House Bill 698 (AS PASSED HOUSE AND SENATE)
By: Representatives Belton of the 112th, Welch of the 110th, Dickerson of the 113th, and Rutledge of the 109th

A BILL TO BE ENTITLED
AN ACT

To provide a new charter for the City of Covington; to provide for incorporation; to provide for the continuation of existing laws; to provide for a corporate seal; to provide for corporate boundaries; to provide for fire limits; to provide for the power and authority to buy, rent, or dispose of real estate; to provide for specific powers; to provide for the regulating of vehicular traffic and parking; to provide for utilities; to provide for owning, maintaining, and operating a cable television system; to provide for a telecommunications system network; to provide for owning, maintaining, and operating electric plants, waterworks, and a gas system; to provide for contracting for such utilities; to provide for jurisdiction; to provide for liens for charges; to provide for form of government; to provide for vacancy in the office of mayor or council; to provide for qualifications of mayor and council; to provide for an oath of office; to provide for the mayor's duties and powers; to provide for a mayor pro tem; to provide for personal liability of mayor and council; to provide for officers, election, bonds, and oaths; to provide for a city manager; to provide for the administrative duties and powers of the city manager; to provide for compensation of employees; to provide for the removal of the city manager; to provide for the combination of offices; to provide for the prohibition of interest in any contracting; to provide for city council meetings, time and place, presiding officer, and a quorum; to provide for the power to enact ordinances; to provide for the failure or refusal to vote on a measure; to provide for regulating the use of streets; to provide for regulating charitable solicitations; to provide for regulating inflammables and explosives; to provide for off-street parking facilities; to provide for the power of eminent domain; to provide for control of streets, sidewalks, and bridges; to provide for streets and public utilities; to provide for bond issuance for street improvements; to provide for franchises for public utility operations; to provide for the sale of utilities, rights of ways, and easements; to provide for zoning powers; to provide for contracting for supplies; to provide for donations to public institutions; to provide for building regulations; to provide for the regulation of public entertainment; to provide for a city clerk; to provide for committees of the city council; to provide for group insurance for city officers and employees; to provide for a fire department; to provide for jurisdiction over nuisances; to provide for nuisance notice
requirements; to provide for executions, issuance and enforcement; to provide for forms for
executions; to provide for a municipal court; to provide for police arrests; to provide for
appearance bonds; to provide for the election of the mayor and city council; to provide for
impeachment of the mayor or a city councilmember; to provide for an impeachment trial; to
provide for a fiscal year; to provide for a budget; to provide for a capital budget; to provide
for transfer of funds; to provide for borrowing money; to provide for an audit of finances; to
provide for the power to levy and collect taxes; to provide for the power to levy license fees;
to provide for bonds; to provide for short-term loans; to provide for lease-purchase contracts;
to provide for other matters relative to the foregoing; to provide for term limits; to provide
a specific repealer; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.
City of Covington charter.

"ARTICLE I
INCORPORATION AND POWER
SECTION 1.01.
Incorporation, name and style.

The City of Covington, in Newton County, Georgia, is hereby incorporated as a city under
the name and style of the City of Covington, hereinafter referred to as "the city."

SECTION 1.02.
Continuation of existing laws, rights, and liabilities.

All ordinances and resolutions of said city not inconsistent with this charter shall remain in
full force and effect for the city until altered, amended, or repealed. All property and
property rights held, owned, or possessed by the city and all pending suits or claims by or
against said city are preserved and unaltered.
SECTION 1.03.

Corporate seal.

The city shall have a corporate seal which shall consist of a round metal stamp with the words "City of Covington, Newton County, Georgia, Corporate Seal" so fixed and arranged in such metal stamp that said seal can be impressed on documents and written instruments to which the city is a party. The city clerk shall have custody of the corporate seal and he or she or their duly authorized designee shall impress documents therewith when duly authorized.

SECTION 1.04.

Corporate boundaries.

The corporate limits of the city shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of the city at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the director of the Department of Planning and Zoning or such office as designated by the city manager from time to time. Such map shall be designated "Official Map of the Corporate Limits of the City of Covington, Georgia." Photographic, typed, or other copies of such map or description certified by the director of the Department of Planning and Zoning or city clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description. The corporate limits of the city shall also include all property contiguous to the corporate limits now or hereinafter annexed into the corporate limits by the city council of the city pursuant to annexation ordinances duly adopted by the city council pursuant to applicable laws of the State of Georgia.

SECTION 1.05.

Fire limits.

The city council shall by ordinance establish fire limits, enlarge or reduce same as the safety of the city requires. When fire limits are established it shall be lawful to prohibit the erection of any structure therein of any substance except incombustible material, or such as may be allowed by ordinance.
SECTION 1.06.

Real estate.

The city shall have power and authority to rent, lease, buy, sell, hold in trust or otherwise hold, dispose of or contract for the use, operation, or management of any or all buildings, parks or other real estate, whether inside or outside of the property limits of the city.

SECTION 1.07.

Specific powers enumerated.

The city shall have power and authority to:

(a) Buy and sell water, gas, electricity, and other public utilities at cost or for a profit, both within and without the territorial boundaries of the city.

(b) Adopt ordinances binding on everyone within the city to protect the health, peace, safety, good order, dignity, and general welfare of the city and the inhabitants thereof.

(c) Exercise complete control over all the public city streets, roads, ways, drives, lanes, alleys, sidewalks, crossings, and parks of the city. The city shall have full and complete power and authority to open, curb, locate, relocate, replace, work, straighten, abandon, close, drain, pave, and repave the same or cause the same to be done.

(d) Establish a system of numbering houses in the city, and to assign appropriate street numbers to the various houses on the various streets, alleys, roads, lanes, drives, and ways of the city, and to compel said houses to be properly numbered.

(e) Control by ordinance the time, manner, terms, conditions, and places of all sewer connections and how much surface or drainage water may flow into such sewers, and the terms and conditions on which it will be permitted, and at what points, and generally all matters relating to the construction, use, control, maintenance, repair, replacement, improvement, and removal of sewers and sewer connections.

(f) Control by ordinance the construction, maintenance and removal and replacement of all city culverts, pipes, sewers, drains, private drains, water closets, urinals, privies, and toilets, and provide for their location, structure, size and use, and pass such ordinances concerning them and their use, in all particulars, as may be deemed best for the health, comfort, and general welfare of the inhabitants of the city. The city council shall have power and authority to prescribe by ordinance the kind of water closets, urinals, privies, and plumbing which shall be used in the corporate limits, and to condemn and compel the disuse of same when they do not conform to such requirements, or when they shall become and are declared a nuisance by a court having proper jurisdiction. The city council shall also have power and authority to compel the owner or owners of property within the city to connect water closets,
sinks, commodes, and urinals on their property with the sewers and sanitary system of said city when such property is located within a reasonable distance of such sewer, and under such rules and regulations as may be prescribed by ordinance. If any property owner shall fail or refuse to make connections as required by city ordinance or resolution, such owner shall be punished as provided by ordinance.

(g) Contract with other municipalities and political subdivisions, and to cooperate with other municipalities and political subdivisions, in acquiring, establishing, constructing, building, maintaining and operating such garbage disposal, water, sewage, electric and/or gas plants, lines and/or facilities, and streets, sidewalks, and parks within and/or without the limit of the city, as well as library and other institutions, utilities and/or services, in addition to existing plants, systems, buildings, facilities, lines, and services as the city council may at any time deem for the best interest of said city.

