

1 **City of Euharlee Charter**

2  
3 11 LC 28 5555/AP?

4 House Bill ??? (AS PASSED HOUSE AND SENATE)

5 By: Representative ????? of the 14<sup>th</sup>

6  
7 A BILL TO BE ENTITLED  
8 AN ACT  
9

10 To provide a new charter for the City of Euharlee; to provide for incorporation,  
11 boundaries, and powers of the city; to provide for a governing authority of such city and  
12 the powers, duties, authority, election, terms, vacancies, compensation, expenses,  
13 qualifications, prohibitions, conflicts of interest, and suspension and removal from office  
14 relative to members of such governing authority; to provide for inquiries and  
15 investigations; to provide for oaths, organization, meetings, quorum, voting, rules, and  
16 procedures; to provide for ordinances and codes; to provide for a city manager, mayor,  
17 and mayor pro tempore and certain duties, powers, and other matters relative thereto; to  
18 provide for administrative affairs and responsibilities; to provide for boards,  
19 commissions, and authorities; to provide for a city attorney, a city clerk, and other  
20 personnel and matters relating thereto; to provide for rules and regulations; to provide for  
21 a municipal court and the judge or judges thereof and other matters relative to those  
22 judges; to provide for the court's jurisdiction, powers, practices, and procedures; to  
23 provide for the right of certiorari; to provide for elections; to provide for taxation,  
24 licenses, and fees; to provide for franchises, service charges, and assessments; to provide  
25 for bonded and other indebtedness; to provide for auditing, accounting, budgeting, and  
26 appropriations; to provide for city contracts and purchasing; to provide for the  
27 conveyance of property and interests therein; to provide for bonds for officials; to provide  
28 for prior ordinances and rules, pending matters, and existing personnel; to provide for  
29 penalties; to provide for definitions and construction; to provide for other matters relative  
30 to the foregoing; to repeal a specific Act; to provide for effective dates; to repeal  
31 conflicting laws; and for other purposes.

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44 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:  
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46 ARTICLE I  
47 INCORPORATION AND POWERS

48 SECTION 1.10.

49 Name.

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51 The City of Euharlee, in Bartow County, Georgia, is reincorporated by the enactment of  
52 this charter and is constituted and declared a body politic and corporate under the name  
53 and style Euharlee, Georgia and by that name shall have perpetual succession.  
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55 SECTION 1.11.

56 Corporate boundaries.

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58 (a) The boundaries of this city shall be those existing on the earliest effective date in 1870  
59 of the adoption of this charter with such alterations as may be made from time to time in  
60 the manner provided by law. The boundaries of this city at all times shall be shown on a  
61 map, a written description, or any combination thereof, to be retained permanently in the  
62 office of the city clerk and to be designated, as the case may be: "Official Map (or  
63 Description) of the corporate limits of the City of Euharlee, Georgia." Photographic,  
64 typed, or other copies of such map or description certified by the city clerk shall be  
65 admitted as evidence in all courts and shall have the same force and effect as with the  
66 original map or description.

67 (b) The city council may provide for the redrawing of any such map by ordinance to  
68 reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all  
69 purposes the entire map or maps which it is designated to replace.  
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71 SECTION 1.12.

72 Powers and construction.

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

78 (b) The powers of this city shall be construed liberally in favor of the city. The specific  
79 mention or failure to mention particular powers shall not be construed as limiting in any  
80 way the powers of this city. These powers shall include, but not be limited to, the  
81 following:

82 (1) Animal regulations. To regulate and license or to prohibit the keeping or running at  
83 large of animals and fowl and to provide for the impoundment of same if in violation of  
84 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane

85 destruction of animals and fowl when not redeemed as provided by ordinance; and to  
86 provide punishment for violation of ordinances enacted under this charter;

87 (2) Appropriations and expenditures. To make appropriations for the support of the  
88 government of the city; to authorize the expenditure of money for any purposes  
89 authorized by this charter and for any purpose for which a municipality is authorized by  
90 the laws of the State of Georgia; and to provide for the payment of expenses of the city;

91 (3) Building regulation. To regulate and to license the erection and construction of  
92 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,  
93 and heating and air-conditioning codes; and to regulate all housing and building trades;

94 (4) Business regulation and taxation. To levy and to provide for collection of regulatory  
95 fees and taxes on privileges, occupations, trades, and professions as authorized by Title  
96 48 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted; to  
97 permit and regulate the same; to provide for the manner and method of payment of such  
98 regulatory fees and taxes; and to revoke such permits after due process for failure to pay  
99 any city taxes or fees;

100 (5) Condemnation. To condemn property as granted to municipalities under the general  
101 laws of the State of Georgia, utilizing procedures enumerated in Title 22 of the O.C.G.A.  
102 or such other applicable laws as are now or may hereafter be enacted;

103 (6) Contracts. To enter into contracts and agreements with other governmental entities  
104 and with private persons, firms, and corporations;

105 (7) Emergencies. To establish procedures for determining and proclaiming that an  
106 emergency situation exists within or outside the city and to make and carry out all  
107 reasonable provisions deemed necessary to deal with or meet such an emergency for the  
108 protection, safety, health, or well-being of the citizens of the city;

109 (8) Environmental protection. To protect and preserve the natural resources, environment,  
110 and vital areas of this state through the preservation and improvement of air quality, the  
111 restoration and maintenance of water resources, the control of erosion and sedimentation,  
112 the management of solid and hazardous waste, and other necessary actions for the  
113 protection of the environment;

114 (9) Fire regulations. To fix and establish fire limits and from time to time to extend,  
115 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with  
116 general law, relating to both fire prevention and detection and to fire fighting; and to  
117 prescribe penalties and punishment for violations thereof;

118 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection  
119 and disposal and other sanitary service charge, tax, or fee for such services as may be  
120 necessary in the operation of the city from all individuals, firms, and corporations  
121 residing in or doing business in the city benefiting from such services; to enforce the  
122 payment of such charges, taxes, or fees; and to provide for the manner and method of  
123 collecting such service charges;

124 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,  
125 practice, conduct, or use of property which is detrimental to health, sanitation,

