

House Bill 642 (AS PASSED HOUSE AND SENATE)

By: Representative Pullin of the 131<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide a new charter for the City of Zebulon, Georgia; to provide for incorporation,  
2 boundaries, and powers of the city; to provide for general powers and limitations on powers;  
3 to provide for organization, regular, and special meetings of the city council; to provide for  
4 rules of procedure, quorums and voting regarding city council meetings; to provide for  
5 branches of government; to provide for a governing authority of such city and the powers,  
6 duties, authority, election, terms, removal from office, method of filling vacancies,  
7 compensation, expenses, qualifications, and conflicts of interest; to provide for inquiries and  
8 investigations; to provide for ordinances and resolutions; to provide for eminent domain; to  
9 provide for codes; to provide for the office of mayor and certain duties and powers relative  
10 to the office of mayor; to provide for a veto and powers and procedures thereto; to provide  
11 for a mayor pro tem and a city administrator, appointments, qualifications, compensation,  
12 and powers thereof; to provide for administrative responsibilities; to provide for boards,  
13 commissions, and authorities; to provide for a city attorney, city clerk, and other personnel;  
14 to provide for a municipal court and the judge or judges thereof; to provide for rules of court;  
15 to provide for practices and procedures; to provide for taxation, permits, and fees; to provide  
16 for franchises, service charges, and assessments; to provide for bonded and other  
17 indebtedness; to provide for accounting and budgeting; to provide for contracting and  
18 purchasing; to provide for bonds for officials; to provide for prior ordinances, resolutions,  
19 policies, and regulations; to provide for existing personnel and officers; to provide for  
20 definitions and construction; to provide for other matters relative to the foregoing; to provide  
21 for severability; to provide for related matters; to repeal a specific Act; to repeal conflicting  
22 laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

24 ARTICLE I  
25 INCORPORATION AND POWERS

26 **Section 1.10.**  
27 Incorporation and name.

28 This city, and the inhabitants thereof, are reincorporated by the enactment of this charter and  
29 are hereby constituted and declared a body politic and corporate under the name and style  
30 the City of Zebulon, Georgia, and by that name shall have perpetual succession.

31 **Section 1.20.**  
32 Corporate boundaries and districts.

33 (a) The boundaries of this city shall be those existing on the effective date of the adoption  
34 of this charter with such alterations as may be made from time to time in the manner  
35 provided by law.

36 (b) The boundaries of this city at all times shall be shown on a map, a written description  
37 or any combination thereof, to be retained permanently in the office of the city  
38 administrator and to be designated, as the case may be: "Official Map (or Description) of  
39 the corporate limits of the City of Zebulon, Georgia." The city council may provide for the  
40 redrawing of any such map by ordinance to reflect lawful changes in the corporate  
41 boundaries. A redrawn map shall supersede for all purposes the entire map or maps which  
42 it is designated to replace.

43 (c) The City of Zebulon shall have election districts that shall be more specifically  
44 designated by ordinance adopted by the city council. A councilmember shall be elected  
45 to represent each district.

46 **Section 1.30.**  
47 Powers and construction.

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

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

55

**Section 1.40.**

56

## Examples of powers.

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

62 (b) Appropriations and Expenditures. To make appropriations for the support of the  
63 government of the city; to authorize the expenditure of money for any purposes authorized  
64 by this charter and for any purpose for which a municipality is authorized by the laws of  
65 the State of Georgia; and to provide for the payment of expenses of the city;

66 (c) Building Regulation. To regulate and to license the erection and construction of  
67 buildings and all other structures; to adopt building, housing, plumbing, fire safety,  
68 electrical, gas, and heating and air conditioning codes; and to regulate all housing, and  
69 building trades;

70 (d) Business Regulation and Taxation. To levy and to provide for the collection of  
71 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized  
72 by Title 48 of the Official Code of Georgia Annotated, or other such applicable laws as are  
73 or may hereafter be enacted; to permit and regulate the same; to provide for the manner and  
74 method of payment of such regulatory fees and taxes; and to revoke such permits after due  
75 process for failure to pay any city taxes or fees;

76 (e) Condemnation. To condemn property, inside or outside the corporate limits of the city,  
77 for present or future use and for any corporate purpose deemed necessary by the governing  
78 authority, utilizing procedures enumerated in Title 22 or Title 32 of the Official Code of  
79 Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;

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

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

86 (h) Environmental Protection. To protect and preserve the natural resources, environment,  
87 and vital areas of the city, the region, and the state through the preservation and  
88 improvement of air quality, the restoration and maintenance of water resources, the control  
89 of erosion and sedimentation, the management of stormwater and establishment of a

90 stormwater utility, the management of solid and hazardous waste, and other necessary  
91 actions for the protection of the environment;

92 (i) Fire Regulations. To fix and establish fire limits and from time to time to extend,  
93 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with  
94 general law, relating to both fire prevention and detection and to fire-fighting; and to  
95 prescribe penalties and punishment for violations thereof;

96 (j) Garbage Fees. To levy, fix, assess, and collect a garbage, refuse and trash collection  
97 and disposal, and other sanitary service charge, tax, or fee for such services as may be  
98 necessary in the operation of the city from all individuals, firms, and corporations residing  
99 in or doing business therein benefiting from such services; to enforce the payment of such  
100 charges, taxes, or fees; and to provide for the manner and method of collecting such service  
101 charges;

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

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

109 (m) Health and Sanitation. To prescribe standards of health and sanitation and to provide  
110 for the enforcement of such standards;

