

CITY OF

MAHONTA

NEW

CHARTER

NO. 1214 (HOUSE BILL NO. 1685)

CITY OF NAHUNTA

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AN ACT

TO *PROVIDE* A NEW CHARTER FOR THE CITY OF NAHUNTA TO PROVIDE FOR INCORPORATION OF THE CITY; TO PROVIDE FOR CORPORATE BOUNDARIES TO PROVIDE *FOR POWERS, DUTIES, AND* AUTHORITY OF THE CITY *AND ITS GOVERNING AUTHORITY*; TO PROVIDE FOR A MAYOR AND COUNCIL; TO PROVIDE *FOR THEIR ELECTIONS, COMPENSATION, TERMS OF OFFICE, POWERS, DUTIES, AUTHORITY, AND METHOD FOR FILLING VACANCIES*; TO *PROVIDE FOR MEETINGS*; TO *PROVIDE* FOR QUORUMS; *TO PROVIDE FOR ORDINANCES AND CODES*; TO *PROVIDE* FOR DEPARTMENTS, *BOARDS, COMMISSIONS, AND AUTHORITIES*; *TO PROVIDE* FOR CITY OFFICIALS *AND EMPLOYEES*; *TO PROVIDE* FOR A MAYOR'S COURT *AND ITS JURISDICTION*; *TO PROVIDE FOR A JUDGE*; *TO PROVIDE FOR PENALTIES*; *TO PROVIDE FOR RULES*; TO PROVIDE FOR APPEALS; *TO PROVIDE FOR ELECTIONS*; *TO PROVIDE FOR REMOVAL OF ELECTED OFFICERS*; *TO PROVIDE FOR TAXATION AND THE PRACTICE AND PROCEDURE CONNECTED THEREWITH*; *TO PROVIDE FOR LICENSES, OCCUPATIONAL TAXES, AND EXCISE TAXES*; *TO PROVIDE FOR CHARGES*; TO *PROVIDE FOR FINANCIAL AND FISCAL AFFAIRS OF THE CITY*; *TO PROVIDE FOR BUDGETS AND APPROPRIATIONS*; TO PROVIDE FOR CONTRACTS AND PURCHASING; *TO PROVIDE FOR BONDS*; *TO PROVIDE FOR ORDINANCES AND REGULATIONS*; TO PROVIDE FOR OTHER MATTERS RELATIVE TO THE FOREGOING; *TO REPEAL SPECIFIC ACTS*; *TO PROVIDE FOR SEVERABILITY*; *TO REPEAL* CONFLICTING LAWS; AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.10 *INCORPORATION*. THE CITY OF NAHUNTA, GEORGIA, IN THE COUNTY OF BRANTLEY, AND THE INHABITANTS THEREOF *SHALL CONTINUE TO BE A BODY POLITIC AND CORPORATE UNDER THE SAME NAME AND STYLE OF THE CITY OF NAHUNTA, GEORGIA. UNDER THAT NAME, SAID CITY SHALL CONTINUE TO BE VESTED WITH ALL OF THE PROPERTY AND RIGHTS OF PROPERTY WHICH NOW BELONG TO THE CORPORATION, SHALL BE PERPETUAL SUCCESSION*; MAY SUE AND *BE SUED*; MAY CONTRACT AND BE CONTRACTED WITH, MAY ACQUIRE AND *HOLD* SUCH PROPERTY, REAL AND *PERSONAL, AS MAY BE DEVISED, BEQUEATHED, SOLD, OR IN ANY MANNER CONVEYED OR DEDICATED TO OR OTHERWISE ACQUIRED BY IT, AND FROM TIME TO TIME MAY HOLD OR INVEST, SELL, OR DISPOSE OF THE SAME*; MAY HAVE A COMMON SEAL AND LATER MAY RENEW THE SAME AT *WILL*; *AND MAY EXERCISE IN CONFORMITY WITH THIS CHARTER ALL MUNICIPAL POWERS, FUNCTIONS, RIGHTS, PRIVILEGES, AND IMMUNITIES OF EVERY NAME AND NATURE WHATSOEVER.*

SECTION 1.11. CORPORATE *BOUNDARIES*.

(a.) THE BOUNDARIES OF THE CITY OF NAHUNTA SHALL BE AS FOLLOWS:

ALL THAT TRACT OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE 2ND LAND DISTRICT OF BRANTLEY COUNTY, GEORGIA, CONTAINING 1805.90 ACRES AND BEING ALL OF LAND LOTS NOS. 88 AND 89, THE WESTERN ONE-HALF (1/2) OF LAND LOTS NOS. 104 AND 105, THE NORTHWEST QUARTER OF LAND LOT NO. 106, THE NORTH ONE-HALF (1/2) OF LAND LOT NO. 87, AND PORTIONS OF LAND LOTS NOS. 41 AND 42, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LAND LOT NO. 89, THENCE, PROCEED SOUTH 14 DEGREES 19 MINUTES 15 SECONDS WEST A DISTANCE OF 4390.44 FEET TO THE SOUTHWEST CORNER OF LAND LOT NO. 89; THENCE, PROCEED SOUTH 14 DEGREES 06 MINUTES 28 SECONDS WEST A DISTANCE OF 2957.02 FEET TO A POINT MARKED BY A 2-INCH PIPE; THENCE, PROCEED SOUTH 82 DEGREES 28 MINUTES 28 SECONDS WEST A DISTANCE OF 1084.74 FEET TO A CONCRETE MONUMENT; THENCE, PROCEED SOUTH 03 DEGREES 41 MINUTES 32 SECONDS EAST A DISTANCE OF 419.20 FEET TO A CONCRETE MONUMENT; THENCE, PROCEED SOUTH 09 DEGREES 40 MINUTES 26 SECONDS EAST A DISTANCE OF 74.85 FEET TO A POINT MARKED BY AN IRON PIN; THENCE PROCEED SOUTH 80 DEGREES 22 MINUTES 47 SECONDS WEST A DISTANCE OF 406.03 FEET TO A POINT MARKED BY AN IRON PIN; THENCE, PROCEED SOUTH 08 DEGREES 10 MINUTES 36 SECONDS WEST A DISTANCE OF 183.34 FEET TO A POINT MARKED BY A SPIKE AND CAP; THENCE, PROCEED SOUTH 08 DEGREES 10 MINUTES 36 SECONDS WEST A DISTANCE OF 1763.23 FEET TO A POINT MARKED BY A SPIKE AND CAP; THENCE PROCEED SOUTH 82 DEGREES 13 MINUTES 56 SECONDS EAST A DISTANCE OF 423.82 FEET TO A POINT MARKED BY A PIPE; THENCE, PROCEED NORTH 07 DEGREES 46 MINUTES 04 SECONDS EAST A DISTANCE OF 1035.54 FEET TO A POINT MARKED BY A 2-INCH PIPE; THENCE, PROCEED NORTH 71 DEGREES 43 MINUTES 04 SECONDS EAST A DISTANCE OF 845.18 FEET TO THE SOUTHWEST CORNER OF LAND LOT NO. 88, THENCE, PROCEED SOUTH 14 DEGREES 06 MINUTES 28 SECONDS WEST A DISTANCE OF 2149.89 FEET TO A POINT MARKED BY A 2-INCH PIPE; THENCE, PROCEED SOUTH 75 DEGREES 07 MINUTES 54 SECONDS EAST A DISTANCE OF 2704.78 FEET TO A POINT ON THE WESTERN RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD, SAID POINT BEING MARKED BY A LIGHT WOOD STAKE, THENCE PROCEED SOUTH 75 DEGREES 07 MINUTES 54 SECONDS EAST A DISTANCE OF 4273.39 FEET TO A POINT MARKED BY A 2-INCH PIPE; THENCE, PROCEED NORTH 14 DEGREES 13 MINUTES 23 SECONDS EAST A DISTANCE OF 1098.10 FEET TO A POINT

