

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

1 To provide a new charter for the City of Covington; to provide for incorporation; to provide
2 for the continuation of existing laws; to provide for a corporate seal; to provide for corporate
3 boundaries; to provide for fire limits; to provide for the power and authority to buy, rent, or
4 dispose of real estate; to provide for specific powers; to provide for the regulating of
5 vehicular traffic and parking; to provide for utilities; to provide for owning, maintaining, and
6 operating a cable television system; to provide for a telecommunications system network; to
7 provide for owning, maintaining, and operating electric plants, waterworks, and a gas system;
8 to provide for contracting for such utilities; to provide for jurisdiction; to provide for liens
9 for charges; to provide for form of government; to provide for vacancy in the office of mayor
10 or council; to provide for qualifications of mayor and council; to provide for an oath of
11 office; to provide for the mayor's duties and powers; to provide for a mayor pro tem; to
12 provide for personal liability of mayor and council; to provide for officers, election, bonds,
13 and oaths; to provide for a city manager; to provide for the administrative duties and powers
14 of the city manager; to provide for compensation of employees; to provide for the removal
15 of the city manager; to provide for the combination of offices; to provide for the prohibition
16 of interest in any contracting; to provide for city council meetings, time and place, presiding
17 officer, and a quorum; to provide for the power to enact ordinances; to provide for the failure
18 or refusal to vote on a measure; to provide for regulating the use of streets; to provide for
19 regulating charitable solicitations; to provide for regulating inflammables and explosives; to
20 provide for off-street parking facilities; to provide for the power of eminent domain; to
21 provide for control of streets, sidewalks, and bridges; to provide for streets and public
22 utilities; to provide for bond issuance for street improvements; to provide for franchises for
23 public utility operations; to provide for the sale of utilities, rights of ways, and easements;
24 to provide for zoning powers; to provide for contracting for supplies; to provide for donations
25 to public institutions; to provide for building regulations; to provide for the regulation of
26 public entertainment; to provide for a city clerk; to provide for committees of the city
27 council; to provide for group insurance for city officers and employees; to provide for a fire
28 department; to provide for jurisdiction over nuisances; to provide for nuisance notice

29 requirements; to provide for executions, issuance and enforcement; to provide for forms for
 30 executions; to provide for a municipal court; to provide for police arrests; to provide for
 31 appearance bonds; to provide for the election of the mayor and city council; to provide for
 32 impeachment of the mayor or a city councilmember; to provide for an impeachment trial; to
 33 provide for a fiscal year; to provide for a budget; to provide for a capital budget; to provide
 34 for transfer of funds; to provide for borrowing money; to provide for an audit of finances; to
 35 provide for the power to levy and collect taxes; to provide for the power to levy license fees;
 36 to provide for bonds; to provide for short-term loans; to provide for lease-purchase contracts;
 37 to provide for other matters relative to the foregoing; to provide for term limits; to provide
 38 a specific repealer; to repeal conflicting laws; and for other purposes.