111 (n) Jail Sentences. To provide that persons given jail sentences in the city's court may  
112 work out such sentences in any public works or on the streets, roads, drains, and other  
113 public property in the city, to provide for commitment of such persons to any jail, to  
114 provide for the use of pretrial diversion and any alternative sentencing allowed by law, or  
115 to provide for commitment of such persons to any county work camp or county jail by  
116 agreement with the appropriate county officials;

117 (o) Motor Vehicles. To regulate the operation of motor vehicles and exercise control over  
118 all traffic, including parking upon or across the streets, roads, alleys, and walkways of the  
119 city;

120 (p) Municipal Agencies and Delegation of Power. To create, alter, or abolish departments,  
121 boards, offices, commissions, and agencies of the city, and to confer upon such agencies  
122 the necessary and appropriate authority for carrying out all the powers conferred upon or  
123 delegated to the same;

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

- 127 (r) Municipal Property Ownership. To acquire, dispose of, lease, and hold in trust or  
128 otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or  
129 outside the property limits of the city;
- 130 (s) Municipal Property Protection. To provide for the preservation and protection of  
131 property and equipment of the city, and the administration and use of same by the public;  
132 and to prescribe penalties and punishment for violations thereof;
- 133 (t) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell, and dispose  
134 of public utilities, including but not limited to a system of waterworks, sewers and drains,  
135 sewage disposal, stormwater management, gas works, electric light plants, cable television  
136 and other telecommunications, transportation facilities, public airports, and any other  
137 public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and  
138 penalties, and to provide for the withdrawal of service for refusal or failure to pay the same;
- 139 (u) Nuisance. To define a nuisance and provide for its abatement whether on public or  
140 private property;
- 141 (v) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the  
142 authority of this charter and the laws of the State of Georgia;
- 143 (w) Planning and Zoning. To provide comprehensive city planning for development by  
144 zoning; and to provide subdivision regulation and the like as the city council deems  
145 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;
- 146 (x) Police and Fire Protection. To exercise the power of arrest through duly appointed  
147 police officers, and to establish, operate, or contract for a police and a firefighting agency;
- 148 (y) Public Hazards: Removal. To provide for the destruction and removal of any building  
149 or other structure which is or may become dangerous or detrimental to the public;
- 150 (z) Public Improvements. To provide for the acquisition, construction, building, operation,  
151 and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries,  
152 markets and market houses, public buildings, libraries, public housing, airports, hospitals,  
153 terminals, docks, parking facilities, or charitable, cultural, educational, recreational,  
154 conservation, sport, curative, corrective, detentional, penal, and medical institutions,  
155 agencies, and facilities; and to provide any other public improvements, inside or outside  
156 the corporate limits of the city; to regulate the use of public improvements; and for such  
157 purposes, property may be acquired by condemnation under Titles 22 and 32 of the Official  
158 Code of Georgia Annotated, or such other applicable laws as are or may hereafter be  
159 enacted;
- 160 (aa) Public Peace. To provide for the prevention and punishment of loitering, disorderly  
161 conduct, drunkenness, riots, and public disturbances;
- 162 (bb) Public Transportation. To organize and operate such public transportation systems  
163 as are deemed beneficial;

- 164 (cc) Public Utilities and Services. To grant franchises or make contracts for, or impose  
165 taxes on public utilities and public service companies; and to prescribe the rates, fares,  
166 regulations, and standards and conditions of service applicable to the service to be provided  
167 by the franchise grantee or contractor, insofar as not in conflict with valid regulations of  
168 the Public Service Commission;
- 169 (dd) Regulation of Roadside Areas. To prohibit or regulate and control the erection,  
170 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and  
171 all other structures or obstructions upon or adjacent to the rights-of-way of streets and  
172 roads or within view thereof, within or abutting the corporate limits of the city; and to  
173 prescribe penalties and punishment for violation of such ordinances;
- 174 (ee) Retirement. To provide and maintain a retirement plan and other employee benefit  
175 plans and programs for officers and employees of the city;
- 176 (ff) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of,  
177 abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise  
178 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and  
179 walkways within the corporate limits of the city; and to grant franchises and rights-of-way  
180 throughout the streets and roads, and over the bridges and viaducts for the use of public  
181 utilities; and to require real estate owners to repair and maintain in a safe condition the  
182 sidewalks adjoining their lots or lands, and to impose penalties for failure to do so;
- 183 (gg) Sewer Fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,  
184 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant  
185 and sewerage system, and to levy on those to whom sewers and sewerage systems are made  
186 available a sewer service fee, charge, or sewer tax for the availability or use of the sewers;  
187 to provide for the manner and method of collecting such service charges and for enforcing  
188 payment of the same; and to charge, impose, and collect a sewer connection fee or fees to  
189 those connected with the system;
- 190 (hh) Solid Waste Disposal. To provide for the collection and disposal of garbage, rubbish,  
191 and refuse, and to regulate the collection and disposal of garbage, rubbish, and refuse by  
192 others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper,  
193 and other recyclable materials, and to provide for the sale of such items;
- 194 (ii) Special Areas of Public Regulation. To regulate or prohibit junk dealers, the  
195 manufacture and sale of intoxicating liquors; to regulate the transportation, storage, and use  
196 of combustible, explosive, and inflammable materials, the use of lighting and heating  
197 equipment, and any other business or situation which may be dangerous to persons or  
198 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical  
199 performances, exhibitions, and shows of any kind, by taxation or otherwise; to license and

200 tax professional fortunetelling, palmistry, and massage parlors; and to restrict adult  
201 bookstores to certain areas;