MARKED BY A 2-INCH PIPE THENCE, PROCEED NORTH 75 DEGREES 38 MINUTES 25 SECONDS WEST A DISTANCE OF 2287.21 FEET TO A POINT MARKED BY A RAILROAD IRON, WHICH POINT IS THE NORTHWEST CORNER OF LAND LOT NO. 104; THENCE, PROCEED NORTH 75 DEGREES 31 MINUTES 28 SECONDS WEST A DISTANCE OF 4696.25 FEET TO A POINT MARKED BY A 2-INCH PIPE, WHICH POINT IS THE POINT OF BEGINNING.

THE ABOVE DESCRIPTION IS FROM THAT CERTAIN PLAY OF SURVEY MADE BY HUGH D. THOMAS, GEORGIA REGISTERED LAND SURVEYOR NO. 1395, DATED JANUARY 1, 1979, AND SAID PLAT IS BY REFERENCE MADE A PART OF THIS DESCRIPTION.

- (b) THE CITY COUNCIL MAY PROVIDE FOR THE REDRAWING OF ANY SUCH MAP. A REDRAWN MAP SHALL SUPERSEDE FOR ALL PURPOSES THE EARLIER MAP OR MAPS WHICH IT IS DESIGNATED TO REPLACE.

SECTION 1.12. SPECIFIC POWERS. THE CORPORATE POWERS OF THE GOVERNMENT OF THE CITY OF NAHUNTA, TO BE EXERCISED BY THE GOVERNING AUTHORITY, MAY INCLUDE THE FOLLOWING:

- (1) TO LEVY AND PROVIDE FOR THE ASSESSMENT, VALUATION, REVALUATION, AND COLLECTION OF TAXES ON ALL PROPERTY SUBJECT TO TAXATION;
- (2) TO LEVY AND TO PROVIDE FOR THE COLLECTION OF LICENSE FEES AND TAXES ON PRIVILEGES, OCCUPATIONS, TRADES, AND PROFESSIONS, AND TO LICENSE AND REGULATE SUCH PRIVILEGES, OCCUPATIONS, TRADES, AND PROFESSIONS, AND TO PROVIDE FOR THE MANNER AND METHOD OF PAYMENT OF SUCH LICENSES AND TAXES;
- (3) TO MAKE APPROPRIATIONS FOR THE SUPPORT OF THE GOVERNMENT OF THE CITY; TO AUTHORIZE THE EXPENDITURE OF MONEY FOR ANY PURPOSES AUTHORIZED BY THIS CHARTER AND FOR ANY PURPOSE FOR WHICH A MUNICIPALITY IS AUTHORIZED BY THE LAWS OF THE STATE OF GEORGIA; AND TO PROVIDE FOR THE PAYMENT OF EXPENSES OF THE CITY;
- (4) TO APPROPRIATE AND BORROW MONEY FOR THE PAYMENT OF DEBTS OF THE CITY AND TO ISSUE BONDS FOR THE PURPOSE OF RAISING REVENUE TO CARRY OUT ANY PROJECT, PROGRAM, OR VENTURE AUTHORIZED BY THIS CHARTER OR THE LAWS OF STATE OF GEORGIA;
- (5) TO ACQUIRE, DISPOSE OF, AND HOLD IN TRUST OR OTHERWISE ANY REAL, PERSONAL, OR MIXED PROPERTY, IN FEE SIMPLE OR LESSER INTEREST, INSIDE OR OUTSIDE THE PROPERTY LIMITS OF THE CITY;

- (6) TO ACCEPT OR REFUSE GIFTS, *DONATIONS*, BEQUESTS, OR GRANTS FROM ANY SOURCE FOR ANY PURPOSE RELATED TO THE POWERS AND DUTIES OF THE CITY AND THE GENERAL WELFARE OF ITS CITIZENS, ON SUCH TERMS AND CONDITIONS AS THE DONOR OR GRANTOR MAY IMPOSE;
- (7) TO CONDEMN PROPERTY, INSIDE OR OUTSIDE THE CORPORATE LIMITS OF THE CITY FOR PRESENT OR FUTURE USE, AND FOR ANY CORPORATE PURPOSE DEEMED NECESSARY BY THE GOVERNING AUTHORITY, UNDER SECTION 36-202 OF THE CODE OF GEORGIA, 1933, OR UNDER OTHER APPLICABLE PUBLIC ACTS AS ARE OR MAY BE ENACTED;
- (8) TO ACQUIRE, LEASE, CONSTRUCT, OPERATE, MAINTAIN, SELL AND DISPOSE OF PUBLIC UTILITIES, INCLUDING BUT NOT LIMITED TO A SYSTEM OF WATERWORKS, SEWERS AND DRAINS, SEWAGE DISPOSAL, GAS WORKS, ELECTRIC LIGHT PLANTS, TRANSPORTATION FACILITIES, PUBLIC AIRPORTS, AND ANY OTHER PUBLIC UTILITY; TO FIX THE TAXES, CHARGES, RATES, FARES, FEES, ASSESSMENTS, REGULATIONS, AND PENALTIES AND WITHDRAWAL OF SERVICE FOR REFUSAL OR FAILURE TO PAY SAME AND THE MANNER IN WHICH SUCH REMEDIES SHALL BE ENFORCED,
- (9) TO GRANT *FRANCHISES* OR MAKE CONTRACTS FOR PUBLIC UTILITIES AND PUBLIC SERVICES, NOT TO EXCEED PERIODS OF 35 YEARS, TO PRESCRIBE THE RATES, FARES, REGULATIONS AND STANDARDS AND CONDITIONS OF SERVICE APPLICABLE TO THE SERVICE TO BE PROVIDED BY THE FRANCHISE GRANTEE OR CONTRACTOR, INsofar AS NOT IN CONFLICT WITH SUCH REGULATIONS BY THE PUBLIC SERVICE COMMISSION;
- (10) TO LAY OUT, OPEN, EXTEND, WIDEN, *NARROW*, ESTABLISH OR CHANGE THE GRADE OF, ABANDON OR CLOSE, CONSTRUCT, PAVE, CURB, GUTTER, ADORN WITH SHADE TREES, OTHERWISE IMPROVE, MAINTAIN, REPAIR, CLEAN, PREVENT EROSION OF AND LIGHT ROADS, ALLEYS, AND WALKWAYS WITHIN THE CORPORATE LIMITS OF THE CITY;
- (11) TO GRANT FRANCHISES AND RIGHTS-OF-WAY THROUGHOUT THE STREETS AND ROADS, AND OVER THE BRIDGES AND VIADUCTS, FOR THE USE OF PUBLIC UTILITIES.
- (1) TO PROVIDE FOR THE ACQUISITION, CONSTRUCTION, BUILDING, OPERATION, AND MAINTENANCE OF PUBLIC WAYS, PARKS AND PLAYGROUNDS, RECREATIONAL FACILITIES, CEMETERIES, MARKETS AND MARKET HOUSES, PUBLIC BUILDINGS, LIBRARIES, SEWERS, DRAINS, SEWERAGE TREATMENT, AIR PORTS, HOSPITALS, AND CHARITABLE, CULTURAL, EDUCATIONAL, RECREATIONAL, CONSERVATION, SPORT, CURATIVE, CORRECTIVE, DETENTIONAL, PENAL, AND MEDICAL INSTITUTIONS, AGENCIES, AND FACILITIES; AND ANY OTHER PUBLIC

