city council.

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

781 Section 6.26.

782 Action by city council on budget.

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

788 (b) The city council, by ordinance, shall adopt the final operating budget for the ensuing
789 fiscal year not later than July 1 of each year. If the city council fails to adopt the budget by
790 this date, the amounts appropriated for operation for the current fiscal year shall be deemed
791 adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated
792 accordingly until such time as the city council adopts a budget for the ensuing fiscal year.
793 Adoption of the budget shall take the form of an appropriations ordinance setting out the
794 estimated revenues in detail by sources and making appropriations according to fund and by
795 organizational unit, purpose, or activity as set out in the budget preparation ordinance
796 adopted pursuant to Section 6.24.

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

801 Section 6.27.

802 Tax levies.

803 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates
804 set by such ordinance shall be such that reasonable estimates of revenues from such levy

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

828 Section 6.31.

829 Centralized purchasing.

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

832 Section 6.32.

833 Sale and lease of city property.

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

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

840 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
841 of the city a small parcel or tract of land is cut off or separated by such work from a larger
842 tract or boundary of land owned by the city, the city council may authorize the mayor to sell
843 and convey said cut off or separated parcel or tract of land to an abutting or adjoining
844 property owner or owners where such sale and conveyance facilitates the enjoyment of the
845 highest and best use of the abutting owner's property. Included in the sales contract shall be
846 a provision for the rights of way of said street, avenue, alley, or public place. Each abutting
847 property owner shall be notified of the availability of the property and given the opportunity
848 to purchase said property under such terms and conditions as set out by ordinance. All deeds

849 and conveyances heretofore and hereafter so executed and delivered shall convey all title and
850 interest the city has in such property, notwithstanding the fact that no public sale after
851 advertisement was or is hereafter made.

852 ARTICLE VII
853 GENERAL PROVISIONS

854 Section 7.10.
855 Bonds for officials.

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

859 Section 7.11.
860 Prior ordinances.

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

864 Section 7.12.
865 Existing personnel and officers.

866 Except as specifically provided otherwise by this charter, all personnel and officers of the
867 city and their rights, privileges, and powers shall continue beyond the time this charter takes
868 effect for a period of 180 days before or during which the existing city council shall pass a

869 transition ordinance detailing the changes in personnel and appointive officers required or
870 desired and arranging such titles, rights, privileges, and powers as may be required or desired
871 to allow a reasonable transition.

872 Section 7.13.

873 Pending matters.

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

878 Section 7.14.

879 Construction.

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

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

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

885 Section 7.15.

886 Severability.

887 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
888 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
889 nor impair other parts of this charter unless it clearly appears that such other parts are wholly

890 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
891 legislative intent in enacting this charter that each article, section, subsection, paragraph,
892 sentence, or part thereof be enacted separately and independent of each other.

893 Section 7.16.

894 Specific repealer.

895 An Act providing for a new charter for the City of Damascus, approved March 18, 1985 (Ga.
896 L. 1985, p. 3673), is hereby repealed in its entirety; and all amendatory acts thereto are
897 likewise repealed in their entirety.

898 Section 7.17.

899 General repealer.

900 All other laws and parts of laws in conflict with this charter are hereby repealed.