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

204 (kk) Taxes: Ad Valorem. To levy and provide for the assessment, valuation, revaluation,  
205 and collection of taxes on all property subject to taxation;

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

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

212 (nn) Urban Redevelopment. To organize and operate an urban redevelopment program;

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

224 **Section 1.50.**

225 Exercise of powers.

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

## 230 ARTICLE II

## 231 MEETINGS

232 **Section 2.10.**

## 233 Organizational meetings.

234 The city council shall hold an organizational meeting in January following each municipal  
 235 election, on a date specified by ordinance. The meeting shall be called to order by the city  
 236 clerk and the oath of office shall be administered to the newly-elected members by a judicial  
 237 officer authorized to administer oaths and shall, to the extent that it comports with federal  
 238 and state law, be as follows:

239 "I (state name) do solemnly swear or affirm that I will faithfully and to the best of my  
 240 ability perform the duties of the office of (include name of office, i.e., mayor or  
 241 councilmember) of the City of Zebulon, that I will uphold the Constitution and the Laws  
 242 of the United States and of the State of Georgia, and that I will enforce the provisions of  
 243 the City's Charter and all duly enacted ordinances, resolutions and policies of the City of  
 244 Zebulon."

245 **Section 2.20.**

## 246 Regular and special meetings.

247 (a) The city council shall hold regular meetings at such times and places as shall be  
 248 prescribed by the council and in accordance with state and local law.

249 (b) Special meetings of the city council may be held on call of the mayor or any two  
 250 members of the city council. Notice of such special meetings shall be served on all other  
 251 members personally, or by telephone personally, at least 24 hours in advance of the  
 252 meeting. Such notice to councilmembers shall not be required if the mayor and all  
 253 councilmembers are present when the special meeting is called. Such notice of any special  
 254 meeting may be waived by a councilmember in writing before or after such a meeting, and  
 255 attendance at the meeting shall also constitute a waiver of notice on any business transacted  
 256 in such councilmember's presence. Only the business stated in the call may be transacted  
 257 at the special meeting.

258 (c) Emergency meetings may be called pursuant to this section and in accordance with  
 259 state law. Any such emergency meetings shall be open to the public to the extent required  
 260 by law; and notice to the public of emergency meetings shall be made pursuant to  
 261 subsection (d) of this section and in accordance with the requirements of Code Section

262 50-14-1, et seq. of the Official Code of Georgia Annotated as may be reasonably possible  
263 in consideration of the exigent circumstances.

264 (d) All meetings of the city council shall be public to the extent required by law and notice  
265 to the public of special meetings shall be made fully as is reasonably possible as provided  
266 by Code Section 50-14-1 of the Official Code of Georgia Annotated, or other such  
267 applicable laws as are or may hereafter be enacted.

268 **Section 2.30.**

269 Rules of procedure.

270 (a) The city council shall adopt by ordinance such rules of procedure related to its  
271 meetings and the conducting of official business that are consistent with this charter and  
272 shall comply with all state laws related to open meetings and open records, which require  
273 such documentation as agendas, post-meeting summaries, and official minutes to be kept  
274 as part of the official records of the city, most of which are considered public records.

275 (b) All appointments to be made consistent with this charter and the ordinances,  
276 resolutions, and policies of the City of Zebulon shall be made by the mayor with the  
277 approval of the council. The appointments shall serve at the pleasure of the mayor and  
278 council.

279 **Section 2.40.**

280 Quorums and voting.

281 (a) The mayor, or mayor pro tempore in the absence of the mayor, plus two  
282 councilmembers shall constitute a quorum and shall be authorized to transact business of  
283 the city council. Voting on the adoption of ordinances, resolutions, or other action required  
284 of the city shall be by voice vote and the vote shall be recorded in the minutes; but, any  
285 member of the city council shall have the right to request a roll call vote and such vote shall  
286 be recorded in the journal. Except as otherwise provided in this charter, the affirmative  
287 vote of a majority of the councilmembers shall be required for the adoption of any  
288 ordinance, resolution, or motion. The mayor shall not vote on any business of the city,  
289 except when needed to break a tie vote of the council.

290 (b) No member of the city council shall abstain from voting on any matter properly  
291 brought before the council for official action, except when such councilmember has a valid  
292 conflict of interest. An unexcused abstention noted on the record shall be counted as an  
293 affirmative vote.

294 ARTICLE III  
295 GOVERNMENT STRUCTURE

296 **Section 3.10.**  
297 Branches of government.

298 The City of Zebulon shall be composed of three branches of government, the Legislative  
299 Branch, the Executive Branch, and the Judicial Branch.

300 ARTICLE IV  
301 LEGISLATIVE BRANCH

302 **Section 4.10.**  
303 City council creation, number, election.

304 The legislative authority of the government of this city, except as otherwise specifically  
305 provided in this charter, shall be vested in a city council to be composed of a mayor and four  
306 councilmembers. The city council established shall in all respects be a successor to and  
307 continuation of the governing authority under prior law. The mayor and councilmembers  
308 shall be elected in the manner provided by general law and this charter. The council shall  
309 be composed of an even number of members each of whom shall be elected by district by the  
310 voters in that district.

311 **Section 4.20.**  
312 City council terms and qualifications for office.

313 (a) Councilmembers shall serve for terms of four years and until their respective  
314 successors are elected and qualified. No person shall be eligible to serve as councilmember  
315 unless that person shall have been a resident of the city for 12 months prior to the date of  
316 election of mayor or members of the council; each councilmember shall continue to reside  
317 therein during that member's period of service and to be registered and qualified to vote in  
318 municipal elections of this city.