IMPROVEMENTS, INSIDE OR OUTSIDE THE CORPORATE LIMITS OF THE CITY, AND TO REGULATE THE USE THEREOF, AND FOR SUCH PURPOSES, PROPERTY MAY BE ACQUIRED BY CONDEMNATION UNDER SECTION 36-203 OF THE CODE OF GEORGIA, 1933, OR OTHER APPLICABLE PUBLIC ACTS, AS ARE OR MAY BE ENACTED;

- (13) *TO REQUIRE REAL ESTATE OWNERS TO REPAIR AND MAINTAIN IN A SAFE CONDITION THE SIDEWALKS ADJOINING THEIR LOTS OR LANDS AND TO ENACT ORDINANCES ESTABLISHING THE TERMS AND CONDITIONS UNDER WHICH SUCH REPAIRS AND MAINTENANCE SHALL BE EFFECTED, INCLUDING THE PENALTIES TO BE IMPOSED FOR FAILURE TO DO SO;*
- (14) *TO REGULATE THE ERECTION AND CONSTRUCTION OF BUILDINGS AND ALL OTHER STRUCTURES; TO ADOPT BUILDING, HOUSING, PLUMBING, ELECTRICAL, GAS, AND HEATING AND AIR-CONDITIONING COVES; TO REGULATE ALL HOUSING, BUILDING, AND BUILDING TRADES; TO LICENSE ALL BUILDING TRADES AND TO LICENSE THE CONSTRUCTION AND ERECTION OF BUILDINGS AND ALL OTHER STRUCTURES;*
- (1) *TO PROVIDE FOR THE PREVENTION AND PUNISHMENT OF DRUNKENNESS, RIOTS, AND PUBLIC DISTURBANCES;*
- (2) *TO REGULATE OR PROHIBIT JUNK DEALERS, PAWNSHOPS, THE MANUFACTURE, SALE OR TRANSPORTATION OF INTOXICATING LIQUORS, THE USE AND SALE OF FIREARMS, AND TO REGULATE THE TRANSPORTATION, STORAGE AND USE OF COMBUSTIBLE, EXPLOSIVE, AND INFLAMMABLE MATERIALS, THE USE OF LIGHTING AND HEATING EQUIPMENT AND ANY OTHER BUSINESS OR SITUATION WHICH MAY BE DANGEROUS TO PERSONS OR PROPERTY;*
- (3) *TO REGULATE AND CONTROL THE CONDUCT OF PEDDLERS AND ITINERANT TRADES, THEATRICAL PERFORMANCES, EXHIBITIONS, SHOWS OF ANY KIND WHATEVER, BY TAXATION OR OTHERWISE;*
- (4) *TO LICENSE, TAX, REGULATE, OR PROHIBIT PROFESSIONAL FORTUNE-TELLING OR PALMISTRY;*
- (15) *TO PROHIBIT OR REGULATE AND CONTROL THE ERECTION, REMOVAL, AND MAINTENANCE OF SIGNS, BILLBOARDS, TREES, SHRUBS, FENCES, BUILDINGS, AND ANY AND ALL OTHER STRUCTURES OR OBSTRUCTIONS UPON OR ADJACENT TO THE RIGHTS-OF-WAY OF STREETS AND ROADS OR WITHIN VIEW THEREOF, WITHIN OR ABUTTING THE CORPORATE LIMITS OF THE CITY AND TO PRESCRIBE PENALTIES AND PUNISHMENT FOR VIOLATION OF SUCH ORDINANCES.*
- (16) *TO PRESCRIBE STANDARDS OF HEALTH AND SANITATION AND TO PROVIDE FOR THE ENFORCEMENT OF SUCH STANDARDS;*

- (21) TO REGULATE THE *EMISSION OF SMOKE* OR OTHER EXHAUST WHICH POLLUTES THE AIR AND TO PREVENT THE POLLUTION OF NATURAL STREAMS WHICH *FLOW WITHIN THE CORPORATE LIMITS OF THE CITY*;
- (22) *TO FIX AND ESTABLISH FIRE LIMITS AND FROM TIME TO TIME TO EXTEND, ENLARGE, OR RESTRICT SAME; TO PRESCRIBE FIRE SAFETY REGULATIONS NOT INCONSISTENT WITH GENERAL LAW RELATING TO BOTH FIRE PREVENTION AND DETECTION AND TO FIRE FIGHTING; AND TO PRESCRIBE PENALTIES AND PUNISHMENT FOR VIOLATION THEREOF*;
- (23) TO PROVIDE FOR THE DESTRUCTION AND REMOVAL OF ANY BUILDING OR OTHER STRUCTURE WHICH MAY OR MIGHT BECOME DANGEROUS OR DETRIMENTAL TO THE *PUBLIC*;
- (24) TO PROVIDE FOR THE COLLECTION AND *DISPOSAL OF GARBAGE, RUBBISH, AND REFUSE* AND TO REGULATE THE COLLECTION AND DISPOSAL OF GARBAGE, RUBBISH, AND REFUSE AND TO REGULATE THE *COLLECTION AND DISPOSAL OF GARBAGE, RUBBISH, AND REFUSE BY OTHERS*; AND TO PROVIDE FOR THE SEPARATE COLLECTION OF GLASS, TIN, ALUMINUM, CARDBOARD, PAPER AND OTHER RECYCLABLE MATERIALS AND TO PROVIDE FOR THE SALE OF SUCH ITEMS;
- (25) *TO LEVY, FIX, ASSESS, AND COLLECT A GARBAGE, REFUSE, AND TRASH COLLECTION AND DISPOSAL AND OTHER SANITARY SERVICE CHARGE, TAX OR FEE, FOR SUCH SERVICES AS MAY BE NECESSARY IN THE OPERATION OF THE CITY FROM ALL INDIVIDUALS, FIRMS, AND CORPORATIONS RESIDING IN OR DOING BUSINESS THEREIN BENEFITING FROM SUCH SERVICES; TO ENFORCE THE PAYMENT OF SUCH CHARGES, TAXES, OR FEES, AND TO PROVIDE FOR THE MANNER AND METHOD OF COLLECTING SUCH SERVICE CHARGES*;
- (26) TO LEVY A FEE, CHARGE OR SEWER TAX AS NECESSARY TO ASSURE THE ACQUIRING, CONSTRUCTING, EQUIPPING, OPERATING, MAINTAINING AND EXTENDING OF A SEWAGE DISPOSAL PLANT AND SEWERAGE SYSTEM, TO LEVY ON THE USERS OF SEWERS AND THE SEWERAGE SYSTEM A SEWER SERVICE CHARGE FEE OR SEWER TAX FOR THE USE OF THE SEWERS AND TO PROVIDE FOR THE MANNER AND METHOD OF COLLECTING SUCH SERVICE CHARGES AND FOR ENFORCING PAYMENT OF SAME;
- (27) *TO CHARGE, IMPOSE, AND COLLECT A SEWER CONNECTION FEE OR FEES, AND TO CHARGE THE SAME FROM TIME TO TIME; SUCH FEES TO BE LEVIED ON THE USERS CONNECTING WITH THE SEWERAGE SYSTEM*;