(h) Assess the costs of sewers (storm sewers and sanitary sewers) against abutting lots of real estate and the owners thereof on each side of a street in which such sewers are laid or constructed, when laid or constructed in a street right-of-way, and the owners of such abutting real estate shall have the right to have their drains, water closets, commodes, urinals, sinks, and toilets connected with such sewers at their cost under such rules and regulations, as the city council may prescribe by ordinance.

(i) Control and/or prohibit the manufacture and/or sale of all alcoholic beverages, and to license, regulate, and control hotels, boardinghouses, apartments, restaurants, theaters, dance halls, athletic and sporting events and places, and all other entertainment activities and places, regulate the operation of all vehicles used for pleasure or business, and garages; mills, factories, ginneries, gas and water companies; regulate the use of its streets for all purposes, and prevent their use for business; to prevent stock and poultry from running at large, and to seize and impound any domestic or wild animal or fowl found at large within the city limits; and to provide by proper ordinance for the redemption or sale of the same; and to adopt such ordinances as may be considered necessary to carry out the provisions of this Act.

(j) Grant franchises, easements, and rights-of-way over, in, under, and on public streets, lanes, alleys, sidewalks, parks, and other property of said city on such terms and conditions and for such lengths of time as it may fix; provided, franchises shall not be granted without fair and adequate compensation provided for in the franchise ordinance; and provided further, that no such franchise shall be granted until notice has been published at least one time one week preceding the week in which the city council meets to consider such application, stating the nature of the franchise, the streets, lanes, alleys, sidewalks, parks, or other property on or through which it is desired, the terms of such grant, and the time at which the city council will act upon such application.
(k) Employ or cause to be employed a certified public accountant to examine and audit all books of account and pertinent records of all officers, employees, and agencies of said city relative to the financial affairs of the city whenever and as often as the city council shall consider proper, and shall fix his or her compensation. The compensation of such accountant may be fixed on an hourly or other basis before, after, or at the time of his or her employment. It shall require at least one examination and report every year.

(l) Provide for the abatement of nuisances. The municipal court of the city shall have jurisdiction over all nuisance abatement proceedings in the city.

(m) Remove any building, stall, booth, tent, awning, steps, gate, fence, post, wire, stump, tree, structure, pole, or nuisance in a public street, sidewalk, or way or so near thereto as to constitute a defect or render the city liable in damages for not removing it, or cause the aforesaid to be removed at the owner's expense if the owner shall fail or refuse to remove the same within such reasonable time as may be fixed by order of the city municipal court judge, and execution shall issue against said owner for the expense thereof as in case of executions for unpaid taxes, and said owner shall also be subject to punishment for maintaining a nuisance as allowed by general law.

(n) Regulate, lay out, open, relocate, straighten, improve, grade, and control old and new streets, lanes, alleys, street curbing, street crossing, and sidewalks, and no person or corporation shall at any time hereafter lay out, locate, relocate, open, extend, or close any street, lane, road, alley, way, sidewalk, park, or square contrary to the plan of the city nor without the consent of the city council and any application for this purpose shall, with an appropriate plat, first be filed with the city engineer or such officer as the city council may designate by ordinance, and notice thereof shall be given to the public or to parties in interest by publication of notice as required by law and the ordinances of the city.

(o) Provide, by ordinance, a civil service system for city officers and employees and/or provide by ordinance for a system of retirement for city officers and employees.

(p) Regulate the subdivision of land in the city by requiring and regulating the preparation and presentation of preliminary plats, by establishing minimum improvements to be made or to be guaranteed to be made by the subdivider by setting forth the procedure to be followed by the planning commission in applying rules, regulations, and standards, and by providing for penalties for violation of aforesaid rules, regulations, and standards.

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

SECTION 1.08.
Regulating vehicular traffic; parking facilities.

The city shall have the power and authority to regulate vehicular traffic and parking by use of devices commonly known as parking meters and to use the funds derived from such devices for such purposes as the city council may deem advisable.

SECTION 1.09.
Utilities—Furnishing services and facilities.

The city shall have the power and authority to operate, enlarge, expand, extend, improve, construct, lay, maintain, remove, repair, and replace water, electric and natural gas lines, sewer and sanitary systems and facilities, within and without the city, and to charge, contract for, and receive compensation for such service, and on such terms and conditions as may be prescribed by the city ordinance, and for such purposes the city shall have the power of eminent domain which it is hereby authorized to exercise to acquire by condemnation any lands, easements, rights-of-way and other properties or rights therein deemed needful or convenient for any purposes when necessary to acquire the same; provided, however, nothing contained herein shall prohibit the city from passing utility rate ordinances incidental to the operation of the city's electric and natural gas systems that automatically adjust the city's billings for natural gas and/or electricity sales for fluctuations in product costs charged to the city by its electricity and/or natural gas suppliers. The city is expressly authorized to establish from time to time, by ordinance, a procedure for imposing a product cost adjustment that will automatically adjust the city's billings for natural gas and/or electricity sales for fluctuations in the product cost charged to the city by its electricity and/or natural gas suppliers.

SECTION 1.10.
Owning, maintaining, and operating cable television system.

The city is hereby authorized to acquire, lease, construct, operate, and maintain, sell, and dispose of a cable television system and other telecommunications utilities and to fix the
taxes, charges, rates, fares, fees, assessments, regulation, and penalties, and to provide for
the withdrawal of service for refusal or failure to pay the same.

SECTION 1.11.

Telecommunications.

The city shall have the power and authority to acquire, own, hold, lease, sell, resell, build,
maintain, operate, and contract with respect to a telecommunications system network in order
to provide telecommunications services and similar other services, to establish and charge
rates, fees, tolls, and charges for the services, facilities, or commodities furnished or made
available by such undertaking; to interconnect its system or services or both with the systems
or services of consumers and other providers, to use telecommunications to respond to
community needs, encourage the development of information-based organizations in the city,
to finance from time to time any such telecommunications systems through the issuance of
revenue bonds as then permitted by the Constitution and laws of the State of Georgia; and
to make any contract with respect to and furnish the services of any such systems to
consumers within or outside the corporate limits of the city.

SECTION 1.12.

Owning, maintaining, and operating electric plants, waterworks, and gas system.

The city shall have the right, power, and authority to own, maintain and operate a system of
waterworks, a natural gas system, and an electric plant and distribution system and to
purchase, generate, and sell electric energy and to sell water and gas and to fix rates for all
the aforementioned and to develop, maintain, and operate parks and recreation facilities.

SECTION 1.13.

Contracting to furnish.

The city council shall have power and authority to make or cause to be made contracts to
furnish customers with electric energy, lights, water, and gas within and without the
territorial limits of the city when this can be done without adversely affecting the inhabitants
of the city.
SECTION 1.14.
Jurisdiction.

The city shall have complete power, authority, and jurisdiction for all purposes over all of the lands on, over, or through which trunk or intercepting sewer, gas, water, and/or electric transmission lines and/or facilities have heretofore been or may hereafter be constructed and maintained by the city or over which an easement is secured by the city and which it is the duty of the city to inspect, improve, and maintain within or without the limits of the city; said power, authority, and jurisdiction shall extend the full distance of said lines or facilities and a specified number of feet, to be determined by the city council, in all directions from same as well as over the land purchased by said city for the location and maintenance of such facilities, and all such lands are hereby incorporated in and made a part of said city, except such as is located within the corporate limits of another municipality.