39 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

40 **PART I**

41 **SECTION 1-1.**

42 City of Covington charter.

43 "ARTICLE I

44 INCORPORATION AND POWER

45 **SECTION 1.01.**

46 Incorporation, name and style.

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

49 **SECTION 1.02.**

50 Continuation of existing laws, rights, and liabilities.

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

55 **SECTION 1.03.**

56 Corporate seal.

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

63 **SECTION 1.04.**

64 Corporate boundaries.

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

78 **SECTION 1.05.**

79 Fire limits.

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

84 **SECTION 1.06.**

85 Real estate.

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

89 **SECTION 1.07.**

90 Specific powers enumerated.

91 The city shall have power and authority to:

- 92 (a) Buy and sell water, gas, electricity, and other public utilities at cost or for a profit, both
93 within and without the territorial boundaries of the city.
- 94 (b) Adopt ordinances binding on everyone within the city to protect the health, peace, safety,
95 good order, dignity, and general welfare of the city and the inhabitants thereof.
- 96 (c) Exercise complete control over all the public city streets, roads, ways, drives, lanes,
97 alleys, sidewalks, crossings, and parks of the city. The city shall have full and complete
98 power and authority to open, curb, locate, relocate, replace, work, straighten, abandon, close,
99 drain, pave, and repave the same or cause the same to be done.
- 100 (d) Establish a system of numbering houses in the city, and to assign appropriate street
101 numbers to the various houses on the various streets, alleys, roads, lanes, drives, and ways
102 of the city, and to compel said houses to be properly numbered.
- 103 (e) Control by ordinance the time, manner, terms, conditions, and places of all sewer
104 connections and how much surface or drainage water may flow into such sewers, and the
105 terms and conditions on which it will be permitted, and at what points, and generally all
106 matters relating to the construction, use, control, maintenance, repair, replacement,
107 improvement, and removal of sewers and sewer connections.
- 108 (f) Control by ordinance the construction, maintenance and removal and replacement of all
109 city culverts, pipes, sewers, drains, private drains, water closets, urinals, privies, and toilets,
110 and provide for their location, structure, size and use, and pass such ordinances concerning
111 them and their use, in all particulars, as may be deemed best for the health, comfort, and
112 general welfare of the inhabitants of the city. The city council shall have power and
113 authority to prescribe by ordinance the kind of water closets, urinals, privies, and plumbing
114 which shall be used in the corporate limits, and to condemn and compel the disuse of same
115 when they do not conform to such requirements, or when they shall become and are declared
116 a nuisance by a court having proper jurisdiction. The city council shall also have power and
117 authority to compel the owner or owners of property within the city to connect water closets,

118 sinks, commodes, and urinals on their property with the sewers and sanitary system of said
119 city when such property is located within a reasonable distance of such sewer, and under
120 such rules and regulations as may be prescribed by ordinance. If any property owner shall
121 fail or refuse to make connections as required by city ordinance or resolution, such owner
122 shall be punished as provided by ordinance.

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

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

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

145 (j) Grant franchises, easements, and rights-of-way over, in, under, and on public streets,
146 lanes, alleys, sidewalks, parks, and other property of said city on such terms and conditions
147 and for such lengths of time as it may fix; provided, franchises shall not be granted without
148 fair and adequate compensation provided for in the franchise ordinance; and provided
149 further, that no such franchise shall be granted until notice has been published at least one
150 time one week preceding the week in which the city council meets to consider such
151 application, stating the nature of the franchise, the streets, lanes, alleys, sidewalks, parks, or
152 other property on or through which it is desired, the terms of such grant, and the time at
153 which the city council will act upon such application.

154 (k) Employ or cause to be employed a certified public accountant to examine and audit all
155 books of account and pertinent records of all officers, employees, and agencies of said city
156 relative to the financial affairs of the city whenever and as often as the city council shall
157 consider proper, and shall fix his or her compensation. The compensation of such accountant
158 may be fixed on an hourly or other basis before, after, or at the time of his or her
159 employment. It shall require at least one examination and report every year.

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

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

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

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

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

185 (q) Other Powers. To exercise and enjoy all other powers, functions, rights, privileges, and
186 immunities necessary or desirable to promote or protect the safety, health, peace, security,
187 good order, comfort, convenience, or general welfare of the city and its inhabitants; and to
188 exercise all implied powers necessary or desirable to carry into execution all powers granted
189 in this charter as fully and completely as if such powers were fully stated herein; and to
190 exercise all powers now or in the future authorized to be exercised by other municipal

191 governments under other laws of the State of Georgia; and no listing of particular powers in
192 this charter shall be held to be exclusive of others, nor restrictive of general words and
193 phrases granting powers, but shall be held to be in addition to such powers unless expressly
194 prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

195 **SECTION 1.08.**

196 Regulating vehicular traffic; parking facilities.

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

200 **SECTION 1.09.**

201 Utilities—Furnishing services and facilities.

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

218 **SECTION 1.10.**

219 Owning, maintaining, and operating cable television system.

220 The city is hereby authorized to acquire, lease, construct, operate, and maintain, sell, and
221 dispose of a cable television system and other telecommunications utilities and to fix the

222 taxes, charges, rates, fares, fees, assessments, regulation, and penalties, and to provide for
223 the withdrawal of service for refusal or failure to pay the same.