126 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the  
127 enforcement of such standards;

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

131 (13) Health and sanitation. To prescribe standards of health and sanitation and to provide  
132 for the enforcement of such standards;

133 (14) Jail sentences. To provide that persons given jail sentences in the municipal court  
134 may work out such sentences in any public works or on the streets, roads, drains, and  
135 other public property in the city; to provide for commitment of such persons to any jail;  
136 or to provide for commitment of such persons to any county work camp or county jail by  
137 agreement with the appropriate county officials;

138 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control  
139 over all traffic, including parking upon or across the streets, roads, alleys, and walkways  
140 of the city;

141 (16) Municipal agencies and delegation of power. To create, alter, or abolish  
142 departments, boards, offices, commissions, and agencies of the city and to confer upon  
143 such agencies the necessary and appropriate authority for carrying out all the powers  
144 conferred upon or delegated to the same;

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

148 (18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or  
149 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or  
150 outside the property limits of the city;

151 (19) Municipal property protection. To provide for the preservation and protection of  
152 property and equipment of the city and the administration and use of same by the public;  
153 and to prescribe penalties and punishment for violations thereof;

154 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose  
155 of public utilities, including, but not limited to, a system of waterworks, sewers and  
156 drains, sewage disposal, gas works, electric light plants, cable television and other  
157 telecommunications, transportation facilities, public airports, and any other public utility;  
158 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and  
159 to provide for the withdrawal of service for refusal or failure to pay the same;

160 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or  
161 private property;

162 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to  
163 the authority of this charter and the laws of the State of Georgia;

164 (23) Planning and zoning. To provide comprehensive city planning for development by  
165 zoning; and to provide subdivision regulation and the like as the city council deems  
166 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;

167 (24) Police and fire protection. To exercise the power of arrest through duly appointed  
168 police officers and to establish, operate, or contract for a police and a fire-fighting  
169 agency;

170 (25) Public hazards; removal. To provide for the destruction and removal of any building  
171 or other structure which is or may become dangerous or detrimental to the public;

172 (26) Public improvements. To provide for the acquisition, construction, building,  
173 operation, and maintenance of public ways, parks and playgrounds, public grounds,  
174 recreational facilities, cemeteries, markets and market houses, public buildings, libraries,  
175 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, other  
176 public utilities, public housing, airports, hospitals, terminals, docks, parking facilities,  
177 and charitable, cultural, educational, recreational, conservation, sport, curative,  
178 corrective, detentional, penal, and medical institutions, agencies, and facilities; and to  
179 provide any other public improvements, inside or outside the corporate limits of the city;  
180 to regulate the use of public improvements; and, for such purposes, property may be  
181 acquired by condemnation under Title 22 of the O.C.G.A. or such other applicable laws  
182 as are now or may hereafter be enacted;

183 (27) Public peace. To provide for the prevention and punishment of drunkenness, riots,  
184 and public disturbances;

185 (28) Public transportation. To organize and operate or contract for such public  
186 transportation systems as are deemed beneficial;

187 (29) Public utilities and services. To grant franchises or make contracts for or impose  
188 taxes on public utilities and public service companies and to prescribe the rates, fares,  
189 regulations, and standards and conditions of service applicable to the service to be  
190 provided by the franchise grantee or contractor, insofar as not in conflict with valid  
191 regulations of the Georgia Public Service Commission;

192 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,  
193 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any  
194 and all other structures or obstructions upon or adjacent to the rights of way of streets and  
195 roads or within view thereof, within the corporate limits of the city; and to prescribe  
196 penalties and punishment for violation of such ordinances;

197 (31) Retirement. To provide and maintain a retirement plan for officers and employees of  
198 the city;

199 (32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade  
200 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise  
201 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and  
202 walkways within the corporate limits of the city; and to grant franchises and rights of way  
203 throughout the streets and roads and over the bridges and viaducts for the use of public  
204 utilities; and to require real estate owners to repair and maintain in a safe condition the  
205 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

206 (33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,  
207 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant

208 and sewerage system and to levy on those engaged in new construction to whom sewers  
209 and sewerage systems are made available a sewer service fee, charge, or sewer tax for the  
210 availability or use of the sewers; to provide for the manner and method of collecting such  
211 service charges and for enforcing payment of the same; and to charge, impose, and  
212 collect a sewer connection fee or fees to those connected with the system;

213 (34) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,  
214 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by  
215 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,  
216 paper, and other recyclable materials and to provide for the sale of such items;

217 (35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,  
218 the manufacture, sale, or transportation of any intoxicating liquors, alcoholic beverages,  
219 and the use of firearms, subject to the limitations of the Constitutions of the United States  
220 and the State of Georgia and applicable laws of the State of Georgia; to regulate the  
221 transportation, storage, and use of combustible, explosive, and inflammable materials, the  
222 use of lighting and heating equipment, and any other business or situation which may be  
223 dangerous to persons or property; to regulate and control the conduct of peddlers and  
224 itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxation  
225 or otherwise; and to license, tax, regulate, or prohibit professional fortunetelling,  
226 palmistry, adult bookstores, and massage parlors;

227 (36) Special assessments. To levy and provide for the collection of special assessments to  
228 cover the costs for any public improvements;

229 (37) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,  
230 and collection of taxes on all property subject to taxation;

231 (38) Taxes: other. To levy and collect such other taxes as may be allowed now or in the  
232 future by law;

233 (39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the  
234 number of such vehicles; to require the operators thereof to be licensed; to require public  
235 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to  
236 regulate the parking of such vehicles;

237 (40) Urban redevelopment. To organize and operate an urban redevelopment program;  
238 and

239 (41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,  
240 and immunities necessary or desirable to promote or protect the safety, health, peace,  
241 security, good order, comfort, convenience, or general welfare of the city and its  
242 inhabitants; and to exercise all implied powers necessary or desirable to carry into  
243 execution all powers granted in this charter as fully and completely as if such powers  
244 were fully stated in this charter; and to exercise all powers now or in the future authorized  
245 to be exercised by other municipal governments under other laws of the State of Georgia;  
246 and no listing of particular powers in this charter shall be held to be exclusive of others,  
247 nor restrictive of general words and phrases granting powers, but shall be held to be in

248 addition to such powers unless expressly prohibited to municipalities under the  
249 Constitution or applicable laws of the State of Georgia.