SECTION 1.15.
Lien for charges.

For electricity, water, and gas furnished, and for all storm water, sewerage, and sanitary utility services rendered, the city shall have a lien as allowed by general law.

ARTICLE II
GOVERNMENT STRUCTURE
SECTION 2.01.
Form of government.

The legislative authority of the government of said city, except as otherwise specifically provided in this charter, shall be vested in a city council composed of a mayor and six (6) councilmembers who shall hold their respective offices in accordance with the provisions of the Georgia Election Code, Chapter 2 of Title 21, Official Code of Georgia Annotated. For the purpose of electing councilmembers, the City of Covington is hereby divided into two (2) wards, the West Ward and the East Ward. The division line between the two (2) wards shall be as follows: Commence at the point of intersection of the northwestern boundary of the corporate limits of the City of Covington and the center line of the Georgia Railroad right-of-way and run thence in a southeasterly direction along the center line of the said Georgia Railroad right-of-way to the point of intersection thereof with the center line of Emory Street; running thence in a southerly direction along the center line of Emory Street to the point of intersection thereof with the center line of Clark Street; running thence in an...
easterly direction along the center line of Clark Street to the intersection thereof with the
center line of Monticello Street; thence in a southerly and southeasterly direction along the
center line of Monticello Street which is also known as Georgia Highway Number 36 and/or
the Jackson Highway, to the point of intersection thereof with the southern boundary of the
corporate limits of the City of Covington. A map indicating the location of the division line
in relation to city streets shall be retained permanently in the office of the city clerk or such
office as designated by the city manager from time to time. Such map shall be designated
"Official Ward Map of the City of Covington, Georgia." Photographic, typed, or other copies
of such map or description certified by the city clerk shall be admitted as evidence in all
courts and shall have the same force and effect as with the original map or description. The
West Ward shall be those portions of the City of Covington lying southerly and westerly of
the aforedescribed division line. The East Ward shall be those portions of the City of
Covington lying northerly and easterly of the aforescribed division line. The six (6)
council seats shall be designated by six (6) numbered council posts as follows: Post 1 West,
Post 2 West, Post 3 West, Post 1 East, Post 2 East, and Post 3 East. The councilmembers for
Council Post 1 West, Post 2 West, and Post 3 West shall be elected by the qualified electors
of the West Ward only; the councilmembers for Council Post 1 East, Post 2 East, and Post
3 East shall be elected by the qualified electors of the East Ward only; and the mayor shall
be elected at large by all of the qualified electors of the City of Covington.

SECTION 2.02.

Vacancy in office of mayor or council.

In the event there shall occur a vacancy in the office of mayor or any council post caused by
death, resignation, or removal of the incumbent, the city council shall immediately call a
special election to fill such vacancy, to be held in accordance with the special election
provisions of the Georgia Election Code, Chapter 2 of Title 21, Official Code of Georgia
Annotated.

SECTION 2.03.

Qualifications of mayor and council.

(a) No person shall be eligible to qualify or hold the office of mayor or councilmember of
the City of Covington unless he or she shall have the following qualifications:

(1) He or she shall be at least 21 years of age on the day the term of office for which he
or she is a candidate begins.
(2) A candidate shall have been a resident of the City of Covington for a period of not less than one year immediately preceding the election in which he or she is to be a candidate and, further, candidates for council posts 1 West, 2 West, and 3 West must be residents of the city's West Ward as of the date of qualification for election and candidates for council posts 1 East, 2 East, and 3 East must be residents of the city's East Ward as of the date of qualification for election.

(3) He or she shall not have been convicted of any felony.

(4) He or she shall be qualified to vote in the municipal elections of the city.

(5) A candidate shall not be indebted for any tax to the city which is more than 12 months past due; provided, however, if the reason for the nonpayment of city taxes is the poverty of the candidate and the candidate executes an affidavit to that effect and, further, the candidate executes the pauper's affidavit provided for in the Georgia Election Code, Chapter 2 of Title 21 of the Official Code of Georgia Annotated in lieu of paying the qualifying fee specified in said section, then in such event such indebtedness to the city shall not disqualify a candidate from seeking office.

(6) He or she shall qualify as a candidate by filing his or her name with the city clerk and by giving to the city clerk, in writing, the oath prescribed in subsection (b) of this section.

(b) Any person desiring to qualify as a candidate for mayor or councilmember shall take the following written oath setting forth the information called for therein, which oath shall be kept on file in the city clerk's office:

"I do solemnly swear or affirm that I am 21 years of age, or will be on the date of taking office; that I have resided in the City of Covington for a period of not less than one year immediately preceding the election in which I am a candidate; that I am a resident of the West Ward/East Ward (strike through the incorrect ward); that I have never been convicted of a felony; that I am a qualified voter for municipal elections in the City of Covington; and that: (1) I am not indebted to the City of Covington for any tax which is more than 12 months past due; or (2) the reason for my indebtedness to the City of Covington for any tax which is more than 12 months past due is my poverty and financial inability to pay such taxes."

(c) Continued residency in the City of Covington shall be a condition of the mayor and each councilmember remaining qualified to continue in their respective offices; and upon any such elected official removing his or her residency from the City of Covington, the council shall declare the office of each such elected official who has removed his or her residency from the City of Covington as vacated. Continued residency in the ward represented by councilmembers holding council posts 1 West, 2 West, 3 West, 1 East, 2 East, and 3 East shall be a condition of each such councilmember remaining qualified to continue in his or her respective office; and upon any such councilmember moving from his or her respective office; and upon any such councilmember moving from his or her respective
ward, the city council shall declare that councilmember's council post vacated. Any vacancy in councilmember seats or in the office of mayor under the foregoing provisions shall be filled in accordance with the provisions of Section 2.02 of this Charter.

SECTION 2.04.

Oath of office.

Before January 1 of the year next following the election of the mayor and any councilmembers, and before they enter upon the discharge of their official duties, the mayor shall, before some officer authorized to administer oaths in the State of Georgia, take and subscribe the following oath:

"I do solemnly swear or affirm that I will, to the best of my ability, discharge the duties of the mayor of the City of Covington during my continuance of office, so help me God," and the mayor, after being so qualified, shall have full power and authority to administer a like oath to each of the councilmembers.

SECTION 2.05.

Mayor's duties and powers.

The mayor shall have the same power as a justice of the peace to witness and attest papers and to administer oaths. The mayor shall: (a) preside at all meetings of the city council; (b) be the head of the city for the purpose of service of process and for ceremonial purposes, and be the official spokesperson for the city and the chief advocate of policy; (c) have the power to administer oaths and to take affidavits; (d) sign as a matter of course on behalf of the city all written and approved contracts, ordinances, and other instruments executed by the city which by law are required to be in writing and not otherwise capable of execution by other agents of the city; (e) fulfill such other executive and administrative duties as the city council shall by ordinance establish. The mayor shall be vested with the power of veto and it shall be the mayor's right to veto any and all ordinances, resolutions, permits, and privileges passed on or granted by the city council if the mayor sees fit to do so. Such veto shall be exercised by the mayor either in a meeting of the city council or in writing; provided notice of such veto is received by the city clerk within seven days of the action of the city council; and the mayor's veto may be overridden by a vote of at least a majority of the members of the city council then in office, provided such vote is taken at the next meeting of the city council following notice of such veto.
SECTION 2.06.