224 **SECTION 1.11.**

225 Telecommunications.

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

237 **SECTION 1.12.**

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

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

243 **SECTION 1.13.**

244 Contracting to furnish.

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

249 **SECTION 1.14.**

250 Jurisdiction.

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

261 **SECTION 1.15.**

262 Lien for charges.

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

265 **ARTICLE II**

266 **GOVERNMENT STRUCTURE**

267 **SECTION 2.01.**

268 Form of government.

269 The legislative authority of the government of said city, except as otherwise specifically
 270 provided in this charter, shall be vested in a city council composed of a mayor and six (6)
 271 councilmembers who shall hold their respective offices in accordance with the provisions of
 272 the Georgia Election Code, Chapter 2 of Title 21, Official Code of Georgia Annotated. For
 273 the purpose of electing councilmembers, the City of Covington is hereby divided into two
 274 (2) wards, the West Ward and the East Ward. The division line between the two (2) wards
 275 shall be as follows: Commence at the point of intersection of the northwestern boundary of
 276 the corporate limits of the City of Covington and the center line of the Georgia Railroad
 277 right-of-way and run thence in a southeasterly direction along the center line of the said
 278 Georgia Railroad right-of-way to the point of intersection thereof with the center line of
 279 Emory Street; running thence in a southerly direction along the center line of Emory Street
 280 to the point of intersection thereof with the center line of Clark Street; running thence in an

281 easterly direction along the center line of Clark Street to the intersection thereof with the
 282 center line of Monticello Street; thence in a southerly and southeasterly direction along the
 283 center line of Monticello Street which is also known as Georgia Highway Number 36 and/or
 284 the Jackson Highway, to the point of intersection thereof with the southern boundary of the
 285 corporate limits of the City of Covington. A map indicating the location of the division line
 286 in relation to city streets shall be retained permanently in the office of the city clerk or such
 287 office as designated by the city manager from time to time. Such map shall be designated
 288 "Official Ward Map of the City of Covington, Georgia." Photographic, typed, or other copies
 289 of such map or description certified by the city clerk shall be admitted as evidence in all
 290 courts and shall have the same force and effect as with the original map or description. The
 291 West Ward shall be those portions of the City of Covington lying southerly and westerly of
 292 the aforescribed division line. The East Ward shall be those portions of the City of
 293 Covington lying northerly and easterly of the aforescribed division line. The six (6)
 294 council seats shall be designated by six (6) numbered council posts as follows: Post 1 West,
 295 Post 2 West, Post 3 West, Post 1 East, Post 2 East, and Post 3 East. The councilmembers for
 296 Council Post 1 West, Post 2 West, and Post 3 West shall be elected by the qualified electors
 297 of the West Ward only; the councilmembers for Council Post 1 East, Post 2 East, and Post
 298 3 East shall be elected by the qualified electors of the East Ward only; and the mayor shall
 299 be elected at large by all of the qualified electors of the City of Covington.

300

SECTION 2.02.

301

Vacancy in office of mayor or council.

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

307

SECTION 2.03.

308

Qualifications of mayor and council.

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

311 (1) He or she shall be at least 21 years of age on the day the term of office for which he
 312 or she is a candidate begins.

313 (2) A candidate shall have been a resident of the City of Covington for a period of not
 314 less than one year immediately preceding the election in which he or she is to be a
 315 candidate and, further, candidates for council posts 1 West, 2 West, and 3 West must be
 316 residents of the city's West Ward as of the date of qualification for election and
 317 candidates for council posts 1 East, 2 East, and 3 East must be residents of the city's East
 318 Ward as of the date of qualification for election.