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**SECTION 1.13.**  
Exercise of powers.

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

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ARTICLE II  
GOVERNMENT STRUCTURE

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**SECTION 2.10.**  
City council creation; number; election.

264 The legislative authority of the government of this city, except as otherwise specifically  
265 provided in this charter, shall be vested in a city council to be composed of a mayor and  
266 four council members. The city council established in this charter shall in all respects be a  
267 successor to and continuation of the city governing authority under prior law. The mayor  
268 and council members shall be elected in the manner provided by this charter.

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**SECTION 2.11.**  
City council members;  
terms and qualifications for office.

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274 The members of the city council shall serve for terms of four years and until their  
275 respective successors are elected and qualified. The term of office of each member of the  
276 city council shall begin on the first day of January immediately following the election of  
277 such member unless general law authorizes or requires the term to begin at the first  
278 organizational meeting in January or upon some other date. No person shall be eligible to  
279 serve as mayor or councilmember unless that person shall have been a resident of the city  
280 for 12 months prior to the date of the election of the mayor or members of the city  
281 council. Each shall continue to reside therein during that person's period of service and to  
282 be registered and qualified to vote in municipal elections of this city.

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**SECTION 2.12.**

Vacancy; filling of vacancies;  
suspensions.

(a) Vacancies. The office of mayor or councilmember shall become vacant upon such person's failing or ceasing to reside in the city or upon the occurrence of any event specified by the Constitution, Title 45 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

(b) Filling of vacancies. A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, by appointment if less than 12 months remain in the unexpired term, otherwise by an election as provided for in Section 5.14 of this charter and Titles 21 and 45 of the O.C.G.A. or such other laws as are or may hereafter be enacted.

(c) Suspension. Upon the suspension from office of mayor or councilmember in any manner authorized by the general laws of the State of Georgia, the city council or those remaining shall appoint a successor for the duration of the suspension. If the suspension becomes permanent, then the office shall become vacant and shall be filled for the remainder of the unexpired term, if any, as provided for in this charter.

**SECTION 2.13.**

Compensation and expenses.

The mayor and council members shall receive compensation and expenses for their services as provided by ordinance.

**SECTION 2.14.**

Holding other office;  
voting when personally interested.

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

(b) Conflict of interest. No elected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall knowingly:

(1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of that person's official duties or which would tend to impair the independence of that person's judgment or action in the performance of that person's official duties;

(2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of that person's official duties or would tend to impair the independence of that person's judgment or action in the performance of that person's official duties;

329 (3) Disclose confidential information, including information obtained at meetings which  
330 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,  
331 government, or affairs of the governmental body by which that person is engaged without  
332 proper legal authorization or use such information to advance the financial or other  
333 private interest of that person or others;

334 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from  
335 any person, firm, or corporation which to that person's knowledge is interested, directly  
336 or indirectly, in any manner whatsoever, in business dealings with the governmental body  
337 by which that person is engaged; provided, however, that an elected official who is a  
338 candidate for public office may accept campaign contributions and services in connection  
339 with any such campaign;

340 (5) Represent other private interests in any action or proceeding against this city or any  
341 portion of its government; or

342 (6) Vote or otherwise participate in the negotiation or in the making of any contract with  
343 any business or entity in which that person has a financial interest.

344 (c) Disclosure. Any elected official, appointed officer, or employee who shall have any  
345 financial interest, directly or indirectly, in any contract or matter pending before or within  
346 any department of the city shall disclose such interest to the city council. The mayor or  
347 any councilmember who has a financial interest in any matter pending before the city  
348 council shall disclose such interest, and such disclosure shall be entered on the records of  
349 the city council, and that person shall disqualify himself or herself from participating in  
350 any decision or vote relating thereto. Any elected official, appointed officer, or employee  
351 of any agency or political entity to which this charter applies who shall have any financial  
352 interest, directly or indirectly, in any contract or matter pending before or within such  
353 entity shall disclose such interest to the governing body of such agency or entity.

354 (d) Use of public property. No elected official, appointed officer, or employee of the city  
355 or any agency or entity to which this charter applies shall use property owned by such  
356 governmental entity for personal benefit, convenience, or profit except in accordance  
357 with policies promulgated by the city council or the governing body of such agency or  
358 entity.

359 (e) Contracts voidable and rescindable. Any violation of this section which occurs with  
360 the knowledge, express or implied, of a party to a contract or sale shall render such  
361 contract or sale voidable at the option of the city council.

362 (f) Ineligibility of elected official. Except where authorized by law, neither the mayor nor  
363 any councilmember shall hold any other elective or compensated appointive office in the  
364 city or otherwise be employed by said government or any agency thereof during the term  
365 for which that person was elected. No former councilmember and no former mayor shall  
366 hold any compensated appointive office in the city until one year after the expiration of  
367 the term for which that person was elected.

368 (g) Political activities of certain officers and employees. No appointed officer and no  
369 employee of the city shall continue in such employment upon qualifying as a candidate

370 for nomination or election to any public office. No employee of the city shall continue in  
371 such employment upon election to any public office in this city or any other public office  
372 which is inconsistent, incompatible, or in conflict with the duties of the city employee.  
373 Such determination shall be made by the mayor and city council either immediately upon  
374 election or at any time such conflict may arise.

375 (h) Penalties for violation:

376 (1) Any city officer or employee who knowingly conceals such financial interest or  
377 knowingly violates any of the requirements of this section shall be guilty of malfeasance  
378 in office or position and shall be deemed to have forfeited that person's office or position.

379 (2) Any officer or employee of the city who shall forfeit that person's office or position as  
380 described in paragraph (1) of this subsection shall be ineligible for appointment or  
381 election to or employment in a position in the city government for a period of three years  
382 thereafter.