319 (b) In addition to the above requirement, each person representing a council district shall  
320 have been a resident of the district that such person seeks to represent for a continuous  
321 period of at least six months immediately prior to the date of the election for  
322 councilmember; and said person shall continue to reside in such district during his or her  
323 term of office.

324 (c) No person shall be eligible to serve as a councilmember unless he or she is at least 18  
 325 years old and owes no outstanding debt obligation to the city, including but not limited to  
 326 past due taxes or water bills.

327 (d) Each person seeking to hold office in the City of Zebulon must meet the general  
 328 requirements of eligibility and qualifications enumerated in what is presently known as  
 329 Code Section 45-2-1 of the Official Code of Georgia Annotated, except as otherwise  
 330 provided in this section.

331 **Section 4.30.**

332 Vacancy; filling of vacancies.

333 (a) Vacancies – The office of mayor or councilmember shall become vacant upon the  
 334 incumbent's death, resignation, forfeiture of office, or occurrence of any event specified by  
 335 the Constitution of the State of Georgia, Title 45 of the Official Code of Georgia  
 336 Annotated, or such other applicable laws as are or may hereafter be enacted.

337 (b) Filling of Vacancies – A vacancy in the office of mayor or councilmember shall be  
 338 filled for the remainder of the unexpired term, if any, by appointment by the city council  
 339 or those members remaining if less than 12 months remains in the unexpired term. If such  
 340 vacancy occurs 12 months or more prior to the expiration of the term of that office, it shall  
 341 be filled for the remainder of the unexpired term by a special election, as provided for in  
 342 this charter and in accordance with Titles 21 and 45 of the Official Code of Georgia  
 343 Annotated, or other such laws as are or may hereafter be enacted.

344 (c) This provision shall also apply to a temporary vacancy created by the suspension from  
 345 office of the mayor or any councilmember.

346 **Section 4.40.**

347 Compensation and expenses.

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

350 **Section 4.50.**

351 Holding other office; voting when financially interested.

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

354 (b) Except as authorized by law, the mayor or any councilmember shall not hold any other  
355 city office or city employment during the term for which that person was elected.

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

359 **Section 4.60.**

360 Inquiries and investigations.

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

367 **Section 4.70.**

368 General power and authority of the city council.

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

371 (b) In addition to all other powers conferred upon it by law, the city council shall have the  
372 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and  
373 regulations, not inconsistent with this charter and the Constitution and the laws of the State  
374 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,  
375 protection of life and property, health, welfare, sanitation, comfort, convenience,  
376 prosperity, or well-being of the inhabitants of the City of Zebulon and may enforce such  
377 ordinances by imposing penalties for violation thereof.

378 **Section 4.80.**

379 Eminent domain.

380 The city council is hereby empowered to acquire, construct, operate, and maintain public  
381 ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,  
382 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports,  
383 hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional,  
384 penal, and medical institutions, agencies, and facilities, and any other public improvements

385 inside or outside the city, and to regulate the use thereof, and for such purposes, property  
386 may be condemned under procedures established under general law applicable now or as  
387 provided in the future.

388 **Section 4.90.**

389 Ordinances, resolutions, and regulations.

390 (a) Ordinances.

391 (1) Every proposed ordinance should be introduced in writing. The enacting clause for  
392 each ordinance shall be in a form such as "It is hereby ordained by the governing  
393 authority of the City of Zebulon." No ordinance shall contain a subject which is not  
394 expressed in its title.

395 (2) An ordinance may be introduced by the mayor, any councilmember, the city  
396 administrator, or the city attorney and shall be read at a regular or special meeting of the  
397 city council. Ordinances shall be considered and either adopted or rejected by the city  
398 council; provided, however, an ordinance shall not be adopted the same day it is first  
399 introduced, except in the case of emergencies as provided for in this charter. The city  
400 clerk shall distribute a copy of any ordinance to be introduced to the city council prior to  
401 the introduction and/or finalization of the ordinance; and said clerk shall make a copy of  
402 any ordinance to be introduced to the city council available to the public for inspection.

403 (3) Acts of the city council which have the force and effect of law must be enacted by  
404 ordinance, which shall require two readings with the final approval and enactment being  
405 made in conjunction with the second reading of the proposed ordinance.

406 (b) Resolutions are actions taken by the city council that do not have the force and effect  
407 of law. Resolutions shall be enacted upon the majority vote of the city council, and do not  
408 require two readings and may be adopted at the meeting any such resolution is first  
409 introduced.

410 (c) Codes of technical regulations.

411 (1) The city council may adopt any standard code of technical regulations by reference  
412 thereto in an adopting ordinance. The procedure and requirements governing such  
413 adopting ordinance shall be as prescribed for ordinances described above, except that the  
414 requirements for the distribution and filing of copies of the ordinance shall be construed  
415 to require copies of any code of technical regulations to be included with the ordinance  
416 being considered for adoption. Moreover, a copy of each adopted code of technical  
417 regulations along with the adopted ordinance shall be authenticated and recorded by the  
418 clerk pursuant to this charter.

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

421 (d) Signing; authenticating; recording; codification; printing.

422 (1) The clerk shall authenticate by the clerk's signature and record in full in a properly  
423 indexed book kept for that purpose, all ordinances, resolutions, and regulations adopted  
424 by the council.