Mayor pro tem.

By a majority vote, the city council shall elect a councilmember to serve as mayor pro tem. The mayor pro tem shall assume the duties and powers of the mayor during the mayor's physical or mental disability, suspension from office, or absence. Any such disability, suspension, or absence shall be declared by a majority vote of the city council. The mayor pro tem shall sign all contracts and ordinances in which the mayor has a disqualifying financial interest as provided in Code Section 36-30-6 of the Official Code of Georgia Annotated. When acting as mayor, the mayor pro tem shall continue to vote as a councilmember and shall have no veto powers.

SECTION 2.07.

Salaries; mayor and council.

The mayor of the City of Covington shall receive an annual salary of $18,000.00 per annum payable in equal monthly installments from the funds of the City of Covington. Councilmembers shall receive an annual salary of $9,000.00 payable in equal monthly installments from the funds of the City of Covington. Any municipal court judge of the City of Covington shall receive an annual salary payable in equal monthly installments from the funds of the City of Covington and such expense allowances as may be approved by the city council from time to time. These salaries may be changed by local ordinance.

SECTION 2.08.

Personal liability of mayor and councilmembers; method of relieving.

As provided by Section 6.02 of this Charter, the city budget shall not include, in its anticipated revenue for the year, a sum in excess of the normal revenue collections by the city from all sources during the preceding year. If this provision should be violated in the adoption of any budget, the mayor and councilmembers shall be personally liable for any deficiency resulting therefrom, except: any member of the council may relieve himself or herself of such personal liability by voting against any budget violating such limitation, and the mayor may relieve himself or herself of such personal liability by vetoing any such budget before passage.
SECTION 2.09.

Officers; election; bonds; duties; oaths.

The mayor and councilmembers at their first meeting in January of each year, or as soon thereafter as practicable, shall elect the following officers, a majority of the votes cast being in every case sufficient to elect, to wit: one or more municipal court judges, and a city attorney, and the city council shall by ordinance prescribe the duties, fix any bonds to be required, and fix the compensation of said officers; and each of said officers, before entering upon the discharge of his or her duties, shall give such bond as may be required of him or her and take and subscribe any oath required of him or her for the faithful discharge of the duties of the office to which he or she was elected. At such meeting, the mayor and councilmembers shall also so elect a city physician or group of physicians.

SECTION 2.10.

City manager.

The city council shall select and appoint a city manager who shall be the chief executive and administrative officer of the city and whose salary shall be fixed by council and whose term of office shall be indefinite and whose duties, powers, and qualifications shall be as hereafter provided. The mayor and councilmembers shall not be eligible for the office of city manager for the period of two years from the time of the expiration of their term of office, nor shall they be eligible for employment in any capacity by the city within such period. It shall be the duty of the city manager to execute and administer the policies of the city government fixed by the city council and the city manager shall be vested with sole authority over all administrative matters of the city, and he or she shall be accountable only to the city council. The city manager first appointed under the provisions of this charter and all persons subsequently appointed to such offices shall be selected by the council on the basis of ability, experience, training, and character, with special reference to his or her actual experience in, or his or her knowledge of, acknowledged practice in respect to the duties of his or her office. During his or her tenure of office he or she shall devote his or her entire time to the duties of his or her office and shall not engage in any other business or profession.
SECTION 2.11.

Administrative duties and powers.

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

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

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

3. Do all the buying for the different departments of the City of Covington; said department heads shall make written requisition for the needs of their department and present the same to the city manager; the city manager shall then make such purchases not exceeding amounts prescribed by ordinance and for which funds are provided in the budget; perform such other duties and exercise such other authority as the city council may fix by resolution or ordinance;

4. Attend all city council meetings except for closed meetings held for the purposes of deliberating on the appointment, discipline, or removal of the city manager and have the right to take part in discussion but not vote;

5. Act as chief conservator of the peace within the city and see that all laws, provisions of this charter, and acts of the city council, subject to enforcement by the city manager or by officers subject to the city manager's direction and supervision, are faithfully executed;

6. Prepare and submit the annual operating budget and capital budget to the city council;

7. Submit to the city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;

8. Make such other reports as the city council may require concerning the operations of city departments, offices, and agencies subject to the city manager's direction and supervision;
(9) Keep the city council fully advised as to the financial condition and future needs of
the city, and make such recommendations to the city council concerning the affairs of the
city as the city manager deems desirable; and

(10) Perform other such duties as are specified in this charter or as may be required by
the city. Neither the city council nor any of its committees shall direct or request the
appointment of any person to, or his or her removal from office by the city manager, or
in any manner take part in the administrative service of the city. Except for the purpose
of inquiry, the city council and its members shall deal with the administrative service
solely through the city manager, and the city council shall not give orders to any
subordinate of the city manager, either publicly or privately. All formal contracts on
behalf of the city, the stated consideration for which is in excess of twenty thousand
dollars, shall be executed by the mayor and attested by the city clerk after an approving
resolution of the city council.

SECTION 2.12.
Compensation of employees.

The salary or compensation of heads of departments and other administrative employees
shall be fixed by the city manager to provide uniform compensation for like services, except
that an increase in compensation of any department head or employee may be granted by the
city manager upon the basis of seniority and efficiency.

SECTION 2.13.
Removal of city manager.

The city council has the right to remove the city manager at any time and unless otherwise
provided for by employment contract. At least 30 days before such removal becomes
effective, the city manager shall be furnished with a formal statement in the form of a
resolution passed by a majority vote of the members of the city council, stating the city
council's intention of removing him or her and the reason therefor. If requested in writing
by the city manager, the city council shall fix a time for a public hearing upon the question
of his or her removal, giving a notice of the time and place of same by publishing said notice
in some local newspaper of general circulation, and the final resolution removing the city
manager shall not be adopted until such public hearing shall be had. The action of the city
council removing the city manager shall be final. In the case of the absence or disability of
the city manager, the city council may designate a qualified administrative officer of the city
to perform the duties of the city manager during such absence or disability.
SECTION 2.14.  
Combination of officers, authorized.

The city manager is authorized, at his or her discretion, to combine two or more of the city offices so that one person may hold and discharge the duties of more than one office, provided, however, that no member of the city council shall be eligible to hold any other municipal office during the term for which he or she was elected.

SECTION 2.15.  
Contracts, interest prohibited.

(a) No councilmember, the mayor, nor any official or employee of the city, nor any person having held such position within the prior 24 months, shall be interested directly or indirectly in any contract, sale of merchandise, service with or for the city, or in the profits or emoluments therefrom; and any contract on the part of the city which violates this section shall be null and void. Provided, however, the aforesaid prohibition shall not apply to:

(1) Sales of personal property or a contract for services; provided such sales and the payment for services total less than $800.00 per calendar quarter;

(2) Sales of personal property or a contract for services made pursuant to sealed competitive bids made by the councilmember, mayor, official, or employee of the city, either for himself or herself or on behalf of any business entity; or

(3) Sales of real property in which disclosure has been made:

(A) To the judge of the probate court of Newton County, provided that if the sale is made by the judge of the probate court, then to any judge of the superior court of Newton County;

(B) Not less than 15 days prior to the date such sale will become final and binding on the parties thereto; and

(C) Which shows that the councilmember, mayor, official, or employee of the city has a personal interest in such sale, which interest includes, but is not limited to, any commission, fee, profit, or similar benefit and which gives the name of such person, his or her position in the city, the purchase price, and location of the property.