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### 384 **SECTION 2.15.**

385 Inquiries and investigations.

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

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### 394 **SECTION 2.16.**

395 General power and authority of the city council.

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

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### 400 **SECTION 2.17.**

401 Organizational meetings; oaths.

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403 The oath of office shall be administered by the City Clerk or other designee to the newly  
404 elected members as follows:

405 "I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor)  
406 (councilmember) of this city and that I will support and defend the charter thereof as well  
407 as the Constitution and laws of the State of Georgia and the United States of America."

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411 **SECTION 2.18.**

412 Meetings.

413  
414 (a) The city council shall hold regular meetings at such times and places as shall be  
415 prescribed by ordinance.

416 (b) Special meetings of the city council may be held on call of the mayor or two members  
417 of the city council. Notice of such special meeting shall be served on all other members  
418 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such  
419 notice to council members shall not be required if the mayor and all council members are  
420 present when the special meeting is called. Such notice of any special meeting may be  
421 waived by a councilmember in writing before or after such a meeting, and attendance at  
422 the meeting shall also constitute a waiver of notice on any business transacted in such  
423 councilmember's presence. Only the business stated in the call shall be transacted at the  
424 special meeting.

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

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430 **SECTION 2.19.**

431 Rules of procedure. (Potential changes are highlighted in yellow)

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

436 (b) All committees and committee chairpersons and officers of the city council shall be  
437 appointed by the mayor and city council and shall serve at the pleasure of the mayor and  
438 city council. The mayor and city council shall have the power to appoint new members to  
439 any committee at any time.

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441 **SECTION 2.20.**

442 Quorum; voting.

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444 Three members of the city council shall constitute a quorum and shall be authorized to  
445 transact business of the city council. Voting on the adoption of ordinances shall be by  
446 voice vote, and the vote shall be recorded in the journal, but any member of the city  
447 council shall have the right to request a roll-call vote, and such vote shall be recorded in  
448 the journal. Except as otherwise provided in this charter, the affirmative vote of three  
449 members of the city council shall be required for the adoption of any ordinance,  
450 resolution, or motion. An abstention shall be counted as an affirmative vote. For purposes  
451 of establishing a quorum and voting, the mayor shall be deemed to be a member of the  
452 city council.

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**SECTION 2.21.**  
Ordinance form; procedures.

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

(b) An ordinance may be introduced by the mayor or any member of the city council and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however, that an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided for in Section 2.23 of this charter. Upon introduction of any ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

**SECTION 2.22.**  
Action requiring an ordinance.

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

**SECTION 2.23.**  
Emergencies.

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

495 be repealed by adoption of a repealing ordinance in the same manner specified in this  
496 section for adoption of emergency ordinances.

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

501

#### 502 **SECTION 2.24.**

503 Codes of technical regulations.

504

505 (a) The city council may adopt any standard code of technical regulations by reference  
506 thereto in an adopting ordinance. The procedure and requirements governing such  
507 adopting ordinance shall be as prescribed for ordinances generally except that: (1) the  
508 requirements of subsection (b) of Section 2.21 of this charter for distribution and filing of  
509 copies of the ordinance shall be construed to include copies of any code of technical  
510 regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of  
511 technical regulations, as well as the adopting ordinance, shall be authenticated and  
512 recorded by the clerk pursuant to Section 2.25 of this charter.

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

515

#### 516 **SECTION 2.25.**

517 Signing; authenticating;  
518 recording; codification; printing.

519

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

522 (b) The city council shall provide for the preparation of a general codification of all the  
523 ordinances of the city having the force and effect of law. The general codification shall be  
524 adopted by the city council by ordinance and shall be published promptly, together with  
525 all amendments thereto and such codes of technical regulations and other rules and  
526 regulations as the city council may specify. This compilation shall be known and cited  
527 officially as "The Code of the City of Euharlee, Georgia." Copies of the code shall be  
528 furnished to all officers, departments, and agencies of the city and made available for  
529 purchase by the public at a reasonable price as fixed by the city council.

530 (c) The city council shall cause each ordinance and each amendment to this charter to be  
531 printed promptly following its adoption, and the printed ordinances and charter  
532 amendments shall be made available for purchase by the public at reasonable prices to be  
533 fixed by the city council. Following publication of the first code under this charter and at  
534 all times thereafter, the ordinances and charter amendments shall be printed in  
535 substantially the same style as the code currently in effect and shall be suitable in form  
536 for incorporation therein. The city council shall make such further arrangements as

537 deemed desirable with reproduction and distribution of any current changes in or  
538 additions to codes of technical regulations and other rules and regulations included in the  
539 code.

540

541 **SECTION 2.26.**

542 City manager; appointment;  
543 qualifications; compensation.

544

545 The city council shall appoint a city manager for an indefinite term and shall fix the city  
546 manager's compensation. The city manager shall be appointed solely on the basis of that  
547 person's executive and administrative qualifications.

548

549 **SECTION 2.27.**

550 **Reserved**

551

552

553 **SECTION 2.28.**

554 Acting city manager.

555

556 By letter filed with the city clerk, the city mayor shall designate, subject to approval of  
557 the city council, a qualified city administrative officer to exercise the powers and perform  
558 the duties of city manager during the city manager's temporary absence or physical or  
559 mental disability. During such absence or disability, the city council may revoke such  
560 designation at any time and appoint another officer of the city to serve until the city  
561 manager shall return or the city manager's disability shall cease.

562

563 **SECTION 2.29.**

564 Powers and duties of the city manager.

565

566 The position of city manager may or may not be deemed necessary by the city council for  
567 the administration of city affairs. If the city council elects to appoint a city manager, the  
568 duties of said city manager will be defined by the current city council. The city manager  
569 shall report directly to the members of the city council and shall operate solely at their  
570 discretion.