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

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

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

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

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

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

342 (c) Continued residency in the City of Covington shall be a condition of the mayor and each
 343 councilmember remaining qualified to continue in their respective offices; and upon any such
 344 elected official removing his or her residency from the City of Covington, the council shall
 345 declare the office of each such elected official who has removed his or her residency from
 346 the City of Covington as vacated. Continued residency in the ward represented by
 347 councilmembers holding council posts 1 West, 2 West, 3 West, 1 East, 2 East, and 3 East
 348 shall be a condition of each such councilmember remaining qualified to continue in his or
 349 her respective office; and upon any such councilmember moving from his or her respective

350 ward, the city council shall declare that councilmember's council post vacated. Any vacancy
351 in councilmember seats or in the office of mayor under the foregoing provisions shall be
352 filled in accordance with the provisions of Section 2.02 of this Charter.

353 **SECTION 2.04.**

354 Oath of office.

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

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

363 **SECTION 2.05.**

364 Mayor's duties and powers.

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

381 **SECTION 2.06.**

382 Mayor pro tem.

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

391 **SECTION 2.07.**

392 Salaries; mayor and council.

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

400 **SECTION 2.08.**

401 Personal liability of mayor and councilmembers; method of relieving.

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

410

SECTION 2.09.

411

Officers; election; bonds; duties; oaths.

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

421

SECTION 2.10.

422

City manager.

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

438

SECTION 2.11.

439

Administrative duties and powers.

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

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

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

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

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

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

465 (6) Prepare and submit the annual operating budget and capital budget to the city
466 council;

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

469 (8) Make such other reports as the city council may require concerning the operations
470 of city departments, offices, and agencies subject to the city manager's direction and
471 supervision;

472 (9) Keep the city council fully advised as to the financial condition and future needs of
473 the city, and make such recommendations to the city council concerning the affairs of the
474 city as the city manager deems desirable; and

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

485 **SECTION 2.12.**

486 Compensation of employees.

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

491 **SECTION 2.13.**

492 Removal of city manager.

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

505

SECTION 2.14.

506

Combination of officers, authorized.

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

511

SECTION 2.15.

512

Contracts, interest prohibited.

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

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

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

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

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

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

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

533 (b) No councilmember, the mayor, nor any officer or employee of the city shall accept any
 534 gift, pass, or other emolument from any person, firm, or corporation operating any public
 535 utility, or engaged in any business of a public nature within the city, or from any person,
 536 firm, or corporation seeking to sell or which may desire to sell supplies to the city, perform
 537 service for, or make a contract with the city, other than a gift of nominal value; nominal
 538 value being defined in this instance as less than \$75.00. Prizes, gifts, or favors that are won,

539 received, or awarded at an official training conference or city sponsored event are not subject
540 to the nominal value restriction.

541 **SECTION 2.16.**

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

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

551 **SECTION 2.17.**

552 Power to enact ordinances; maximum penalty.

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

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

571 **SECTION 2.18.**

572 Failure or refusal to vote on measure.

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

580 **SECTION 2.19.**

581 Regulating use of streets.

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

586 **SECTION 2.20.**

587 Regulating charitable solicitations.

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

590 **SECTION 2.21.**

591 Regulating inflammables and explosives.

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

594 **SECTION 2.22.**

595 Providing off-street parking facilities, authority.

596 The city council shall have the power and authority to construct, maintain, and operate
597 off-street parking facilities, and to acquire land and other necessary property for such

598 purposes and to charge, contract for, and receive rentals and parking fees for the use of such
599 facilities and parking spaces therein.

600 **SECTION 2.23.**

601 Power of eminent domain; procedure.

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

607 (b) The procedure to be followed by the city in acquiring property by exercise of the power
608 of eminent domain shall be as provided by the laws of this state.

609 **SECTION 2.24.**

610 Control of streets, sidewalks, and bridges.

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

615 **SECTION 2.25.**

616 Streets and public utilities; powers generally; assessments.

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

625 (1) Each assessment shall be fairly determined, in proportion to the number of feet
626 fronting on the public way where any such improvements are made;

627 (2) If any such improvements are made only on one side of any such public way, the
 628 costs of such improvements shall be assessed only against the abutting real estate and the
 629 owners thereof on that side;

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

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

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

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

645 **SECTION 2.26.**

646 Bond issues authorized for street improvements.

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

650 **SECTION 2.27.**

651 Franchises.

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

656

SECTION 2.28.