- (28) TO DEFINE, REGULATE, AND PROHIBIT ANY ACT, PRACTICE, CONDUCT, OR USE OF PROPERTY WHICH IS DETRIMENTAL, OR LIKELY TO BE DETRIMENTAL, TO THE HEALTH, SANITATION, CLEANLINESS, WELFARE, AND SAFETY OF THE INHABITANTS OF THE CITY AND TO PROVIDE FOR THE ENFORCEMENT OF SUCH STANDARDS;
- (29) TO DEFINE A NUISANCE AND PROVIDE FOR ITS ABATEMENT WHETHER ON PUBLIC OR PRIVATE PROPERTY;
- (1) TO PROVIDE FOR THE PRESERVATION AND PROTECTION OF PROPERTY AND EQUIPMENT OF THE CITY AND THE ADMINISTRATION AND USE OF SAME BY THE PUBLIC, AND TO PRESCRIBE PENALTIES AND PUNISHMENT FOR VIOLATIONS THEREOF;
- (30) TO ESTABLISH MINIMUM STANDARDS FOR AND TO REGULATE BUILDING CONSTRUCTION AND REPAIR, ELECTRICAL WIRING AND EQUIPMENT, GAS INSTALLATION AND EQUIPMENT, PLUMBING, AND HOUSING, FOR THE HEALTH, SANITATION, CLEANLINESS, WELFARE, AND SAFETY OF INHABITANTS OF THE CITY AND TO PROVIDE FOR THE ENFORCEMENT OF SUCH STANDARDS;
- (31) TO PROVIDE THAT PERSONS GIVEN JAIL SENTENCES IN THE RECORDER'S COURT SHALL WORK OUT SUCH SENTENCE IN ANY PUBLIC WORKS OR ON THE STREETS, ROADS, DRAINS, AND SQUARES IN THE CITY; OR TO PROVIDE FOR COMMITMENT OF SUCH PERSONS TO ANY COUNTY WORK CAMP OR JAIL BY AGREEMENT WITH THE APPROPRIATE COUNTY OFFICIALS;
- (2) TO ADOPT ORDINANCES AND REGULATIONS FOR THE PREVENTION OF LOITERING, DISORDERLY CONDUCT, PUBLIC DRUNKENNESS, AND DISTURBING THE PEACE IN THE CORPORATE LIMITS OF THE CITY AND TO PROHIBIT THE PLAYING OF LOTTERIES THEREIN OR REGULATE BY ORDINANCE SUCH OTHER CONDUCT AND ACTIVITIES WITHIN SAID CITY WHICH, WHILE NOT CONSTITUTING AN OFFENSE AGAINST THE LAW OF THIS STATE, IS DEEMED BY THE GOVERNING AUTHORITY TO BE DETRIMENTAL AND OFFENSIVE TO THE PEACE AND GOOD ORDER OF THE CITY OR TO THE WELFARE OF THE CITIZENS THEREOF;
- (3) TO REGULATE AND LICENSE OR PROHIBIT THE KEEPING OR RUNNING AT LARGE OF ANIMALS AND TO PROVIDE FOR THE IMPOUNDMENT OF SAME, IF IN VIOLATION OF ANY ORDINANCE OR LAWFUL ORDER; ALSO TO PROVIDE FOR THEIR DISPOSITION BY SALE, GIFT, OR HUMANE DESTRUCTION, WHEN NOT REDEEMED AS PROVIDED BY ORDINANCE TO PROVIDE PUNISHMENT FOR VIOLATION OF ORDINANCE ENACTED HEREUNDER;
- (4) TO REGULATE THE OPERATION OF MOTOR VEHICLES AND

EXERCISE *CONTROL OVER ALL TRAFFIC, INCLUDING PARKING, UPON OR ACROSS THE STREETS, ROADS, ALLEYS, AND WALKWAYS OF THE CITY;*

- (36) TO REGULATE *AND LICENSE* VEHICLES OPERATED FOR HIRE IN THE CITY; TO LIMIT THE NUMBER OF SUCH VEHICLES; TO REQUIRE THE *OPERATORS THEREOF TO BE LICENSED*; TO REQUIRE PUBLIC LIABILITY INSURANCE *ON SUCH VEHICLES IN THE AMOUNTS TO BE PRESCRIBED BY ORDINANCE* AND TO REGULATE *AND RENT PARKING SPACES IN PUBLIC WAYS FOR THE USE OF SUCH VEHICLES*;
- (37) *TO PROVIDE AND MAINTAIN A SYSTEM OF PENSIONS AND RETIREMENT FOR OFFICERS AND EMPLOYEES OF THE CITY;*
- (38) TO LEVY AND PROVIDE *FOR THE COLLECTION OF SPECIAL ASSESSMENTS TO COVER THE COSTS FOR ANY PUBLIC IMPROVEMENTS*;
- (39) TO ENTER INTO CONTRACTS AND AGREEMENTS WITH OTHER GOVERNMENTAL ENTITIES AND WITH PRIVATE *PERSONS, FIRMS, AND CORPORATIONS PROVIDING FOR SERVICES TO BE FURNISHED AND PAYMENTS TO BE MADE THEREFOR*;
- (40) TO CREATE, ALTER, *OR ABOLISH DEPARTMENTS, BOARDS, OFFICES, COMMISSIONS, AND AGENCIES OF THE CITY AND TO CONFER UPON SUCH AGENCIES THE NECESSARY AND APPROPRIATE AUTHORITY FOR CARRYING OUT ALL THE POWERS CONFERRED UPON OR DELEGATED TO SAME*;
- (41) TO MAKE, *ORDAIN, AND ESTABLISH SUCH BYLAWS, ORDINANCES, RULES, AND REGULATIONS AS SHALL APPEAR NECESSARY FOR THE SECURITY, WELFARE, CONVENIENCE, AND INTEREST OF THE CITY AND THE INHABITANTS THEREOF, AND FOR PRESERVING THE HEALTH, PEACE, ORDER AND GOOD GOVERNMENT OF THE CITY*;
- (42) TO PROVIDE *PENALTIES FOR VIOLATIONS OF ANY ORDINANCE ADOPTED PURSUANT TO THE AUTHORITY OF THIS CHARTER AND THE LAWS OF THE STATE OF GEORGIA*;
- (43) TO EXERCISE THE *POWER OF ARREST THROUGH DULY APPOINTED POLICEMAN*;
- (44) *TO ESTABLISH PROCEDURES FOR DETERMINING AND PROCLAIMING THAT AN EMERGENCY SITUATION EXISTS WITHIN OR WITHOUT THE CITY AND TO MAKE AND CARRY OUT ALL REASONABLE PROVISIONS DEEMED NECESSARY TO DEAL WITH OR MEET SUCH AN EMERGENCY FOR THE PROTECTION, SAFETY, HEALTH, OR WELL-BEING OF THE CITIZENS OF THE CITY.*
- (45) *TO EXERCISE AND ENJOY ALL OTHER POWERS, FUNCTIONS, RIGHTS, PRIVILEGES, AND IMMUNITIES NECESSARY OR*