(b) No councilmember, the mayor, nor any officer or employee of the city shall accept any gift, pass, or other emolument from any person, firm, or corporation operating any public utility, or engaged in any business of a public nature within the city, or from any person, firm, or corporation seeking to sell or which may desire to sell supplies to the city, perform service for, or make a contract with the city, other than a gift of nominal value; nominal value being defined in this instance as less than $75.00. Prizes, gifts, or favors that are won,
received, or awarded at an official training conference or city sponsored event are not subject to the nominal value restriction.

SECTION 2.16.

City council meetings, time and place; presiding officer and quorum.

The city council shall meet for the transaction of business at such times and places as they may prescribe. At all meetings of the city council, the mayor, if present, shall preside and, except as hereinafter provided, may vote only in cases of a tie. The mayor may also vote in all elections for officers who are elected by the city council, whether there is a tie or not and as otherwise provided in this charter. Five members of the city council, one of whom must be the mayor or mayor pro tem, shall constitute a quorum for transaction of business; however, a lesser number in the absence of a quorum may adjourn a regular meeting to a future time.

SECTION 2.17.

Power to enact ordinances; maximum penalty.

(a) Said city council shall have full power to pass all ordinances, bylaws, and regulations which they may deem necessary to the good government of said city, the protection of property, peace, good order, health, comfort, and convenience of the citizens thereof, and to fix suitable penalties for the violation of the same. They may provide for punishing violators of city ordinances or resolutions by fine, confinement or confinement at labor; the fines in no case to exceed $1,000.00 and the confinement or confinement at labor in no case to exceed a period of 30 days, and either one or all of said penalties may be imposed at the discretion of the municipal judge.

(b) After being read in the city council meeting all ordinances shall be published at least once in a newspaper of general circulation within the city and, in addition, a copy shall be posted on the bulletin board in the lobby of the city hall for a period of at least five days; the newspaper publication of such ordinances may be by title only, but in such event it shall give notice that a complete copy of such ordinances shall be posted as hereinabove provided; no ordinance shall come up for passage prior to the expiration of the aforementioned five-day period; provided, however, that the changing of property located within the corporate limits of the City of Covington from one use district to another use district pursuant to the zoning regulations of the City of Covington shall be expressly exempt from the foregoing publication and posting requirements.
SECTION 2.18.  
Failure or refusal to vote on measure.

The failure or refusal of a member of the city council or of any commission, committee, board, bureau, or agency of the city to vote when the proper time comes to vote, on a question pending before such city council, commission, committee, board, bureau, or agency, at a meeting legally held and at which such member is in attendance, shall be construed as a vote in favor of the pending proposal. The failure or refusal of a majority of the members of any body duly convened shall be counted as votes in favor of the measure under consideration and amounts to its adoption.

SECTION 2.19.  
Regulating use of streets.

The city council shall have power and authority, by ordinance, to tax, license, and regulate the operation of automobiles, trains, buses, bicycles, motorcycles, and other vehicles within the city limits and fix maximum and minimum speed limits for them as allowed by general law.

SECTION 2.20.  
Regulating charitable solicitations.

Soliciting charity or relief campaigns within the city shall be subject to ordinance regulation by the city council.

SECTION 2.21.  
Regulating inflammables and explosives.

The city shall regulate the storage and keeping of gasoline, kerosene, gunpowder, dynamite, nitroglycerine, and other inflammable or explosive materials within the city limits.

SECTION 2.22.  
Providing off-street parking facilities, authority.

The city council shall have the power and authority to construct, maintain, and operate off-street parking facilities, and to acquire land and other necessary property for such
purposes and to charge, contract for, and receive rentals and parking fees for the use of such
facilities and parking spaces therein.

SECTION 2.23.
Power of eminent domain; procedure.

(a) The city shall have full power and authority to acquire, by exercise of the power of
eminent domain, property for use as streets, alleys, sidewalks, ditches, playgrounds, parks,
libraries, waterworks, sanitary systems, storm sewers, electric lines, gas lines, cemeteries,
jails, or for any other such public facility, utility, or use, all as provided by the laws of this
state.
(b) The procedure to be followed by the city in acquiring property by exercise of the power
of eminent domain shall be as provided by the laws of this state.

SECTION 2.24.
Control of streets, sidewalks, and bridges.

The city council shall have exclusive control of the streets, sidewalks, and bridges of the city;
y they may enact such ordinances as they may deem best for the regulation of traffic upon said
streets, sidewalks, and bridges, and provide suitable punishment for the violation of these
ordinances.

SECTION 2.25.
Streets and public utilities; powers generally; assessments.

The city shall have the power and authority to lay out, open, grade, construct, pave, curb,
gutter, drain, widen, repave, repair, relocate, extend, replace, remove, and maintain all
streets, alleys, sidewalks, and all other public ways, and shall have the power and authority
to lay out, construct, maintain, extend, repair, and replace all storm sewers, curbs, gutters,
drains, and other accessory features of such ways, including water mains and sanitary sewer
mains when laid in the right-of-way of such streets or other ways; and to provide funds for
these purposes, the city may assess the costs of all such public improvements against the
abutting real estate and the owners thereof, provided:

(1) Each assessment shall be fairly determined, in proportion to the number of feet
fronting on the public way where any such improvements are made;
(2) If any such improvements are made only on one side of any such public way, the costs of such improvements shall be assessed only against the abutting real estate and the owners thereof on that side;

(3) Where any such improvements, such as storm sewers or culverts, are made for the sole benefit of a person or persons other than the abutting property owners, the cost of such improvements shall not be assessed against the abutting property owners;

(4) As to the costs of the construction, paving, widening, repaving, or repairing of streets only, excluding sidewalks, curbs, gutters, storm sewers, sanitary sewers, water lines, and all other such improvements in the street right-of-way, only one-third of such costs may be assessed against the abutting real estate and the owner thereof on each side, with the remaining one-third to be paid from the city treasury;

(5) As to the costs of the construction, paving, installing, repairing, or replacing of curbs, gutters, sidewalks, storm sewers, sanitary sewers, and water lines in the right-of-way of any street, only one-half of such costs may be assessed against the abutting real estate and the owners thereof, with the remaining one-half to be paid from the city treasury; and

(6) All such assessments shall constitute liens against the abutting real estate, such liens to run from the time of the assessment until paid in full, and all such executions to issue and be enforced as provided by Section 4.03 of this Charter.

SECTION 2.26.

Bond issues authorized for street improvements.

The city may, in the manner prescribed by law, provide by ordinance for the issuing of bonds for enlarging or extending the public utilities of the city, including waterworks, sewerage, electric lights, natural gas, street and/or other public improvements.

SECTION 2.27.

Franchises.