657

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

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

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

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

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

689 (e) The city is hereby authorized to purchase, construct, operate, and maintain a system for
690 the sale and distribution of natural or other gas within the city limits and for a distance of
691 twelve miles in any direction beyond such corporate limits as now exist or as shall hereafter

692 exist, and in connection therewith the city is authorized to acquire, by contract, purchase, or
693 condemnation, all rights-of-way, easements and property necessary to carry out these
694 purposes; provided, that the power of condemnation granted in this section shall not apply
695 to property within the limits of any other municipality, except with the prior approval of the
696 city council of said municipality. The city is hereby authorized and empowered to furnish
697 and supply gas and gas services to any person, firm, or corporation at its distribution plant
698 in the city or at the point from which said city acquires its supply of gas for serving
699 nonresidents of said city, and to fix the rules and regulations under which the same may be
700 furnished, and likewise fix the terms on which the same are to be furnished, and the manner
701 of payment therefor, and the charges to be paid therefor.

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

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

721 **SECTION 2.29.**

722 Zoning powers.

723 The city council shall have power and authority to establish zoning regulations and to
724 provide the use, height, and construction of buildings or structures within said city.

725 **SECTION 2.30.**

726 Contracts for supplies.

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

729 **SECTION 2.31.**

730 Donations for public institutions.

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

735 **SECTION 2.32.**

736 Building regulations.

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

741 **SECTION 2.33.**

742 Regulation of public entertainment.

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

746 **ARTICLE III**

747 **ADMINISTRATIVE AFFAIRS**

748 **SECTION 3.01.**

749 City clerk; secretary to agencies.

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

752 **SECTION 3.02.**

753 Committees of city council.

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

757 **SECTION 3.03.**

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

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

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

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

774 **SECTION 3.04.**

775 Fire department.

776 The city council shall establish, operate, or contract for a firefighting agency.

810 (b) The city council, municipal court, all boards, commissions, committees, or other
 811 agencies of the city charged with the administration of the affairs of the city, excluding
 812 individual officers, except in cases in which they are specially authorized by law or
 813 ordinance, shall have power and authority to compel the attendance of witnesses and the
 814 production of relevant and admissible documents in proper cases, and any person failing or
 815 refusing to attend as a witness or to produce relevant and pertinent documentary evidence
 816 within his or her power, custody, or control when duly notified or called upon to do so in a
 817 proper case shall be subject to punishment prescribed by ordinance of the city.

818 **SECTION 4.03.**

819 Executions; issuance; enforcement.

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

827 **SECTION 4.04.**

828 Municipal court.

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

841 (1) Administration. The position of clerk of the court is created. The clerk of the court
 842 shall be appointed by the city manager and shall serve at the pleasure of the city manager.

843 The clerk of the court shall be responsible for all record keeping of the court and the bill
844 keeping and collection of all fines received by the court. In addition, the clerk of the
845 court shall serve as administrator of the court, supervising all personnel of the court,
846 setting times and dates for convening of the court, preparing the court docket, scheduling
847 of judges to preside over the court sessions, and for such other services as may be
848 assigned by resolution or ordinance of the city council.

849 (2) Jurisdiction; powers.

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

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

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

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

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

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

875 (G) The municipal court is specifically vested with all of the judicial jurisdiction and
876 judicial powers throughout the entire area of the City of Covington granted by state
877 laws generally to municipal courts, and particularly by such laws as authorize the
878 abatement of nuisances.

879 (3) Certiorari. The right of certiorari from the decision and judgment of the municipal
 880 court shall exist in all criminal cases and ordinance violation cases, and such certiorari
 881 shall be obtained under the sanction of a judge of the superior court of Newton County
 882 under the laws of the State of Georgia regulating the granting and issuance of writs of
 883 certiorari.