DESIRABLE TO PROMOTE OR PROTECT THE SAFETY, HEALTH, PEACE, SECURITY, *GOOD ORDER, COMFORT, CONVENIENCE,* OR GENERAL WELFARE OF THE CITY AND ITS INHABITANTS; AND TO EXERCISE ALL IMPLIED *POWERS NECESSARY* TO CARRY INTO EXECUTION ALL *POWERS* GRANTED IN THIS CHARTER AS FULLY AND COMPLETELY AS IF SUCH *POWERS* WERE FULLY ENUMERATED HEREIN; AND TO EXERCISE ALL *POWERS* NOW OR IN THE FUTURE *AUTHORIZED* TO BE EXERCISED BY OTHER MUNICIPAL *GOVERNMENTS UNDER* OTHER LAWS OF THE STATE OF GEORGIA. *NO ENUMERATION* OF PARTICULAR *POWERS* IN THIS CHARTER SHALL BE HELD TO BE EXCLUSIVE OF OTHERS, NOR RESTRICTIVE OF *GENERAL WORKS AND PHRASES* GRANTING *POWERS*, BUT SHALL BE HELD TO BE IN ADDITION TO SUCH *POWERS UNLESS EXPRESSLY* PROHIBITED TO MUNICIPALITIES UNDER *THE CONSTITUTION* OR APPLICABLE LAWS OF THE STATE OF GEORGIA.

SECTION 1.13. GENERAL POWERS. IN ADDITION TO ALL OTHER *POWERS* HEREIN GRANTED, THE CITY SHALL BE VESTED WITH ANY AND ALL *POWERS WHICH* MUNICIPAL *CORPORATIONS* ARE OR MAY HEREAFTER BE AUTHORIZED OR REQUIRED TO EXERCISE UNDER THE CONSTITUTION AND LAWS OF THE STATE OF GEORGIA AS FULLY AND COMPLETELY AS THOUGH SUCH *POWERS* WERE SPECIFICALLY ENUMERATED HEREIN; AND ANY AND ALL *POWERS WHICH* THE CITY WAS HERETOFORE AUTHORIZED TO EXERCISE UPON THE EFFECTIVE DATE OF THIS CHARTER.

SECTION 1.14. CONSTRUCTION. THE *POWERS OF* THE CITY SHALL BE CONSTRUED *LIBERALLY AND IN FAVOR OF* THE CITY. THE SPECIFIC MENTION OR FAILURE TO MENTION PARTICULAR *POWERS IN THIS* CHARTER SHALL NOT BE *CONSTRUED AS LIMITING* IN ANY WAY THE GENERAL *POWER OF* THE CITY AS STATED IN THIS CHARTER. IT IS THE INTENTION *HEREOF* TO GRANT THE CITY *FULL POWER AND RIGHT* TO EXERCISE ALL GOVERNMENTAL AUTHORITY *NECESSARY FOR* THE EFFECTIVE OPERATION AND CONDUCT OF THE CITY AND ALL OF ITS AFFAIRS.

SECTION 1.15. EXERCISE OF POWERS. ALL *POWERS, FUNCTIONS, RIGHTS, PRIVILEGES, AND IMMUNITIES* OF THE CITY, *ITS OFFICERS, AGENCIES, OR EMPLOYEES* SHALL BE CARRIED INTO EXECUTION AS PROVIDED BY THIS CHARTER. IF THIS CHARTER MAKES *NO PROVISION,* SUCH *POWERS, FUNCTIONS, RIGHTS, PRIVILEGES, AND IMMUNITIES* SHALL BE CARRIED INTO EXECUTION AS PROVIDED BY ORDINANCE OF THE GOVERNING AUTHORITY AND AS PROVIDED BY PERTINENT LAWS OF THE STATE OF GEORGIA.

ARTICLE II

SECTION 2.10. CREATION; COMPOSITION; NUMBER; ELECTION. THE LEGISLATIVE AUTHORITY OF THE GOVERNMENT OF THE CITY OF NAHUNTA, EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED IN THIS CHARTER, SHALL BE VESTED IN A CITY COUNCIL TO BE COMPOSED OF A MAYOR AND FOUR COUNCILMEN. THE MAYOR AND COUNCILMEN SHALL

BE ELECTED *IN THE MANNER PROVIDED BY ARTICLE V OF THIS CHARTER.*

SECTION 2.11. *TERMS AND QUALIFICATIONS OF OFFICE. THE MEMBERS OF THE COUNCIL SHALL SERVE FOR TERMS OF TWO YEARS AND UNTIL THEIR RESPECTIVE SUCCESSORS ARE ELECTED AND QUALIFIED. NO PERSON SHALL BE ELIGIBLE TO SERVE AS MAYOR OR COUNCILMAN UNLESS HE SHALL HAVE BEEN A RESIDENT OF THE CITY FOR A PERIOD OF ONE-HALF YEAR IMMEDIATELY PRIOR TO THE DATE OF THE ELECTION OF MAYOR OR MEMBERS OF THE COUNCIL AND SHALL CONTINUE TO RESIDE THEREIN DURING HIS PERIOD OF SERVICE AND SHALL BE REGISTERED AND QUALIFIED TO VOTE IN MUNICIPAL ELECTIONS OF THE CITY OF NAHUNTA, AND UNLESS HE SHALL MEET THE QUALIFICATION STANDARDS REQUIRED FOR MEMBERS OF THE GEORGIA HOUSE OF REPRESENTATIVES, AS ARE NOW OR MAY IN THE FUTURE BE PRESCRIBED BY THE GEORGIA CONSTITUTION.*

SECTION 2.12. *VACANCY; FORFEITURE OF OFFICE; FILLING OF VACANCIES.*

(a.) *VACANCIES. THE OFFICE OF MAYOR OR COUNCILMAN SHALL BECOME VACANT UPON THE INCUMBENT'S DEATH, RESIGNATION, FORFEITURE OF OFFICE, OR REMOVAL FROM OFFICE IN ANY MANNER AUTHORIZED BY THIS CHARTER OR THE LAWS OF THE STATE OF GEORGIA.*

(6) *FORFEITURE OF OFFICE. THE MAYOR OR ANY COUNCILMAN SHALL FORFEIT HIS OFFICE IF HE:*

(1) *LACKS AT ANY TIME DURING HIS TERM OF OFFICE ANY QUALIFICATIONS OF THE OFFICE AS PRESCRIBED BY THIS CHARTER OR THE LAWS OF THE STATE OF GEORGIA;*

(12) *WILLFULLY AND KNOWINGLY VIOLATES ANY EXPRESS PROHIBITION OF THIS CHARTER; OR*

(2) *IS CONVICTED OF A CRIME INVOLVING MORAL TURPITUDE.*

(c-) *FILLING OF VACANCIES. A VACANCY IN THE OFFICE OF MAYOR OR COUNCILMAN SHALL BE FILLED FOR THE REMAINDER OF THE UNEXPIRED TERM, IF ANY, AS PROVIDED FOR IN ARTICLE V.*