571

572 The city manager shall:

573 (1) Attend all city council meetings, except for closed meetings held for the purposes of  
574 deliberating on the appointment, discipline, or removal of the city manager, and have the  
575 right to take part in discussion, but the city manager may not vote;

576 (2) See that all laws, provisions of this charter, and acts of the city council, subject to  
577 enforcement by the city manager or by officers subject to the city manager's direction and  
578 supervision, are faithfully executed;

- 579 (3) Prepare and submit the annual operating budget and capital budget to the city council;  
580 (4) Submit to the city council and make available to the public a complete report on the  
581 finances and administrative activities of the city as of the end of each fiscal year;  
582 (5) Make such other reports as the city council may require concerning the operations of  
583 city departments, offices, and agencies subject to the city manager's direction and  
584 supervision;  
585 (6) Keep the city council fully advised as to the financial condition and future needs of  
586 the city, and make such recommendations to the city council concerning the affairs of the  
587 city as the city manager deems desirable; and  
588 (7) Perform other such duties as are specified in this charter or as may be required by the  
589 city council.

590  
591 **SECTION 2.30.**

592 Council's interference with administration.

593  
594 Except for the purpose of inquiries and investigations under Section 2.15 of this charter,  
595 the city council or its members shall deal with employees who are subject to the direction  
596 and supervision of the city manager solely through the city manager, and neither the city  
597 council nor its members shall give orders to any such officer or employee, either publicly  
598 or privately.  
599

600  
601 **SECTION 2.31.**

602 Election of mayor; forfeiture; compensation.

603  
604 The mayor shall be elected and shall serve for a term of four years and until the mayor's  
605 successor is elected and qualified. The mayor shall be a qualified elector of this city and  
606 shall have been a resident of the city for 12 months prior to the election. The mayor shall  
607 continue to reside in this city during the period of the mayor's service. The mayor shall  
608 forfeit the office of mayor on the same grounds and under the same procedure as for  
609 council members. The compensation of the mayor shall be established in the same  
610 manner as for council members.

611  
612 **SECTION 2.32.**

613 Mayor pro tempore.

614  
615 By a majority vote, the council members shall elect a councilmember to serve as mayor  
616 pro tempore. The mayor pro tempore shall assume the duties and powers of the mayor  
617 during the mayor's physical or mental disability or absence. The mayor pro tempore shall  
618 continue to vote and otherwise participate as a councilmember. Any such disability or  
619 absence shall be declared by a majority vote of the council members. The mayor pro

620 tempore shall sign all contracts and ordinances in which the mayor has a disqualifying  
621 financial interest as provided in Section 2.14 of this charter.

622  
623 **SECTION 2.33.**

624 Powers and duties of mayor.

625  
626 The mayor shall:

- 627 (1) Preside at all meetings of the city council;  
628 (2) Be the head of the city for the purpose of service of process and for ceremonial  
629 purposes and be the official spokesperson for the city and the chief advocate of policy;  
630 (3) Have the power to administer oaths and to take affidavits;  
631 (4) Sign as a matter of course on behalf of the city all written and approved contracts,  
632 ordinances, and other instruments executed by the city which by law are required to be in  
633 writing;  
634 (5) Vote on matters before the city council and be counted toward a quorum as any other  
635 councilmember;  
636 (6) Submit to the city council a recommended annual operating budget and recommended  
637 capital budget; and  
638 (7) Fulfill such other executive and administrative duties as the city council shall by  
639 ordinance establish.

640  
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642  
643 **ARTICLE III**

644 **ADMINISTRATIVE AFFAIRS**

645 **SECTION 3.10.**

646 Administrative and service departments.

- 647  
648 (a) Except as otherwise provided in this charter, the city council by ordinance shall  
649 prescribe the functions or duties and establish, abolish, alter, consolidate, or leave vacant  
650 all nonelective offices, positions of employment, departments, and agencies of the city as  
651 necessary for the proper administration of the affairs and government of this city.  
652 (b) Except as otherwise provided by this charter or by law, the directors of departments  
653 and other appointed officers of the city shall be appointed solely on the basis of their  
654 respective administrative and professional qualifications.  
655 (c) All appointed officers and directors of departments shall receive performance  
656 evaluations annually and such compensation as prescribed by ordinance.  
657 (d) There shall be a director of each department or agency who shall be its principal  
658 officer. Each director shall, subject to the direction and supervision of the city manager,  
659 be responsible for the administration and direction of the affairs and operations of that  
660 director's department or agency.

662 (e) All directors shall be appointed by vote of the city council. All appointed officers and  
663 directors shall be employees at will and subject to removal or suspension at any time  
664 unless otherwise provided by law or ordinance.

665

666 **SECTION 3.11.**

667 **Boards, commissions, and authorities.**

668

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

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

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

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

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

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

689 (g) All members of boards, commissions, or authorities of the city serve at will and may  
690 be removed at any time by the city council unless otherwise provided by law.

691 (h) Except as otherwise provided by this charter or by law, each board, commission, or  
692 authority of the city shall elect one of its members as chairperson and one member as vice  
693 chairperson and may elect as its secretary one of its own members or may appoint as  
694 secretary an employee of the city. Each board, commission, or authority of the city  
695 government may establish such bylaws, rules, and regulations, not inconsistent with this  
696 charter, ordinances of the city, or law, as it deems appropriate and necessary for the  
697 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and  
698 regulations shall be filed with the clerk of the city.

699

700 **SECTION 3.12.**

701 **City attorney.**

702

703 The city council shall appoint a city attorney and shall provide for the payment of such  
704 attorney for services rendered to the city. The city attorney shall be responsible for  
705 providing for the representation and defense of the city in all litigation in which the city is  
706 a party; may be the prosecuting officer in the municipal court; shall attend the meetings  
707 of the city council as directed; shall advise the council members, mayor, and other  
708 officers and employees of the city concerning legal aspects of the city's affairs; and shall  
709 perform such other duties as may be required by virtue of such person's position as city  
710 attorney.

711  
712 **SECTION 3.13.**

713 City clerk.

714  
715 The council members shall appoint a city clerk who shall not be a councilmember. The  
716 city clerk shall be custodian of the official city seal and city records; maintain city  
717 council records required by this charter; and perform such other duties as may be required  
718 by the city council.