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

890 **SECTION 4.05.**

891 Police arrests without warrants, authorized.

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

902 **SECTION 4.06.**

903 Appearance bonds; forfeitures; fines; enforcement by execution.

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

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

951 **ARTICLE VI**

952 **FINANCE**

953 **SECTION 6.01.**

954 Fiscal year.

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

959 **SECTION 6.02.**

960 Budget.

961 (a) The city council shall provide an ordinance on the procedures and requirements for the
 962 preparation and execution of an annual operating budget, a capital improvement plan, and
 963 a capital budget, including requirements as to the scope, content, and form of such budgets
 964 and plans. On or before a date fixed by the city council but not later than 45 days prior to the
 965 beginning of each fiscal year, the city manager shall submit to the city council a proposed
 966 operating budget for the ensuing fiscal year. The budget shall be accompanied by a message
 967 from the city manager containing a statement of the general fiscal policies of the city, the
 968 important features of the budget, explanations of major changes recommended for the next
 969 fiscal year, a general summary of the budget, and such other pertinent comments and
 970 information. The operating budget and the capital budget provided for the budget message,
 971 and all supporting documents shall be filed in the office of the city clerk and shall be open
 972 to public inspection. No money shall be expended by the city council during any year until
 973 a budget has been prepared and adopted, as herein provided. The budget shall include in its
 974 anticipations for the year a sum not to exceed the normal revenue collections by the city from
 975 all sources during the preceding year. The city council shall appropriate a sum sufficient to
 976 cover the debt service, including the sinking fund and interest on bonded indebtedness, which

977 sum shall not be diverted to any other department or departments by the city council during
 978 the year. Should the income of the city be decreased by law or otherwise, it shall be the duty
 979 of the city council to immediately adjust its budget so as to comply with such decreased
 980 revenue. In the event of an increase in revenue, which increase has become definite and
 981 reasonably certain by an increase in tax rate or the schedule of changes for city services, the
 982 city council may revise the budget accordingly and take such anticipated receipts into
 983 consideration in the budget.

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

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

998 (d) The amount set out in the adopted operating budget for each organizational unit shall
 999 constitute the annual appropriation for such, and no expenditure shall be made or
 1000 encumbrance created in excess of the otherwise unencumbered balance of the appropriations
 1001 or allotment thereof, to which it is chargeable.

1002 **SECTION 6.03.**

1003 Capital budget.

1004 (a) On or before the date fixed by the city council but no later than 45 days prior to the
 1005 beginning of each fiscal year, the city manager shall submit to the city council a proposed
 1006 capital improvements plan with a recommended capital budget containing the means of
 1007 financing the improvements proposed for the ensuing fiscal year. The city council shall have
 1008 power to accept, with or without amendments, or reject the proposed plan and proposed
 1009 budget. The city council shall not authorize any expenditure for the construction of any
 1010 building, structure, work, or improvement, unless the appropriations for such project are
 1011 included in the capital budget, except to meet a public emergency as provided by law.

1012 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
1013 year not later than the second Monday of June of each year. No appropriation provided for
1014 in a prior capital budget shall lapse until the purpose for which the appropriation was made
1015 shall have been accomplished or abandoned; provided, however, the city manager may
1016 submit amendments to the capital budget at any time during the fiscal year, accompanied by
1017 recommendations. Any such amendments to the capital budget shall become effective only
1018 upon adoption by ordinance.

1019 **SECTION 6.04.**

1020 Transfer of funds.

1021 The city council by ordinance may make changes in the appropriations contained in the
1022 current operating budget, at any regular meeting, special or emergency meeting called for
1023 such purpose, but any additional appropriations may be made only from an existing
1024 unexpended surplus. After the budget has been adopted, the city council may transfer or
1025 reallocate funds, with the exception of appropriations for debt services.

1026 **SECTION 6.05.**

1027 Deficit.

1028 Should at any time during any year the expenditures exceed the revenue collected, and a
1029 deficit be created, it shall be the duty of the city council, before appropriating any other sum
1030 for any other purpose, to appropriate a sufficient sum to immediately discharge any such
1031 deficit which has accrued during the preceding year.

1032 **SECTION 6.06.**

1033 Borrowing money authorized; when.

1034 The city council shall have the power and authority, on the terms and conditions as provided
1035 by the Constitution and laws of this state, to borrow money to meet casual deficiencies in the
1036 revenues of said city.