SECTION 2.13. *COMPENSATION AND EXPENSES. EACH COUNCILMAN SHALL RECEIVE A SALARY OF \$30.00 PER MONTH. THE COUNCILMEN SHALL BE ENTITLED TO RECEIVE THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES OF OFFICE. THE MAYOR SHALL BE ENTITLED TO RECEIVE HIS ACTUAL AND NECESSARY EXPENSES IN EXCESS OF THE \$50.00 PER MONTH EXPENSE ALLOWANCE OF THE MAYOR PROVIDED IN SECTION 2.21 WITH THE APPROVAL OF THE COUNCIL.*

SECTION 2.14. *PROHIBITIONS.*

(a.) *HOLDING OTHER OFFICE. EXCEPT AS AUTHORIZED BY LAW, NO MEMBER OF THE COUNCIL SHALL HOLD ANY OTHER*

ELECTIVE CITY OFFICE OR CITY EMPLOYMENT DURING THE TERM FOR WHICH HE WAS ELECTED.

(Id) VOTING WHEN PERSONALLY INTERESTED. NEITHER THE MAYOR NOR ANY OTHER MEMBER OF THE COUNCIL SHALL VOTE UPON ANY QUESTION IN WHICH HE IS PERSONALLY INTERESTED.

SECTION 2.15. INQUIRIES AND INVESTIGATIONS. THE COUNCIL MAY MAKE INQUIRIES AND INVESTIGATIONS INTO THE AFFAIRS OF THE CITY AND THE CONDUCT OF ANY DEPARTMENT, OFFICE, OR AGENCY THEREOF AND FOR THIS PURPOSE MAY SUBPOENA WITNESSES, ADMINISTER OATHS, TAKE TESTIMONY, AND REQUIRE THE PRODUCTION OF EVIDENCE. ANY PERSON WHO FAILS OR REFUSES TO OBEY A LAWFUL ORDER ISSUED IN THE EXERCISE OF THESE POWERS BY THE COUNCIL SHALL BE PUNISHED AS PROVIDED BY ORDINANCE.

SECTION 2.17. GENERAL POWER AND AUTHORITY OF THE COUNCIL.

(a-) EXCEPT AS OTHERWISE PROVIDED BY LAW OR BY THIS CHARTER, THE COUNCIL SHALL BE VESTED WITH ALL THE POWERS OF GOVERNMENT OF THE CITY OF NAHUNTA AS PROVIDED BY ARTICLE I.

(b) IN ADDITION TO ALL OTHER POWERS CONFERRED UPON IT BY LAW, THE COUNCIL SHALL HAVE THE AUTHORITY TO ADOPT AND PROVIDE FOR THE EXECUTION OF SUCH ORDINANCES, RESOLUTIONS, RULES, AND REGULATIONS, NOT INCONSISTENT WITH THIS CHARTER, THE CONSTITUTION, AND THE LAWS OF THE STATE OF GEORGIA, WHICH IT SHALL DEEM NECESSARY, EXPEDIENT, OR HELPFUL FOR THE PEACE, GOOD ORDER, PROTECTION OF LIFE AND PROPERTY, HEALTH, WELFARE, SANITATION, COMFORT, CONVENIENCE, PROSPERITY, OR WELL-BEING OF THE INHABITANTS OF THE CITY OF NAHUNTA AND MAY ENFORCE SUCH ORDINANCE BY IMPOSING PENALTIES FOR VIOLATION THEREOF.

c) THE COUNCIL MAY BY ORDINANCE CREATE, CHANGE, ALTER, ABOLISH, OR CONSOLIDATE OFFICES, AGENCIES, AND DEPARTMENTS OF THE CITY AND MAY ASSIGN ADDITIONAL FUNCTIONS TO ANY OF THE OFFICES, AGENCIES, AND DEPARTMENTS EXPRESSLY PROVIDED FOR BY THIS CHARTER.

SECTION 2.20. CHIEF EXECUTIVE OFFICER. THE MAYOR SHALL BE THE CHIEF EXECUTIVE OF THE CITY OF NAHUNTA. HE SHALL POSSESS, HAVE, AND EXERCISE ALL OF THE EXECUTIVE AND ADMINISTRATIVE POWERS GRANTED TO THE CITY UNDER THE CONSTITUTION AND LAWS OF THE STATE OF GEORGIA AND ALL THE EXECUTIVE AND ADMINISTRATIVE POWERS CONTAINED IN THIS CHARTER.

SECTION 2.21. TERM; QUALIFICATION; COMPENSATION. THE MAYOR SHALL BE ELECTED FOR A TERM OF TWO YEARS AND UNTIL HIS

SUCCESSOR IS ELECTED AND QUALIFIED. HE SHALL BE A QUALIFIED ELECTOR OF THE CITY OF NAHUNTA, SHALL MEET THE QUALIFICATIONS REQUIRED OF MEMBERS OF THE STATE HOUSE OF REPRESENTATIVES BY THE GEORGIA CONSTITUTION, AND SHALL HAVE BEEN A RESIDENT OF THE CITY OF NAHUNTA FOR A PERIOD OF SIX MONTHS IMMEDIATELY PRECEDING HIS ELECTION. HE SHALL CONTINUE TO RESIDE IN THE CITY OF NAHUNTA DURING THE PERIOD OF HIS SERVICE. THE COMPENSATION OF THE MAYOR SHALL BE \$100.00 PER MONTH PLUS \$50.00 PER MONTH AS AN EXPENSE ALLOWANCE.

SECTION 2.22. POWERS AND DUTIES. AS THE CHIEF EXECUTIVE OF THE CITY OF NAHUNTA, THE MAYOR SHALL:

- (a) SEE THAT ALL LAWS AND ORDINANCES OF THE CITY ARE FAITHFULLY EXECUTED;
- (b) APPOINT AND REMOVE ALL OFFICERS, DEPARTMENT HEADS, AND EMPLOYEES OF THE CITY EXCEPT AS OTHERWISE PROVIDED IN THIS CHARTER; EXERCISE SUPERVISION OVER ALL EXECUTIVE AND ADMINISTRATIVE WORK OF THE CITY AND PROVIDE FOR THE COORDINATION OF ADMINISTRATIVE ACTIVITIES;
- (d) PREPARE AND SUBMIT TO THE COUNCIL A RECOMMENDED ANNUAL OPERATING BUDGET AND RECOMMENDED CAPITAL BUDGET;
- e) SUBMIT TO THE COUNCIL AT LEAST ONCE A YEAR A STATEMENT COVERING THE FINANCIAL CONDITIONS OF THE CITY AND, FROM TIME TO TIME, SUCH OTHER INFORMATION AS THE COUNCIL MAY REQUEST;
- (z) RECOMMEND TO THE COUNCIL SUCH MEASURES RELATIVE TO THE AFFAIRS OF THE CITY, IMPROVEMENT OF THE GOVERNMENT, AND PROMOTION OF THE WELFARE OF ITS INHABITANTS AS HE MAY DEEM EXPEDIENT;
- (g) CALL SPECIAL MEETINGS OF THE COUNCIL AS PROVIDED FOR IN SECTION 2.31;
- (/t) APPROVE OR DISAPPROVE ORDINANCES AS PROVIDED IN SECTION 2.33;
- (.L) EXAMINE AND AUDIT ALL ACCOUNTS OF THE CITY BEFORE PAYMENT;
- (I) REQUIRE ANY DEPARTMENT OR AGENCY OF THE CITY TO SUBMIT WRITTEN REPORTS WITH CONNECTION TO THE AFFAIRS THEREOF WHENEVER HE DEEMS IT EXPEDIENT;
- (k) PERFORM OTHER DUTIES AS MAY BE REQUIRED BY LAW, THIS CHARTER, OR ORDINANCE.