719  
720 **SECTION 3.14.**

721 Position classification and pay plans.

722  
723 The city manager shall be responsible for the preparation of a position classification and  
724 pay plan which shall be submitted to the city council for approval. Such plan may apply  
725 to all employees of the city and any of its agencies, departments, boards, commissions, or  
726 authorities. When a pay plan has been adopted, the city council shall not increase or  
727 decrease the salary range applicable to any position except by amendment of such pay  
728 plan. For purposes of this section, all elected and appointed city officials are not city  
729 employees.

730  
731 **SECTION 3.15.**

732 Personnel policies.

733  
734 All employees serve at will and may be removed from office at any time unless otherwise  
735 provided by ordinance.

736  
737 **ARTICLE IV**  
738 **JUDICIAL BRANCH**

739 **SECTION 4.10.**

740 Creation; Name.

741  
742 There shall be a court to be known as the Municipal Court of the City of Euharlee.  
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**SECTION 4.11.**  
Chief Judge; Associate Judge.

- (a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or stand-by judges as shall be provided by ordinance.
- (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall have attained the age of 21 years and shall be a member of the State Bar of Georgia and shall possess all qualifications required by law. All judges shall be appointed by the city council and shall serve until a successor is appointed and qualified.
- (c) Compensation of the judges shall be fixed by ordinance.
- (d) Judges serve at will and may be removed from office at any time by the city council unless otherwise provided by ordinance.
- (e) Before assuming office, each judge shall take an oath, given by the mayor, that such judge will honestly and faithfully discharge the duties of the judge's office to the best of the judge's ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council journal required in Section 2.19 of this charter.

**SECTION 4.12.**  
Convening.

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

**SECTION 4.13.**  
Jurisdiction; powers.

- (a) The municipal court shall try and punish violations of this charter, all city ordinances, and such other violations as provided by law.
- (b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$200.00 or ten days in jail.
- (c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$2,500.00 or imprisonment for 12 months or both such fine and imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing, as now or hereafter provided by law.
- (d) The municipal court shall have authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violations of state law.
- (e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before such court and shall have

786 discretionary authority to accept cash or personal or real property as surety for the  
787 appearance of persons charged with violations. Whenever any person shall give bail for  
788 that person's appearance and shall fail to appear at the time fixed for trial, that person's  
789 bond shall be forfeited by the judge presiding at such time and an execution issued  
790 thereon by serving the defendant and the defendant's sureties with a rule nisi at least two  
791 days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu  
792 of bond for security for the appearance of a defendant at trial, and if such defendant fails  
793 to appear at the time and place fixed for trial, the cash so deposited shall be on order of  
794 the judge declared forfeited to the city, or the property so deposited shall have a lien  
795 against it for the value forfeited which lien shall be enforceable in the same manner and  
796 to the same extent as a lien for city property taxes.

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

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

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

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#### **SECTION 4.14.**

811

##### **Certiorari.**

812

813 The right of certiorari from the decision and judgment of the municipal court shall exist  
814 in all criminal cases and ordinance violation cases, and such certiorari shall be obtained  
815 under the sanction of a judge of the Superior Court of Bartow County under the laws of  
816 the State of Georgia regulating the granting and issuance of writs of certiorari.

817

818

#### **SECTION 4.15.**

819

##### **Rules for court.**

820

821 With the approval of the city council, the judge shall have full power and authority to  
822 make reasonable rules and regulations necessary and proper to secure the efficient and  
823 successful administration of the municipal court; provided, however, that the city council  
824 may adopt in part or in total the rules and regulations applicable to municipal courts. The  
825 rules and regulations made or adopted shall be filed with the city clerk, shall be available  
826 for public inspection, and, upon request, a copy shall be furnished to all defendants in  
827 municipal court proceedings at least 48 hours prior to such proceedings.

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ARTICLE V  
ELECTIONS AND REMOVAL

**SECTION 5.10.**

Applicability of general law.

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

**SECTION 5.11.**

Regular elections; time for holding.

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

(b) There shall be elected the mayor and two council members at one election and at every other election thereafter. The remaining councilmember seats shall be filled at the election alternating with the first election so that a continuing body is created.

**SECTION 5.12.**

Nonpartisan elections.

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

**SECTION 5.13.**

Election by majority vote.

The mayor and council members shall be elected by a majority vote of the votes cast for each position.

**SECTION 5.14.**

Special elections; vacancies.

In the event that the office of mayor or councilmember shall become vacant as provided in Section 2.12 of this charter, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, that if such vacancy occurs within 12 months of the expiration of the term of that office, the city council or those members remaining shall appoint a successor for the remainder of the term. In all other respects, the special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

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**SECTION 5.15.**  
Other provisions.

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

**SECTION 5.16.**  
Removal of officers.

- (a) A councilmember, the mayor, or other appointed officers provided for in this charter shall be removed from office for any one or more of the causes provided in Title 45 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted.
- (b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished by one of the following methods:
  - (1) Following a hearing at which an ethics commission, comprised of residents of the city of Euharlee and appointed by a hearing officer, the commission shall render a decision. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. The city council shall provide by ordinance for the manner in which such hearings shall be held. Any elected officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the city council to the Superior Court of Bartow County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or
  - (2) By an order of the Superior Court of Bartow County following a hearing on a complaint seeking such removal brought by any resident of the City of Euharlee.

**ARTICLE VI**  
**FINANCE**  
**SECTION 6.10.**

Property tax.

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

**SECTION 6.11.**  
Millage rate; due dates; payment methods.

912  
913 The city council by ordinance shall establish a millage rate for the city property tax, a due  
914 date, and the time period within which these taxes must be paid. The city council by  
915 ordinance may provide for the payment of these taxes by installments or in one lump  
916 sum, as well as authorize the voluntary payment of taxes prior to the time when due.

917  
918 **SECTION 6.12.**

919 Occupation and business taxes.  
920

921 The city council by ordinance shall have the power to levy such occupation or business  
922 taxes as are not denied by law. The city council may classify businesses, occupations, or  
923 professions for the purpose of such taxation in any way which may be lawful and may  
924 compel the payment of such taxes as provided in Section 6.18 of this charter.