425 (2) The city council shall provide for the preparation of a general codification of all the  
426 ordinances of the city having the force and effect of law. The general codification shall  
427 be adopted by the city council by ordinance and shall be published promptly, together  
428 with all amendments thereto and such codes of technical regulations and other rules and  
429 regulations as the city council may specify. This compilation shall be known and cited  
430 officially as "The Code of the City of Zebulon, Georgia." Copies of the code shall be  
431 furnished to all officers, departments, and agencies of the city, and made available for  
432 purchase by the public at a reasonable price as fixed by the city council.

433 (3) The city council shall cause each ordinance, resolution, and regulation, and each  
434 amendment to this charter to be printed promptly following its adoption, and the printed  
435 ordinances and charter amendments shall be made available for purchase by the public  
436 at reasonable prices to be fixed by the city council. Following publication of the first  
437 code under this charter and at all times thereafter, the ordinances and charter amendments  
438 shall be printed in substantially the same style as the code currently in effect and shall be  
439 suitable in form for incorporation therein. The city council shall make such further  
440 arrangements as deemed desirable with reproduction and distribution of any current  
441 changes in or additions to codes of technical regulations and other rules and regulations  
442 included in the code.

443 ARTICLE V

444 EXECUTIVE BRANCH

445 MAYOR, MAYOR PRO TEM, CITY ADMINISTRATOR

446 **Section 5.10.**

447 Election of mayor; forfeiture; compensation.

448 The mayor shall be elected and serve for a term of four years and until a successor is elected  
449 and qualified. The mayor shall be a qualified elector of this city and shall have been a  
450 resident of the city for 12 months prior to the election. The mayor shall continue to reside  
451 in this city during the period of service. The mayor shall forfeit the office on the same

452 grounds and under the same procedure as for councilmembers. The compensation of the  
453 mayor shall be established in the same manner as for councilmembers.

454 **Section 5.20.**

455 Mayor pro tem.

456 By a majority vote, the city council shall elect a councilmember to serve as mayor pro tem.  
457 The mayor pro tem shall assume the duties and powers of the mayor during the mayor's  
458 physical or mental disability, suspension from office, or absence. Any such disability or  
459 absence shall be declared by a majority vote of the city council. The mayor pro tem shall  
460 sign all contracts and ordinances in which the mayor has a disqualifying financial interest as  
461 provided herein.

462 **Section 5.30.**

463 Powers and duties of mayor.

464 The mayor shall:

- 465 (a) Preside at all meetings of the city council;
- 466 (b) Be the head of the city for the purpose of service of process and for ceremonial  
467 purposes, and be the official spokesperson for the city and the chief advocate of policy;
- 468 (c) Have the power to administer oaths and to take affidavits;
- 469 (d) Sign as a matter of course on behalf of the city all written and approved contracts,  
470 ordinances, and other instruments executed by the city which by law are required to be in  
471 writing;
- 472 (e) As referenced herein, the mayor, or mayor pro tem in the absence of the mayor, shall  
473 not vote on matters before the city council except when needed to break a tie vote of the  
474 council; and, if necessary in the case of absences, shall vote in order to have an affirmative  
475 vote of three to pass on a matter;
- 476 (f) Advise the city administrator regarding the preparation of the annual operating budget  
477 and recommended capital budget; and
- 478 (g) Fulfill such other executive and administrative duties as the city council shall by  
479 ordinance establish, which shall not conflict with duties of the city administrator.

480 **Section 5.40.**

481 Submission of ordinances to the mayor; veto power.

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

484 (b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the  
485 clerk with or without the mayor's approval, or with the mayor's disapproval. If the  
486 ordinance has been approved by the mayor, it shall become law upon its execution by the  
487 mayor or upon the return of the approved ordinance to the clerk; if the ordinance is neither  
488 approved nor disapproved, it shall become law at twelve o'clock noon on the tenth calendar  
489 day after its adoption; if the ordinance is disapproved by the mayor, the mayor shall submit  
490 to the city council through the clerk a written veto stating the reasons for the veto. The  
491 clerk shall record upon the ordinance the date of its delivery to and receipt from the mayor.

492 (c) Ordinances vetoed by the mayor shall be presented by the clerk to the city council at  
493 the next meeting of the council. If the city council then or at its next meeting adopts the  
494 ordinance by an affirmative vote of four members, it shall become law and overrides the  
495 mayor's veto.

496 **Section 5.50.**

497 Mayor pro tem; selection; duties.

498 By a majority vote, the city council shall elect a councilmember to serve as mayor pro tem.  
499 The mayor pro tem shall preside at all meetings of the city council and shall assume the  
500 duties and powers of the mayor upon the mayor's physical or mental disability, suspension  
501 from office, or absence. The city council by a majority vote shall elect a new presiding  
502 officer from among its members for any period in which the mayor pro tem is disabled,  
503 absent, or acting as mayor. Any such absence or disability shall be declared by majority vote  
504 of all councilmembers. When serving as mayor, the mayor pro tem shall have the same  
505 voting privileges as provided for the mayor herein.

506 **Section 5.60.**

507 City administrator.

508 The city administrator is considered the chief administrative officer of the City of Zebulon.  
509 The city administrator shall be responsible for administering the day to day operations of the  
510 city, subject to the direction of the mayor and council, and consistent with the ordinances,  
511 resolutions, policies, and regulations of the city.