SECTION 2.24. MAYOR PRO TEM. DURING THE ABSENCE OR

DISABILITY OF THE MAYOR FOR ANY CAUSE, THE MAYOR *PRO TEM*, OR IN HIS ABSENCE OR DISABILITY FOR ANY REASON, ANY ONE OF THE COUNCILMEN CHOSEN BY THE COUNCIL SHALL BE CLOTHED WITH ALL THE RIGHTS AND PRIVILEGES OF THE MAYOR AND SHALL PERFORM THE DUTIES OF THE OFFICE OF THE MAYOR SO LONG AS SUCH ABSENCE OR *DISABILITY* SHALL CONTINUE.

SECTION 2.30. ORGANIZATION MEETING. THE COUNCIL SHALL MEET FOR ORGANIZATION ON THE FIRST MONDAY IN JANUARY IN EACH EVEN-NUMBERED YEAR. THE MEETING SHALL BE CALLED TO ORDER BY THE CITY CLERK AND THE OATH OF OFFICE SHALL BE ADMINISTERED TO THE NEWLY ELECTED MEMBERS AS FOLLOWS:

"I DO SOLEMNLY SWEAR (OR AFFIRM) THAT I WILL *WELL AND TRULY* PERFORM THE DUTIES OF (MAYOR OR COUNCILMAN, AS THE CASE MAY BE) OF THE CITY AND THAT I WILL SUPPORT AND *DEFEND* THE CHARTER THEREOF AS *WELL* AS THE CONSTITUTION AND LAWS OF THE STATE OF *GEORGIA* AND OF THE UNITED STATES OF AMERICA."

FOLLOWING THE INDUCTION OF MEMBERS, THE COUNCIL BY MAJORITY VOTE OF ALL OF THE MEMBERS THEREOF SHALL *ELECT ONE* OF THEIR NUMBER TO BE MAYOR *PRO TEM*, WHO SHALL SERVE FOR A TERM OF TWO YEARS AND UNTIL HIS *SUCCESSOR* IS ELECTED AND QUALIFIED.

SECTION 2.31. REGULAR AND SPECIAL MEETINGS.

- (a.) THE COUNCIL SHALL *HOLD* REGULAR MEETINGS AT SUCH *TIMES* AND PLACES AS PRESCRIBED BY *ORDINANCE*. THE COUNCIL MAY RECESS ANY REGULAR MEETING AND CONTINUE SUCH MEETINGS ON ANY *WEEKDAY* OR HOUR IT MAY FIX AND MAY TRANSACT ANY *BUSINESS* AT SUCH CONTINUED MEETING AS MAY BE TRANSACTED AT ANY REGULAR MEETING.
- (b) SPECIAL MEETINGS OF THE COUNCIL MAY BE HELD ON CALL OF THE MAYOR OR *TWO MEMBERS* OF THE COUNCIL. NOTICE OF SUCH SPECIAL MEETINGS SHALL BE SERVED ON ALL OTHER MEMBERS PERSONALLY, OR BY TELEPHONE PERSONALLY, OR SHALL BE LEFT AT THEIR RESIDENCE AT LEAST FOUR HOURS IN ADVANCE OF THE *MEETING*. SUCH NOTICE SHALL NOT BE REQUIRED IF THE MAYOR AND ALL *COUNCILMEN* ARE *PRESENT* WHEN THE *SPECIAL MEETING* IS CALLED. NOTICE OF ANY SPECIAL MEETING MAY BE WAIVED IN WRITING BEFORE OR AFTER SUCH *MEETING*, AND ATTENDANCE AT THE MEETING SHALL ALSO CONSTITUTE A WAIVER OF NOTICE OF ANY *SPECIAL MEETING*. ONLY THE *BUSINESS* STATED IN THE CALL MAY BE TRANSACTED AT THE SPECIAL MEETING, EXCEPT BY UNANIMOUS CONSENT OF ALL MEMBERS PRESENT. WITH SUCH *CONSENT* ANY *BUSINESS* WHICH MAY BE TRANSACTED IN REGULAR MEETING MAY BE CONDUCTED AT THE SPECIAL MEETING.
- (c) ALL MEETINGS OF THE COUNCIL SHALL BE PUBLIC. SECTION 2.32. RULES OF PROCEDURE. THE COUNCIL SHALL

ADOPT *ITS* RULES OF PROCEDURE *AND ORDER OF BUSINESS* CONSISTENT WITH THE *PROVISIONS* OF THIS CHARTER AND SHALL PROVIDE FOR KEEPING A JOURNAL OF ITS PROCEEDINGS, *WHICH* SHALL BE A PUBLIC RECORD.

SECTION 2.33. QUORUM; VOTING. THE MAYOR *AND TWO COUNCILMEN* SHALL CONSTITUTE A QUORUM AND SHALL BE AUTHORIZED TO TRANSACT *BUSINESS* OF THE COUNCIL. *VOTING* ON THE ADOPTION OF ORDINANCES SHALL BE TAKEN BY VOICE VOTE AND THE AYES AND NAYS SHALL BE RECORDED IN THE *JOURNAL* BUT ANY MEMBER OF THE COUNCIL SHALL HAVE THE RIGHT TO REQUEST A *ROLL-CALL VOTE*. THE AFFIRMATIVE *VOTE* OF THREE COUNCILMEN *OR* THE MAYOR *AND TWO COUNCILMEN* SHALL BE REQUIRED FOR THE *ADOPTION* OF ANY ORDINANCE, RESOLUTION, OR MOTION EXCEPT AS OTHERWISE PROVIDED IN THIS CHARTER.

SECTION 2.34. ACTION REQUIRING AN ORDINANCE.

- (a) EXCEPT AS HEREIN PROVIDED, EVERY OFFICIAL ACTION OF THE COUNCIL WHICH IS TO BECOME LAW SHALL BE BY ORDINANCE. EACH *PROPOSED* ORDINANCE *OR* RESOLUTION SHALL 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 "THE COUNCIL OF THE CITY OF NAHUNTA HEREBY *ORDAINS...*"

- (b) AN ORDINANCE MAY BE INTRODUCED BY ANY MEMBER OF THE *COUNCIL* AND READ AT A REGULAR *OR* SPECIAL MEETING OF THE COUNCIL. *ORDINANCES* SHALL BE CONSIDERED AND ADOPTED *OR* REJECTED BY THE COUNCIL IN ACCORDANCE WITH THE RULES WHICH IT SHALL *ESTABLISH*; PROVIDED, HOWEVER, *ORDINANCES*, EXCEPT EMERGENCY ORDINANCES, SHALL NOT BE ADOPTED UNTIL THE NEXT REGULAR MEETING OF THE COUNCIL *FOLLOWING* THE MEETING OF THEIR INITIAL INTRODUCTION. UPON INTRODUCTION OF ANY *ORDINANCE*, THE *CLERK* SHALL DISTRIBUTE A COPY TO THE MAYOR *AND* TO EACH COUNCILMAN *AND* SHALL FILE A REASONABLE NUMBER OF COPIES IN THE OFFICE OF THE *CLERK* AND AT SUCH OTHER *PUBLIC* PLACES AS THE COUNCIL MAY DESIGNATE.