925  
926 **SECTION 6.13.**

927 Licenses; permits; fees.  
928

929 The city council by ordinance shall have the power to require businesses or practitioners  
930 doing business in this city to obtain a permit for such activity from the city and pay a  
931 regulatory fee for such permit as provided by general law. Such fees shall reflect the total  
932 cost to the city of regulating the activity and, if unpaid, shall be collected as provided in  
933 Section 6.18 of this charter.  
934

935 **SECTION 6.14.**

936 Franchises.  
937

938 (a) The city council shall have the power to grant franchises for the use of this city's  
939 streets and alleys for the purposes of railroads, street railways, telephone companies,  
940 electric companies, electric membership corporations, cable television and other  
941 telecommunications companies, gas companies, transportation companies, and other  
942 similar organizations. The city council shall determine the duration, terms, whether the  
943 same shall be exclusive or nonexclusive, and the consideration for such franchises;  
944 provided, however, that no franchise shall be granted for a period in excess of 35 years  
945 and no franchise shall be granted unless the city receives just and adequate compensation  
946 therefore. The city council shall provide for the registration of all franchises with the city  
947 clerk in a registration book kept by the city clerk. The city council may provide by  
948 ordinance for the registration within a reasonable time of all franchises previously  
949 granted.

950 (b) If no franchise agreement is in effect, the city council has the authority to impose a  
951 tax on gross receipts for the use of this city's streets and alleys for the purposes of  
952 railroads, street railways, telephone companies, electric companies, electric membership

953 corporations, cable television and other telecommunications companies, gas companies,  
954 transportation companies, and other similar organizations.

955  
956 **SECTION 6.15.**

957 Service charges.

958  
959 The city council by ordinance shall have the power to assess and collect fees, charges,  
960 and tolls for sewers, sanitary and health services, or any other services provided or made  
961 available within and outside the corporate limits of the city for the total cost to the city of  
962 providing or making available such services. If unpaid, such charges shall be collected as  
963 provided in Section 6.18 of this charter.

964  
965 **SECTION 6.16.**

966 Special assessments.

967  
968 The city council by ordinance shall have the power to assess and collect the cost of  
969 constructing, reconstructing, widening, or improving any public way, street, sidewalk,  
970 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting  
971 property owners under such terms and conditions as are reasonable. If unpaid, such  
972 charges shall be collected as provided in Section 6.18 of this charter.

973  
974  
975  
976 **SECTION 6.17.**

977 Construction; other taxes.

978  
979 This city shall be empowered to levy any other tax or fee allowed now or hereafter by  
980 law, and the specific mention of any right, power, or authority in this article shall not be  
981 construed as limiting in any way the general powers of this city to govern its local affairs.

982  
983 **SECTION 6.18.**

984 Collection of delinquent taxes and fees.

985  
986 The city council by ordinance may provide generally for the collection of delinquent  
987 taxes, fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter  
988 by whatever reasonable means as are not precluded by law. This shall include providing  
989 for the dates when the taxes or fees are due; late penalties or interest; issuance and  
990 execution of fi. fas.; creation and priority of liens; making delinquent taxes and fees  
991 personal debts of the persons required to pay the taxes or fees imposed; revoking city  
992 permits for failure to pay any city taxes or fees; and providing for the assignment or  
993 transfer of tax executions.

994

995 **SECTION 6.19.**

996 General obligation bonds.

997  
998 The city council shall have the power to issue bonds for the purpose of raising revenue to  
999 carry out any project, program, or venture authorized under this charter or the laws of the  
1000 state. Such bonding authority shall be exercised in accordance with the laws governing  
1001 bond issuance by municipalities in effect at the time such issue is undertaken.  
1002

1003 **SECTION 6.20.**

1004 Revenue bonds.

1005  
1006 Revenue bonds may be issued by the city council as state law now or hereafter provides.  
1007 Such bonds are to be paid out of any revenue produced by the project, program, or  
1008 venture for which they were issued.  
1009

1010 **SECTION 6.21.**

1011 Short-term loans.

1012  
1013 The city may obtain short-term loans and shall repay such loans not later than December  
1014 31 of each year, unless otherwise provided by law.  
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1016  
1017 **SECTION 6.22.**

1018 Lease-purchase contracts.

1019  
1020 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the  
1021 acquisition of goods, materials, real and personal property, services, and supplies,  
1022 provided the contract terminates without further obligation on the part of the municipality  
1023 at the close of the calendar year in which it was executed and at the close of each  
1024 succeeding calendar year for which it may be renewed. Contracts shall be executed in  
1025 accordance with the requirements of Code Section 36-60-13 of the O.C.G.A., or other  
1026 such applicable laws as are or may hereafter be enacted.  
1027

1028 **SECTION 6.23.**

1029 Fiscal year.

1030  
1031 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the  
1032 budget year and the year for financial accounting and reporting of each and every office,  
1033 department, agency, and activity of the city government.  
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1035 **SECTION 6.24.**

1036 Budget ordinance.

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The city council shall provide direction to the city manager on 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.

**SECTION 6.25.**  
Operating budget.

On or before a date fixed by the city council but not later than 30 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 other pertinent comments and information. The operating budget and the capital budget provided for in Section 6.29 of this charter, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

**SECTION 6.26.**  
Action by city council on budget.

- (a) The council members may amend the operating budget proposed by the city manager, except that the budget as finally amended and adopted shall 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. The total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.
- (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal year not later than the last day of each fiscal year. If the city council fails to adopt the budget by said date, the amounts appropriated for operation for the then 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 Section 6.24 of this charter.
- (c) 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.