The city council is hereby vested with the right to exercise and control franchise rights within the corporate limits of the city over all public utility corporations, to charge for the use of streets and alleys, and to control the use of poles, wires, and other equipment used by the grantee of the franchise right.
SECTION 2.28.

Utilities, referendum required for sale of; rights-of-way, easements.

(a) The city shall continue to supply all the public utilities of said city; and for such purposes the city council shall be invested with all the authority to enlarge such systems of public utilities as they may deem necessary, and they may have authority to prescribe by ordinances for the government and regulation of all public utilities. Provided, that before said city council shall dispose of any one or all of the herein named public utilities by absolute sale in fee simple, an election shall be called submitting the matter to the qualified voters of said city for their approval or disapproval, said election to be called, held, and the result determined under the election laws now in force, or that may be hereafter prescribed for creating a bonded indebtedness against said city.

(b) The city shall have the power and authority to extend, construct, maintain, and operate its water, sewerage, electric light and power lines and systems for a distance of not over twelve miles in all directions beyond the corporate limits of said city, as the same now exist or may hereafter be established; and the city shall have authority to furnish water, lights, power, and sewerage connections to person, firms, and corporations within and without the corporate limits of said city, and to charge for the same; to purchase electrical current from any source, either within or without the city limits; to make reasonable rules and regulations; and the city may make different charges for the use of such utilities within and without the corporate limits of said city. Provided, that nothing shall permit the city to erect any new power lines that will parallel the power lines of Snapping Shoals Electric Membership Corporation, or serve members of said corporation within said area.

(c) The city is hereby authorized and empowered to acquire, by contract, purchase, or condemnation, rights-of-way, easements, and privileges for water, sewerage, electric lights and power lines and systems within the corporate limits of the city, and without the corporate limits of the city within a distance of twelve miles in any direction beyond the corporate limits of the city as the same now exist or may be hereafter established.

(d) The city is hereby authorized and empowered to furnish and supply electric power to any person, firm, or corporation, at its distribution plant in the city, or at the point from which said city acquires its electric power, for serving nonresidents of said city, and to fix the rules and regulations on which the same may be furnished, and likewise to fix the terms on which the same are to be furnished, the manner of payment therefor, and the charges to be paid therefor.

(e) The city is hereby authorized to purchase, construct, operate, and maintain a system for the sale and distribution of natural or other gas within the city limits and for a distance of twelve miles in any direction beyond such corporate limits as now exist or as shall hereafter
exist, and in connection therewith the city is authorized to acquire, by contract, purchase, or
condemnation, all rights-of-way, easements and property necessary to carry out these
purposes; provided, that the power of condemnation granted in this section shall not apply
to property within the limits of any other municipality, except with the prior approval of the
city council of said municipality. The city is hereby authorized and empowered to furnish
and supply gas and gas services to any person, firm, or corporation at its distribution plant
in the city or at the point from which said city acquires its supply of gas for serving
nonresidents of said city, and to fix the rules and regulations under which the same may be
furnished, and likewise fix the terms on which the same are to be furnished, and the manner
of payment therefor, and the charges to be paid therefor.

(f) Nothing in this charter shall give the city the right to operate, maintain, or construct any
of the systems or services enumerated herein within the limits of Rockdale County.

(g) The city is hereby authorized to purchase, construct, operate, and maintain a system for
reception, transmission, and distribution of television impulses and television energy,
including audio signals and visual images by means of electrical impulses, within the city
limits as it now exists or shall hereafter exist; and in connection therewith, the city is
authorized to acquire, by contract or purchase, all equipment, towers, receivers, lines, and
related apparatus, all rights-of-way, easements, and other property necessary to carry out
these purposes, including the use of all existing city rights-of-way, easements, and other
property. The city is further authorized and empowered to furnish and supply the distribution
of television impulses and television energy as aforesaid to any person, firm, or corporation
at the point of reception thereof by the city or at any point where the city may hereafter have
means of distribution thereof and to fix rules and regulations under which the same may be
furnished and distributed and likewise, to fix the terms upon which the same are to be
furnished and the manner of payment therefor and the charges to be paid therefor will be the
rate of charges to be established from time to time by resolution of the city council. Nothing
contained herein shall prohibit the city from granting franchises in accordance with
Section 1.07 of this Charter for the private operation of such a system of reception,
transmission, and distribution of television impulses and television energy aforesaid.

SECTION 2.29.

Zoning powers.

The city council shall have power and authority to establish zoning regulations and to
provide the use, height, and construction of buildings or structures within said city.
SECTION 2.30.
Contracts for supplies.

The city shall have the authority to make contracts for supplies, including electric current for electric lights and power for all of the public utilities of said city.

SECTION 2.31.
Donations for public institutions.

The city council shall have authority to make donations, for purely charitable purposes, out of the funds in the city treasury, not otherwise appropriated, for the support of government entities assisting the poor, for public libraries, and for public hospitals, public restrooms, and other government institutions of like character.

SECTION 2.32.
Building regulations.

The city council may prescribe by ordinance such rules and regulations as they see fit for the regulation of all buildings erected within the corporate limits of said city, or for the repair of such buildings, they may prescribe the materials to be used and the manner of erecting or repairing the same.

SECTION 2.33.
Regulation of public entertainment.

The city council may prescribe by ordinance for the regulation of all public entertainment, shows, circuses, and parades and may prescribe when such entertainment may be held, as well as the manner in which the same may be conducted.

ARTICLE III
ADMINISTRATIVE AFFAIRS
SECTION 3.01.
City clerk; secretary to agencies.

The city clerk may be required to act as clerk or secretary to any board, commission, committee, agency, or authority of said city.
SECTION 3.02.

Committees of city council.

The city council may provide by ordinance for such committees as they may deem fit for the best interest of said city, prescribing the duties of such committees, and define their authority.

SECTION 3.03.

Group insurance for city officers and employees, authorized; deductions.

(a) The city council of said city is hereby authorized and empowered to make deductions periodically from the wages and salaries of its employees and officers, with which to pay the premium for life, health, accident, hospitalization, or annuity of such officers or employees, upon a group insurance plan, and to that end to enter into agreements with insurance companies whereby the kind of group insurance desired by the employees may be furnished to them and the premiums therefor remitted periodically by said city.

(b) The participation in such group insurance by such officers or employees shall be entirely voluntary on the part of such persons at all times. Any officer or employee, upon any payday, may withdraw or retire from such group plan upon giving notice in writing to his or her employer directing the discontinuance of deductions from his or her wages or salary in payment of such plan.

(c) The city council of said city, in carrying out any provision of this section, shall have the right to pay out of the general funds of the city 100 percent of the premium due for such health insurance coverage afforded the mayor and not less than 75 percent of the premium due for such group health insurance coverage afforded its other officers and employees.

SECTION 3.04.

Fire department.

The city council shall establish, operate, or contract for a firefighting agency.
ARTICLE IV
JUDICIARY

SECTION 4.01.

Nuisances; jurisdiction; powers; procedure; executions.