545 (j) The municipal court shall have authority to establish bail and recognizances to ensure  
546 the presence of those charged with violations before said court, and shall have discretionary  
547 authority to accept cash or personal or real property as surety for the appearance of persons  
548 charged with violations. Whenever any person shall give bail for that person's appearance  
549 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge  
550 presiding at such time, and an execution issued thereon by serving the defendant and the  
551 defendant's sureties with notice and rule nisi in accordance with the requirements set forth  
552 in state law. In addition, in the event that cash or property is accepted as or in lieu of bond  
553 as security for the appearance of a defendant at trial, and if such defendant fails to appear  
554 at the time and place fixed for trial, the cash so deposited shall be on order of the judge  
555 declared forfeited to the city, or the property so deposited shall be subject to having a lien  
556 against it for the value forfeited which lien shall be enforceable in the same manner and to  
557 the same extent as a lien for city property taxes.

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

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

564 (m) Each judge of the municipal court shall be authorized to issue warrants for the arrest  
565 of persons charged with offenses against any ordinance of the city or for any state offense  
566 for which the municipal court has jurisdiction. Specifically, each judge of the municipal  
567 court shall have the same authority as a magistrate of the state to issue warrants for  
568 offenses against state laws committed within the city.

### 569 **Section 6.30.**

#### 570 **Certiorari.**

571 The right of certiorari from the decision and judgment of the municipal court shall exist in  
572 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under  
573 the sanction of a judge of the Superior Court of Pike County under the laws of the State of  
574 Georgia regulating the granting and issuance of writs of certiorari.

575 **Section 6.40.**

576 Rules of court.

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

584 **ARTICLE VII**  
 585 **ADMINISTRATIVE AFFAIRS**

586 **Section 7.10.**  
 587 Administrative and service departments.

588 (a) All administrative affairs of the city shall be at the direction of the city administrator,  
 589 who shall conduct such administration in accordance with the direction of the mayor and  
 590 city council, as well as in accordance with applicable federal and state law, and the adopted  
 591 ordinances, resolutions, policies, and regulations of the City of Zebulon.

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

596 (c) Except as otherwise provided by this charter or by law, the heads of departments and  
 597 other appointed officers of the city shall be appointed solely on the basis of their respective  
 598 administrative and professional qualifications.

599 (d) All appointed officers and directors of city departments shall receive such  
 600 compensation as prescribed by ordinance.

601 (e) There shall be a director for each city department. Each department director, subject  
 602 to the direction and supervision of the city administrator, shall be responsible for the  
 603 administration and direction of the affairs and operations of that department for which the  
 604 director is responsible. The city administrator shall be the appointing authority related to  
 605 all city employees. Specifically, the city administrator shall have the authority to appoint,  
 606 discipline, and discharge city employees, subject to the approval of the city council. The  
 607 city administrator shall have the authority to assign appointed employees to open city

608 positions. The city administrator shall confer with the respective directors of city  
 609 departments related to the assignments of positions and work duties of employees under  
 610 the direction of the department director.

611 ARTICLE VIII

612 BOARDS, COMMISSIONS, AND AUTHORITIES

613 **Section 8.10.**

614 Creation, members, duties of boards.

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

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

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

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

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

630 (f) No member of a board, commission, or authority shall assume office until that person  
 631 has executed and filed with the city clerk an oath obligating himself or herself to faithfully  
 632 and impartially perform the duties of that member's office, such oath to be as follows:

633 "I (state name) do solemnly swear or affirm that I will faithfully and to the best of my  
 634 ability perform the duties of my appointment as a member of the (state the name of  
 635 board, commission, or authority) for the City of Zebulon, that I will uphold the  
 636 Constitution and the Laws of the United States and of the State of Georgia, and that I will  
 637 enforce the provisions of the City's Charter and all duly enacted ordinances, resolutions,  
 638 and policies of the City of Zebulon, as well as all the by-laws or policies related to my  
 639 appointment."

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

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

650 **ARTICLE IX**  
 651 **CITY ATTORNEY**

652 **Section 9.10.**  
 653 City attorney; appointment and duties.

654 (a) The city council shall appoint a city attorney, together with such assistant city attorneys  
 655 as may be authorized, and shall provide for the payment of such attorney or attorneys for  
 656 services rendered to the city. The city attorney shall be responsible for providing for the  
 657 representation and defense of the city in all litigation in which the city is a party, unless  
 658 otherwise agreed upon or as may be required and provided by insurance coverage; may be  
 659 the prosecuting officer in the municipal court; shall attend the meetings of the council as  
 660 directed; shall advise the city council, mayor, and other officers and employees of the city  
 661 concerning legal aspects of the city's affairs; and shall perform such other duties as may be  
 662 required by virtue of the person's position as city attorney.

663 (b) The city attorney is not a public official of the city and does not take an oath of office.  
 664 The city attorney shall at all times be an independent contractor. A law firm, rather than  
 665 an individual, may be designated as the city attorney.

666 **ARTICLE X**  
 667 **CITY CLERK**

668 **Section 10.10.**  
 669 City clerk; appointment and duties.

670 The city council shall appoint a city clerk, who may be also known as the clerk, who shall  
 671 not be a councilmember. The city clerk shall be custodian of the official city seal and city

672 records; maintain city council records required by this charter; and perform such other duties  
673 as may be required by the city council.

674 **ARTICLE XI**  
675 **ELECTIONS AND REMOVAL**

676 **Section 11.10.**  
677 **Applicability of general law.**

678 All primaries and elections shall be held and conducted in accordance with the "Georgia  
679 Election Code," Chapter 2 of Title 21 of the Official Code of Georgia Annotated, as now  
680 codified or as may hereafter be amended.

681 **Section 11.20.**  
682 **Election of the city council and mayor.**

683 (a) There shall be a municipal general election biennially in the odd years on the Tuesday  
684 following the first Monday in November.