1079  
1080 **SECTION 6.27.**

1081 Levy of taxes.  
1082

1083 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax  
1084 rates set by such ordinance shall be such that reasonable estimates of revenues from such  
1085 levy shall at least be sufficient, together with other anticipated revenues, fund balances,  
1086 and applicable reserves, to equal the total amount appropriated for each of the several  
1087 funds set forth in the annual operating budget for defraying the expenses of the general  
1088 government of this city.  
1089

1090 **SECTION 6.28.**

1091 Changes in appropriations.  
1092

1093 The city council by ordinance may make changes in the appropriations contained in the  
1094 current operating budget at any regular meeting or special or emergency meeting called  
1095 for such purpose, but any additional appropriations may be made only from an existing  
1096 unexpended surplus.  
1097

1098 **SECTION 6.29.**

1099 Capital improvements.  
1100

1101  
1102 (a) On or before the date fixed by the city council, but not later than 30 days prior to the  
1103 beginning of each fiscal year, the city manager shall submit to the city council a proposed  
1104 capital improvements plan with a recommended capital budget containing the means of  
1105 financing the improvements proposed for the ensuing fiscal year. The city council shall  
1106 have power to accept, with or without amendments, or reject the proposed plan and  
1107 budget. The city council shall not authorize an expenditure for the construction of any  
1108 building, structure, work, or improvement unless the appropriations for such project are  
1109 included in the capital budget, except to meet a public emergency as provided in Section  
1110 2.23 of this charter.

1111 (b) The city council shall adopt by ordinance the final capital budget for the ensuing  
1112 fiscal year not later than the last day of each fiscal year. No appropriation provided for in  
1113 a prior capital budget shall lapse until the purpose for which the appropriation was made  
1114 shall have been accomplished or abandoned; provided, however, that the city manager  
1115 may submit amendments to the capital budget at any time during the fiscal year,  
1116 accompanied by recommendations. Any such amendments to the capital budget shall  
1117 become effective only upon adoption by ordinance.  
1118

1119 **SECTION 6.30.**

1120 Audits.

1121  
1122 There shall be an annual independent audit of all city accounts, funds, and financial  
1123 transactions by a certified public accountant selected by the city council. The audit shall  
1124 be conducted according to generally accepted auditing principles. Any audit of any funds  
1125 by the state or federal governments may be accepted as satisfying the requirements of this  
1126 charter. Copies of annual audit reports shall be available at printing costs to the public.  
1127

1128 **SECTION 6.31.**

1129 Procurement and property management.  
1130

1131 No contract with the city shall be binding on the city unless:

- 1132 (1) It is in writing;  
1133 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of  
1134 course, is signed by the city attorney to indicate such drafting or review; and  
1135 (3) It is made or authorized by the city council and such approval is entered in the city  
1136 council journal of proceedings pursuant to Section 2.19 of this charter.  
1137

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1139  
1140 **SECTION 6.32.**

1141 Purchasing.  
1142

1143 The city council shall by ordinance prescribe procedures for a system of centralized  
1144 purchasing for the city.  
1145

1146 **SECTION 6.33.**

1147 Sale and lease of property.  
1148

- 1149 (a) The city council may sell and convey or lease any real or personal property owned or  
1150 held by the city for governmental or other purposes as now or hereafter provided by law.  
1151 (b) The city council may quitclaim any rights it may have in property not needed for  
1152 public purposes upon report by the city manager and adoption of a resolution, both  
1153 finding that the property is not needed for public or other purposes and that the interest of  
1154 the city has no readily ascertainable monetary value.  
1155 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public  
1156 place of the city a small parcel or tract of land is cut off or separated by such work from a  
1157 larger tract or boundary of land owned by the city, the city council may authorize the city  
1158 manager to sell and convey said cut-off or separated parcel or tract of land to an abutting  
1159 or adjoining property owner or owners where such sale and conveyance facilitates the  
1160 highest and best use of the abutting owner's property. Included in the sales contract shall  
1161 be a provision for the rights of way of said street, avenue, alley, or public place. Each  
1162 abutting property owner shall be notified of the availability of the property and given the

1163 opportunity to purchase said property under such terms and conditions as set out by  
1164 ordinance. All deeds and conveyances heretofore and hereafter so executed and delivered  
1165 shall convey all title and interest the city has in such property, notwithstanding the fact  
1166 that no public sale after advertisement was or is hereafter made.

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1168

ARTICLE VII  
GENERAL PROVISIONS

1169

**SECTION 7.10.**

1170

Bonds for officials.

1171

1172

1173 The officers and employees of this city, both elected and appointed, shall execute such  
1174 surety or fidelity bonds in such amounts and upon such terms and conditions as the city  
1175 council shall from time to time require by ordinance or as may be provided by law.

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1177

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1179

**SECTION 7.11.**

1180

Existing ordinances,

1181

resolutions, rules, and regulations.

1182

1183

1184 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent  
1185 with this charter are hereby declared valid and of full effect and force until amended or  
1186 repealed by the city council. The city council may readopt, repeal, or amend each so that  
1187 a codification as provided by subsection (b) of Section 2.25 of this charter is  
1188 accomplished.

1189

**SECTION 7.12.**

1190

Pending matters.

1191

1192

1193 Except as specifically provided otherwise by this charter, all rights, claims, actions,  
1194 orders, contracts, and legal or administrative proceedings shall continue and any such  
1195 ongoing work or cases shall be completed by such city agencies, personnel, or offices as  
1196 may be provided by the city council.

1197

**SECTION 7.13.**

1198

Construction and definitions.

1199

1200

1201 (a) Section captions in this charter are informative only and are not be considered as a  
1202 part thereof.

- 1203 (b) The word "shall" is mandatory and the word "may" is permissive.  
1204 (c) The singular shall include the plural, the masculine shall include the feminine, and  
1205 vice versa.  
1206 (d) Except as specifically provided otherwise by this charter, the term:  
1207 (1) "City council" means the members of the city council and the mayor.  
1208 (2) "Councilmember" means a member of the city council other than the mayor.

1209  
1210 **SECTION 7.14.**  
1211 Specific repealer.

1212  
1213 An Act to incorporate the City of Euharlee in the County of Bartow and provide a charter  
1214 therefore, approved April 11, 1978 is hereby repealed.

1215  
1216  
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1222 **SECTION 7.15.**  
1223 Effective date.

1224  
1225 This Act shall become effective upon the approval of this Act by the Governor and upon  
1226 its otherwise becoming law without such approval.

1227  
1228 **SECTION 7.16.**  
1229 General repealer.

1230  
1231 All laws and parts of laws in conflict with this Act are repealed.