(a) The municipal court of the city shall have jurisdiction to hear nuisance proceedings and abate the same under the provisions of Code Section 41-2-5 of the Official Code of Georgia Annotated, notwithstanding any provision thereof to the contrary. In addition, as cumulative of such other laws of this state regarding the abatement of nuisances, the city may by ordinance provide for any building, structure, or condition maintained in violation of any valid law of this state or any valid ordinance of the city to be adjudged a nuisance, and for the abatement of the same at the owner's expense upon the failure or refusal of the owner to abate the same after written notice from the city to do so; provided, however, that such written notice must specify the time in which such nuisance must be abated, and such time must be reasonable under the circumstances. All such abatement proceedings in the city shall be in the municipal court.

(b) Where a nuisance is abated at the expense of the owner of the property where such nuisance exists, as hereinabove provided, the city clerk of the municipal court shall in such cases issue execution in the name of the city and against such property owner in the amount of such expenses, which execution shall issue and be levied in the same manner as executions for municipal taxes. Such execution shall constitute a lien against such property. Such property owner shall have the right to contest such execution, or the amount thereof, or the levy thereof, in the same manner as provided by the laws of this state governing illegalities and claims where executions are levied.

SECTION 4.02.

Nuisances; notice, residents and nonresidents.

(a) All notices to persons or corporations owning property in the city and on which a nuisance has been found to exist, or on which a complainant has stated that a nuisance exists, may be given in person or by mail. If given by mail, such notice shall be addressed to the last known address of such owner, and notice shall be deemed effective beginning one day after the same is deposited in a receptacle maintained by the United States Post Office Department for the deposit of mail, bearing sufficient postage and the last known address of the person or persons or corporation to whom or which such notice is directed. This provision for notice shall apply equally to residents and nonresidents of the city.
(b) The city council, municipal court, all boards, commissions, committees, or other agencies of the city charged with the administration of the affairs of the city, excluding individual officers, except in cases in which they are specially authorized by law or ordinance, shall have power and authority to compel the attendance of witnesses and the production of relevant and admissible documents in proper cases, and any person failing or refusing to attend as a witness or to produce relevant and pertinent documentary evidence within his or her power, custody, or control when duly notified or called upon to do so in a proper case shall be subject to punishment prescribed by ordinance of the city.

SECTION 4.03.

Executions; issuance; enforcement.

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

SECTION 4.04.

Municipal court.

There is established a court to be known as the municipal court of the City of Covington which shall have jurisdiction and authority to try offenses against the laws and ordinances of said city and to punish for a violation of the same. Such court shall have the power to enforce its judgments by the imposition of such penalties as may be provided by law, including ordinances of the city; to punish witnesses for nonattendance and to punish also any person who may counsel or advise, aid, encourage, or persuade another whose testimony is desired or material in any proceeding before said court to go or move beyond the reach of the process of the court; to try all offenses within the territorial limits of the city constituting traffic cases which, under the laws of Georgia, are placed within the jurisdiction of municipal courts to the extent of, and in accordance with, the provisions of such laws and all laws subsequently enacted amendatory thereof. When convened, the municipal court shall be presided over by a judge of the court.

(1) Administration. The position of clerk of the court is created. The clerk of the court shall be appointed by the city manager and shall serve at the pleasure of the city manager.
The clerk of the court shall be responsible for all record keeping of the court and the bill keeping and collection of all fines received by the court. In addition, the clerk of the court shall serve as administrator of the court, supervising all personnel of the court, setting times and dates for convening of the court, preparing the court docket, scheduling of judges to preside over the court sessions, and for such other services as may be assigned by resolution or ordinance of the city council.

(2) Jurisdiction; powers.

(A) The municipal court shall try and punish for crimes against the City of Covington and for violation of its ordinances. The municipal court shall have authority to punish those in its presence for contempt. The municipal court may impose punishment for offenses to the full extent allowed now, or hereafter, provided by general law.

(B) The city council shall have authority to establish a schedule of reasonable fees to defray the cost of operation.

(C) The municipal court shall have authority to establish bail and recognizances to insure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as security for appearances of persons charged with violations. Whenever any person shall give bail for his or her appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at such time and an execution issued thereon by serving the defendant and his or her sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the City of Covington or the property so deposited shall have a lien against it for the value forfeited.

(D) The municipal court shall have the authority to bind prisoners over to the appropriate court when it appears, by probable cause, that a state law has been violated.

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

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

(G) The municipal court is specifically vested with all of the judicial jurisdiction and judicial powers throughout the entire area of the City of Covington granted by state laws generally to municipal courts, and particularly by such laws as authorize the abatement of nuisances.
(3) Certiorari. The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of a judge of the superior court of Newton County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

(4) Rules for court. The judges, by majority vote, shall have authority to make reasonable rules and regulations necessary and proper for addressing the operations of the municipal court. The clerk of the court, as administrator of the court, shall prepare reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court. All rules shall be subject to the approval of the city council.

SECTION 4.05.

Police arrests without warrants, authorized.

It shall be lawful for the chief of police or any special police officer lawfully appointed to arrest, without warrant, any and all persons violating the ordinances and laws of said state and city, in the city limits, and to confine such person or persons so arrested in the city prison, until a hearing can be had before the proper officer; said chief of police or police officer shall have power and authority to call his or her assistance to arrest and detain such offenders any bystander, and such person when summoned shall be bound to aid and assist said officers; should such person fail to do so, he or she shall be liable to prosecution pursuant to Section 4.04 of this Charter. The chief of police or police officer may call sheriffs and their deputies, constables, and other state or counties' officers for assistance, in the arrest, detention, investigation, and conviction of offenders.

SECTION 4.06.

Appearance bonds; forfeitures; fines; enforcement by execution.

The city council of Covington may provide by ordinance for the taking of appearance bonds to be made by persons charged with the violation of any of the laws or ordinances of the city. They may prescribe by ordinance for the taking of cash collateral bond or have bonds issued by personal, solvent sureties, and they may provide for the summary forfeiture of all cash bonds and for the summary forfeiture of all other appearance bonds by order of the municipal court. All forfeitures and unpaid fines shall constitute liens against all property of the person or persons obligated to pay the same, which liens shall issue and be enforced as provided by Section 4.03 of this Charter.
ARTICLE V
ELECTIONS AND REMOVAL FROM OFFICE

SECTION 5.01.

Election for mayor and councilmembers.

Any person desiring to run for a council post shall designate the council post for which he or she is running. As specified under paragraph (2) of subsection (a) of Section 2.03 of this Charter, candidates for council posts 1 West, 2 West, and 3 West must be residents of the West Ward and candidates for council posts 1 East, 2 East, and 3 East must be residents of the East Ward. All councilmembers shall be elected by a majority of the qualified electors voting in the elections for the respective officials. As specified in Section 2.01 of this Charter, the councilmembers holding council posts 1 West, 2 West, and 3 West shall be elected by the qualified electors of the West Ward only; the councilmembers holding council post 1 East, 2 East, and 3 East shall be elected by qualified electors of the East Ward only; and the mayor shall be elected by all of the qualified electors of the City of Covington. The qualification of candidates, terms of office for the mayor and councilmembers, and the dates and procedures for the conduct of elections and runoff elections for mayor and council posts shall be governed by the provisions of the Georgia Election Code, Chapter 2 of Title 21, Official Code of Georgia Annotated.

SECTION 5.02.

Impeachment; causes.

If the mayor or any member of the city council of said city shall be guilty of malpractice, willful neglect of their duties, abuse of their powers, or any other unbecoming conduct, they shall be subject to impeachment by the city council, and upon conviction, shall be removed from office.