685 (b) The mayor and councilmembers in office upon the adoption of this charter shall remain  
686 in office, and their terms of office shall terminate as originally provided by an Act entitled  
687 an Act to provide a new charter for the City of Zebulon in Pike County, Georgia, approved  
688 March 28, 1961 (Ga. L. 1961, p. 2704), as amended. The terms of councilmembers have  
689 been purposely staggered so that two councilmembers will have four-year terms that differ  
690 from the other two councilmembers in order to maintain a continuing council body.  
691 Regular elections will take place every four years for the mayor and for the respective  
692 staggered terms of the councilmembers.

693 **Section 11.30.**  
694 **Nonpartisan elections.**

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

697 **Section 11.40.**  
698 **Election by plurality.**

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

700 **Section 11.50.**

701 Special elections; vacancies.

702 In the event that the office of mayor or any councilmember shall become vacant, the city  
 703 council, or those remaining in office, shall order a special election in order to fill the balance  
 704 of the unexpired term for the vacating official; provided, however, if such vacancy occurs  
 705 within 12 months of the expiration of the term of that office, the city council or those  
 706 remaining shall appoint a successor for the remainder of the term. In all other respects, the  
 707 special election shall be held and conducted in accordance with the "Georgia Election Code,"  
 708 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, as now codified or as may  
 709 hereafter be amended.

710 **Section 11.60.**

711 Other elections provisions.

712 Except as otherwise provided by this charter, the city council shall by ordinance prescribe  
 713 such rules and regulations it deems appropriate to fulfill any options and duties under the  
 714 "Georgia Election Code," Chapter 2 of Title 21 of the Official Code of Georgia Annotated,  
 715 as now codified or as may hereafter be amended.

716 **Section 11.70.**

717 Removal of officers.

718 (a) The mayor, councilmembers, or other appointed officers provided for in this charter  
 719 shall be removed from office for any one or more of the causes provided in Title 45 of the  
 720 Official Code of Georgia Annotated, or such other applicable laws as are, or may hereafter  
 721 be, enacted.

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

724 (1) By decision of the city council. Specifically, in the event an elected officer is sought  
 725 to be removed by the action of the city council, such officer shall be entitled to a written  
 726 notice specifying the ground or grounds for removal and shall be entitled to a public  
 727 hearing, which shall be held not less than ten days after the service of such written notice.  
 728 The city council may provide by ordinance or resolution the manner in which such  
 729 hearings shall be held. Any elected officer sought to be removed from office by the  
 730 decision of the city council shall have the right to appeal the decision of the city council

731 to the Superior Court of Pike County. Such appeal shall be governed by the same rules  
732 as govern appeals to the superior court from the probate court.

733 (2) By an order of the Superior Court of Pike County following a hearing on a complaint  
734 seeking such removal brought by any resident of the City of Zebulon.

735 **ARTICLE XII**

736 **FINANCE, TAXATION, AND VARIOUS FEES**

737 **Section 12.10.**

738 **Property tax.**

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

745 **Section 12.20.**

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

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

751 **Section 12.30.**

752 **Occupation and business taxes.**

753 The city council by ordinance shall have the power to levy such occupation or business taxes  
754 authorized by general law. The city council may classify businesses, occupations, or  
755 professions for the purpose of such taxation in any way which may be lawful and may  
756 compel the payment of such taxes as provided herein.

757 **Section 12.40.**

758 Regulatory fees; permits.

759 The city council by ordinance shall have the power to require businesses or practitioners  
760 doing business within this city to obtain a permit for such activity from the city and pay a  
761 reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect  
762 the total cost to the city of regulating the activity, and if unpaid, shall be collected as  
763 provided herein or by state or local law.

764 **Section 12.50.**

765 Franchises and taxes for use of city streets and alleys.

766 (a) The city council shall have the power to grant franchises for the use of this city's streets  
767 and alleys for the purposes of railroads, street railways, telephone companies, electric  
768 companies, electric membership corporations, cable television and other  
769 telecommunications companies, gas companies, transportation companies, and other  
770 similar organizations in accordance with the applicable provisions of state law. When  
771 authorized by state law, the city council shall determine the duration, terms, whether the  
772 same shall be exclusive or nonexclusive, and the consideration for such franchises;  
773 provided, however, no franchise shall be granted for a period in excess of 35 years and no  
774 franchise shall be granted unless the city receives just and adequate compensation therefor.  
775 The city council shall provide for the registration of all franchises with the city clerk in a  
776 registration book kept by the clerk. The city council may provide by ordinance for the  
777 registration within a reasonable time of all franchises previously granted.

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

783 **Section 12.60.**

784 Service charges.

785 The city council by ordinance shall have the power to assess and collect fees, charges,  
786 assessments, and tolls for sewers, sanitary and health services, or any other services provided  
787 or made available within and without the corporate limits of the city. If unpaid, such charges  
788 shall be collected as provided herein.

789 **Section 12.70.**

790 Special assessments.

791 The city council by ordinance shall have the power to assess and collect the cost of  
 792 constructing, reconstructing, widening, or improving any public way, street, sidewalk,  
 793 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property  
 794 owners. If unpaid, such charges shall be collected as provided herein or as authorized by  
 795 state or local law.

796 **Section 12.80.**

797 Construction; other taxes and fees.

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

801 (b) The city council, by ordinance, may provide generally for the collection of delinquent  
 802 taxes, fees, or other revenue due the city by whatever reasonable means as are not  
 803 precluded by law. This shall include providing for the dates when the taxes or fees are due;  
 804 late penalties or interest; issuance and execution of fi.fa.'s; creation and priority of liens;  
 805 making delinquent taxes and fees personal debts of the persons required to pay the taxes  
 806 or fees imposed; revoking city permits for failure to pay any city taxes or fees; and  
 807 providing for the assignment or transfer of tax executions.