1037 **SECTION 6.07.**

1038 Audit of finances.

1039 There shall be an annual independent audit of all city accounts, funds and financial
1040 transactions by a certified public accountant selected by the city council. The audit shall be

1041 conducted according to generally accepted auditing principles. Any audit of any funds by
1042 the state or federal governments may be accepted as satisfying the requirements of this
1043 charter. Copies of annual audit reports shall be available at printing costs to the public. The
1044 city council is hereby required, at the end of each fiscal year, to have an annual audit made
1045 covering all of the financial transactions made and entered into by said city council for that
1046 year. When said audit is completed, it shall be published by the city council, either in the
1047 official newspaper or by posting upon the public bulletin board at the city hall, the method
1048 of publication being made within the discretion of the city council.

1049 **SECTION 6.08.**

1050 Taxes; powers to levy and collect; liens; enforcement.

1051 The city council may levy and collect for city purposes a tax on the taxable value of real
1052 estate, stock in trade, and all other property within the City of Covington that may at the time
1053 be taxable under the laws of the State of Georgia. The city council shall also have the power
1054 to levy and collect out of the property. In all cases, the order levying taxes shall specify for
1055 which of the purposes aforesaid it is levied, and how much for each purpose. The lien of
1056 such taxes, the rank of such lien, and the enforcement and collection thereof by execution
1057 and sale shall be as provided by the laws of the state and Section 4.01 of this Charter.

1058 **SECTION 6.09.**

1059 General obligation bonds.

1060 The city council shall have the power to issue bonds for the purpose of raising revenue to
1061 carry out any project, program, or venture authorized under this charter or the laws of the
1062 state. Such bonding authority shall be exercised in accordance with the laws governing bond
1063 issuance by municipalities in effect at the time said issue is undertaken.

1064 **SECTION 6.10.**

1065 Revenue bonds.

1066 Revenue bonds may be issued by the city council as state law now or hereafter provides.
1067 Such bonds are to be paid out of any revenue produced by the project, program, or venture
1068 for which they were issued.

1069 **SECTION 6.11.**

1070 Short-term loans.

1071 The city may obtain short-term loans and must repay such loans not later than December 31
1072 of each year, unless otherwise provided by law.

1073 **SECTION 6.12.**

1074 Lease-purchase contracts.

1075 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the
1076 acquisition of goods, materials, real and personal property, services, and supplies provided
1077 the contract terminates without further obligation on the part of the municipality at the close
1078 of the calendar year in which it was executed and at the close of each succeeding calendar
1079 year for which it may be renewed. Contracts must be executed in accordance with the
1080 requirements of Code Section 36-60-13 of the Official Code of Georgia Annotated, or other
1081 such applicable laws as are or may hereafter be enacted."

1082 **PART II**

1083 **SECTION 2-1.**

1084 Term limits.

1085 Said charter is amended by adding at the end of Section 2.03 the following:

1086 "(d)(1) If qualifying for the office of mayor, he or she shall not currently serve as a
1087 mayor and have held such office for four consecutive four-year terms as of the last day
1088 of his or her current term; provided, that no term commenced prior to 2019 shall be
1089 considered when calculating such terms.

1090 (2) If qualifying for the office of councilmember, he or she shall not currently serve as
1091 councilmember and have held such office for four consecutive four-year terms as of the
1092 last day of his or her current term; provided, that no term commenced prior to 2019 shall
1093 be considered when calculating such terms."

1094 **PART III**

1095 **SECTION 3-1.**

1096 Specific repealer.

1097 An Act amending, consolidating, and superseding the Acts incorporating the City of
1098 Covington, in the County of Newton, State of Georgia, and creating a new charter and

1099 municipal government for said municipal corporation, approved January 30, 1962 (Ga.
1100 L. 1962, p. 2003), as amended, is repealed in its entirety.

1101 **PART IV**
1102 **SECTION 4-1.**
1103 **General repealer.**

1104 All laws and parts of laws in conflict with this Act are repealed.