SECTION 5.03.

Impeachment; trial.

In impeachment trials before the city council, the affirmative vote of at least four members shall be required to convict, and the mayor shall be entitled to vote, except in case he or she is on trial, in which case he or she may not vote. The municipal court judge shall preside in all impeachment trials unless he or she is disqualified, in which case the presiding judge of the Superior Court of Newton County shall designate some qualified lawyer to preside over such trial, but such officer presiding over said impeachment trial shall not vote, even in case

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of a tie. The municipal court judge shall not be qualified to preside over such impeachment
trial unless he or she shall have been engaged actively in the practice of law for at least five
years preceding such trial. On an impeachment trial, a tie-vote shall acquit the accused. An
impeachment resolution against the mayor shall not be subject to his or her veto. A judgment
of conviction in an impeachment proceeding shall vacate the office of the convicted mayor
or councilmember. The judgment in an impeachment proceeding is subject to appeal to the
superior court.

ARTICLE VI
FINANCE
SECTION 6.01.
Fiscal year.

The fiscal year for the city shall be from the first day of July through the thirtieth day of June
of the next succeeding calendar year. This fiscal year shall constitute the budget year and
the year for financial accounting and reporting of each and every office, department, agency,
and activity of the city government unless otherwise provided by state or federal law.

SECTION 6.02.
Budget.

(a) The city council shall provide an ordinance on the procedures and requirements for the
preparation and execution of an annual operating budget, a capital improvement plan, and
a capital budget, including requirements as to the scope, content, and form of such budgets
and plans. On or before a date fixed by the city council but not later than 45 days prior to the
beginning of each fiscal year, the city manager shall submit to the city council a proposed
operating budget for the ensuing fiscal year. The budget shall be accompanied by a message
from the city manager containing a statement of the general fiscal policies of the city, the
important features of the budget, explanations of major changes recommended for the next
fiscal year, a general summary of the budget, and such other pertinent comments and
information. The operating budget and the capital budget provided for the budget message,
and all supporting documents shall be filed in the office of the city clerk and shall be open
to public inspection. No money shall be expended by the city council during any year until
a budget has been prepared and adopted, as herein provided. The budget shall include in its
anticipations for the year a sum not to exceed the normal revenue collections by the city from
all sources during the preceding year. The city council shall appropriate a sum sufficient to
cover the debt service, including the sinking fund and interest on bonded indebtedness, which
sum shall not be diverted to any other department or departments by the city council during
the year. Should the income of the city be decreased by law or otherwise, it shall be the duty
of the city council to immediately adjust its budget so as to comply with such decreased
revenue. In the event of an increase in revenue, which increase has become definite and
reasonably certain by an increase in tax rate or the schedule of changes for city services, the
city council may revise the budget accordingly and take such anticipated receipts into
consideration in the budget.

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

(c) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
year not later than the second Monday of June of each year. If the city council fails to adopt
the budget by this date, the amounts appropriated for operation for the current fiscal year
shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items
prorated accordingly until such time as the city council adopts a budget for the ensuing fiscal
year. Adoption of the budget shall take the form of an appropriations ordinance setting out
the estimated revenues in detail by sources and making appropriations according to fund and
by organizational unit, purpose, or activity as set out in the budget preparation ordinance
adopted pursuant to subsection (a) of this section.

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

SECTION 6.03.

Capital budget.

(a) On or before the date fixed by the city council but no later than 45 days prior to the
beginning of each fiscal year, the city manager shall submit to the city council a proposed
capital improvements plan with a recommended capital budget containing the means of
financing the improvements proposed for the ensuing fiscal year. The city council shall have
power to accept, with or without amendments, or reject the proposed plan and proposed
budget. The city council shall not authorize any expenditure for the construction of any
building, structure, work, or improvement, unless the appropriations for such project are
included in the capital budget, except to meet a public emergency as provided by law.
(b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal year not later than the second Monday of June of each year. No appropriation provided for in a prior capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided, however, the city manager may submit amendments to the capital budget at any time during the fiscal year, accompanied by recommendations. Any such amendments to the capital budget shall become effective only upon adoption by ordinance.

SECTION 6.04.
Transfer of funds.

The city council by ordinance may make changes in the appropriations contained in the current operating budget, at any regular meeting, special or emergency meeting called for such purpose, but any additional appropriations may be made only from an existing unexpended surplus. After the budget has been adopted, the city council may transfer or reallocate funds, with the exception of appropriations for debt services.

SECTION 6.05.
Deficit.

Should at any time during any year the expenditures exceed the revenue collected, and a deficit be created, it shall be the duty of the city council, before appropriating any other sum for any other purpose, to appropriate a sufficient sum to immediately discharge any such deficit which has accrued during the preceding year.

SECTION 6.06.
Borrowing money authorized; when.

The city council shall have the power and authority, on the terms and conditions as provided by the Constitution and laws of this state, to borrow money to meet casual deficiencies in the revenues of said city.

SECTION 6.07.
Audit of finances.

There shall be an annual independent audit of all city accounts, funds and financial transactions by a certified public accountant selected by the city council. The audit shall be

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conducted according to generally accepted auditing principles. Any audit of any funds by the state or federal governments may be accepted as satisfying the requirements of this charter. Copies of annual audit reports shall be available at printing costs to the public. The city council is hereby required, at the end of each fiscal year, to have an annual audit made covering all of the financial transactions made and entered into by said city council for that year. When said audit is completed, it shall be published by the city council, either in the official newspaper or by posting upon the public bulletin board at the city hall, the method of publication being made within the discretion of the city council.

SECTION 6.08.
Taxes; powers to levy and collect; liens; enforcement.

The city council may levy and collect for city purposes a tax on the taxable value of real estate, stock in trade, and all other property within the City of Covington that may at the time be taxable under the laws of the State of Georgia. The city council shall also have the power to levy and collect out of the property. In all cases, the order levying taxes shall specify for which of the purposes aforesaid it is levied, and how much for each purpose. The lien of such taxes, the rank of such lien, and the enforcement and collection thereof by execution and sale shall be as provided by the laws of the state and Section 4.01 of this Charter.

SECTION 6.09.
General obligation bonds.

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

SECTION 6.10.
Revenue bonds.

Revenue bonds may be issued by the city council as state law now or hereafter provides. Such bonds are to be paid out of any revenue produced by the project, program, or venture for which they were issued.
SECTION 6.11. 
Short-term loans.

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

SECTION 6.12. 
Lease-purchase contracts.

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

PART II
SECTION 2-1. 
Term limits.

Said charter is amended by adding at the end of Section 2.03 the following:

"(d)(1) If qualifying for the office of mayor, he or she shall not currently serve as a mayor and have held such office for four consecutive four-year terms as of the last day of his or her current term; provided, that no term commenced prior to 2019 shall be considered when calculating such terms.

(2) If qualifying for the office of councilmember, he or she shall not currently serve as councilmember and have held such office for four consecutive four-year terms as of the last day of his or her current term; provided, that no term commenced prior to 2019 shall be considered when calculating such terms."

PART III
SECTION 3-1. 
Specific repealer.

An Act amending, consolidating, and superseding the Acts incorporating the City of Covington, in the County of Newton, State of Georgia, and creating a new charter and

PART IV

SECTION 4-1.

General repealer.

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