808 **Section 12.90.**

809 General obligation bonds.

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

814 **Section 12.100.**

815 Revenue bonds.

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

819 **Section 12.110.**

820 Short-term loans.

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

823 **Section 12.120.**

824 Lease-purchase contracts.

825 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the  
826 acquisition of goods, materials, real and personal property, services, and supplies provided  
827 the contract terminates without further obligation on the part of the municipality at the close  
828 of the calendar year in which it was executed and at the close of each succeeding calendar  
829 year for which it may be renewed. Contracts must be executed in accordance with the  
830 requirements of Code Section 36-60-13 of the Official Code of Georgia Annotated, or other  
831 such applicable laws as are or may hereafter be enacted.

832 **Section 12.130.**

833 Fiscal year.

834 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the  
835 budget year and the year for financial accounting and reporting of each and every office,  
836 department, agency, and activity of the city government unless otherwise provided by state  
837 or federal law.

838 **Section 12.140.**

839 Preparation of budgets.

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

844 **Section 12.150.**

845 Submission of operating budget to city council.

846 On or before a date fixed by the city council but not later than 30 days prior to the beginning  
847 of each fiscal year, the city administrator shall submit to the city council a proposed  
848 operating budget for the ensuing fiscal year. The budget shall be accompanied by a message  
849 from the city administrator containing a statement of the general fiscal policies of the city,  
850 the important features of the budget, explanations of major changes recommended for the  
851 next fiscal year, a general summary of the budget, and such other pertinent comments and  
852 information. The operating budget and the capital budget hereinafter provided for, the  
853 budget message, and all supporting documents shall be filed in the office of the city clerk and  
854 shall be open to public inspection.

855 **Section 12.160.**

856 Action by city council on budget.

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

862 (b) The city council by ordinance shall adopt the final operating budget for the ensuing  
863 fiscal year not later than December 31 of each year. If the city council fails to adopt the  
864 budget by this date, the amounts appropriated for operation for the current fiscal year shall  
865 be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items  
866 prorated accordingly until such time as the city council adopts a budget for the ensuing  
867 fiscal year. Adoption of the budget shall take the form of an appropriations resolution  
868 setting out the estimated revenues in detail by sources and making appropriations according  
869 to fund and by organizational unit, purpose, or activity as set out in the budget preparation  
870 ordinance adopted pursuant to this charter.

871 (c) The amount set out in the adopted operating budget for each organizational unit shall  
872 constitute the annual appropriation for such, and no expenditure shall be made or  
873 encumbrance created in excess of the otherwise unencumbered balance of the  
874 appropriations or allotment thereof, to which it is chargeable without first amending the  
875 adopted operating budget accordingly.

876 **Section 12.170.**

877 Tax levies.

878 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates  
 879 set by such ordinance shall be such that reasonable estimates of revenues from such levy  
 880 shall at least be sufficient, together with other anticipated revenues, fund balances, and  
 881 applicable reserves, to equal the total amount appropriated for each of the several funds set  
 882 forth in the annual operating budget for defraying the expenses of the general government  
 883 of this city.

884 **Section 12.180.**

885 Changes in appropriations.

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

890 **Section 12.190.**

891 Capital budget.

892 (a) On or before the date fixed by the city council but no later than 30 days prior to the  
 893 beginning of each fiscal year, the city administrator shall submit to the city council a  
 894 proposed capital improvements plan with a recommended capital budget containing the  
 895 means of financing the improvements proposed for the ensuing fiscal year. The city  
 896 council shall have power to accept, with or without amendments, or reject the proposed  
 897 plan and proposed budget. The city council shall not authorize an expenditure for the  
 898 construction of any building, structure, work, or improvement, unless the appropriations  
 899 for such project are included in the capital budget, except to meet a public emergency.

900 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal  
 901 year not later than December 31 of each year. No appropriation provided for in a prior  
 902 capital budget shall lapse until the purpose for which the appropriation was made shall  
 903 have been accomplished or abandoned; provided, however, the city administrator may  
 904 submit proposed amendments to the capital budget at any time during the fiscal year,  
 905 accompanied by recommendations. Any such amendments to the capital budget shall  
 906 become effective only upon adoption by ordinance.

907 **Section 12.200.**

908 Independent audit.

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

914 **Section 12.210.**

915 Contracting procedures.

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

917 (a) It is in writing;

918 (b) It is drawn by or submitted to and reviewed by the city attorney, and as a matter of  
919 course, is approved by the city attorney; and

920 (c) It is made or authorized by the city council and such approval is entered in the official  
921 minutes of the city.

922 **Section 12.220.**

923 Purchasing.

924 The city council shall by ordinance prescribe procedures for a system of purchasing for the  
925 city.

926 **Section 12.230.**

927 Sale and lease of city property.

928 The city council may sell and convey, or lease any real or personal property owned or held  
929 by the city for governmental or other purposes as now or hereafter provided by law.



957 **Section 14.30.**

958 Construction.

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

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

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

964 **Section 14.40.**

965 Severability.

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

972 **Section 14.50.**

973 Specific repealer.

974 The Act entitled an Act to provide a new charter for the City of Zebulon in Pike County,  
975 Georgia, approved March 28, 1961 (Ga. L. 1961, p. 2704), as amended, is hereby repealed  
976 in its entirety and all amendatory acts thereto are likewise repealed in their entirety.

977 **Section 14.60.**

978 General repealer.

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