SECTION 2.35. *EMERGENCY ORDINANCES*. TO MEET A PUBLIC EMERGENCY AFFECTING *LIFE*, HEALTH, PROPERTY, *OR* PUBLIC PEACE, THE *COUNCIL* MAY ADOPT *ONE* *OR* MORE EMERGENCY ORDINANCES, BUT SUCH *ORDINANCES* MAY 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 AS PROVIDED BY [LAW.AN](#) EMERGENCY ORDINANCE SHALL BE INTRODUCED IN THE FORM *AND* MANNER 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 IT 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 COUNCILMEN OR THE MAYOR AND TWO COUNCILMEN 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 FIVE 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 BE REPEALED BY ADOPTION OF A REPEALING ORDINANCE IN THE SAME MANNER SPECIFIED IN THIS SECTION FOR ADOPTION OF EMERGENCY ORDINANCES.

SECTION 2.36. CODES OF TECHNICAL REGULATIONS.

(a) THE COUNCIL MAY ADOPT ANY STANDARD CODE OF TECHNICAL REGULATIONS BY REFERENCE THERETO IN AN ADOPTING ORDINANCE. THE PROCEDURE AND REQUIREMENTS GOVERNING SUCH ADOPTING ORDINANCE SHALL BE AS PRESCRIBED FOR ORDINANCES GENERALLY EXCEPT THAT (1) THE REQUIREMENTS FOR DISTRIBUTION AND FILING OF COPIES OF THE ORDINANCE SHALL BE CONSTRUED TO INCLUDE COPIES OF ANY CODE OF TECHNICAL REGULATIONS AS WELL AS THE ADOPTING ORDINANCE; AND (2) A COPY OF EACH ADOPTED CODE OF TECHNICAL REGULATIONS, AS WELL AS THE ADOPTING ORDINANCE, SHALL BE AUTHENTICATED AND RECORDED BY THE CLERK.

(6) COPIES OF ANY ADOPTED CODE OF TECHNICAL REGULATIONS SHALL BE MADE AVAILABLE BY THE CLERK FOR DISTRIBUTION OR FOR PURCHASE AT A REASONABLE PRICE.

SECTION 2.37. SIGNING, AUTHENTICATING, RECORDING, CODIFICATION, PRINTING.

(a.) THE CLERK SHALL AUTHENTICATE BY HIS SIGNATURE AND RECORD IN FULL IN A PROPERLY INDEXED BOOK KEPT FOR THE PURPOSE ALL ORDINANCES ADOPTED BY COUNCIL. EVERY ORDINANCE SHALL BE SIGNED BY THE MAYOR AS A MATTER OF COURSE AFTER ADOPTION.

(6) THE COUNCIL SHALL PROVIDE FOR THE PREPARATION OF A GENERAL CODIFICATION OF ALL OF THE ORDINANCES OF THE CITY HAVING THE FORCE AND EFFECT OF LAW. THE GENERAL CODIFICATION SHALL BE ADOPTED BY THE COUNCIL BY ORDINANCE AND SHALL BE PUBLISHED PROMPTLY, TOGETHER WITH ALL AMENDMENTS THERETO, WITH THIS CHARTER AND ANY AMENDMENT THERETO, AND SUCH CODES OF TECHNICAL REGULATIONS AND OTHER RULES AND REGULATIONS AS THE CITY COUNCIL MAY SPECIFY. THIS COMPILATION SHALL BE KNOWN AND CITED OFFICIALLY AS "THE CODE OF THE CITY OF NAHUNTA, GEORGIA." COPIES OF THE CODE SHALL BE FURNISHED TO ALL OFFICERS, DEPARTMENTS, AND AGENCIES OF THE CITY, AND MADE AVAILABLE FOR PURCHASE BY THE PUBLIC AT A REASONABLE PRICE AS FIXED BY THE COUNCIL.

- (c) THE COUNCIL SHALL CAUSE EACH *ORDINANCE* AND EACH AMENDMENT IN THIS CHARTER TO BE PRINTED *PROMPTLY FOLLOWING* ITS ADOPTION, AND THE PRINTED *ORDINANCES AND CHARTER AMENDMENTS* SHALL BE MADE AVAILABLE FOR PURCHASE BY THE PUBLIC AT REASONABLE PRICES *TO BE FIXED* BY THE COUNCIL. FOLLOWING PUBLICATION OF THE FIRST *CODE* OF THE CITY OF NAHUNTA AND AT ALL TIMES THEREAFTER, THE *ORDINANCES AND CHARTER AMENDMENTS* SHALL BE PRINTED IN SUBSTANTIALLY THE SAME STYLE AS THE *CODE* CURRENTLY IN EFFECT AND SHALL BE SUITABLE IN FORM FOR INCORPORATION THEREIN. THE COUNCIL SHALL MAKE SUCH FURTHER ARRANGEMENTS AS DEEMED *DESIRABLE WITH RESPECT TO REPRODUCTION AND DISTRIBUTION* OF ANY CURRENT CHANGES IN OR ADDITIONS TO *CODES OF TECHNICAL REGULATIONS AND OTHER RULES AND REGULATIONS INCLUDED IN THE CODE*.

SECTION 2.38. *SUBMISSION OF ORDINANCES TO THE MAYOR.* (a.) EVERY *ORDINANCE ADOPTED* BY THE COUNCIL SHALL BE PRESENTED *PROMPTLY* BY THE *CLERK* TO THE MAYOR.

- (b) THE MAYOR, *WITHIN TEN CALENDAR DAYS OF RECEIPT OF AN ORDINANCE, SHALL RETURN IT TO THE CLERK WITH OR WITHOUT HIS APPROVAL, OR WITH HIS DISAPPROVAL*. IF THE *ORDINANCE HAS BEEN APPROVED* BY THE MAYOR, IT SHALL BECOME LAW UPON ITS RETURN *TO THE CLERK*; IF THE *ORDINANCE IS NEITHER APPROVED NOR DISAPPROVED, IT SHALL BECOME LAW AT TWELVE O'CLOCK NOON ON THE TENTH CALENDAR DAY AFTER ITS ADOPTION*; IF THE *ORDINANCE IS DISAPPROVED, THE MAYOR SHALL SUBMIT TO THE COUNCIL THROUGH THE CLERK A WRITTEN STATEMENT FOR HIS REASONS FOR HIS VETO. THE CLERK SHALL RECORD UPON THE ORDINANCE THE DATE OF ITS DELIVERY TO AND RECEIPT FROM THE MAYOR*.

- (c.-) *ORDINANCES VETOED BY THE MAYOR SHALL BE PRESENTED BY THE CLERK TO THE COUNCIL AT ITS NEXT REGULAR MEETING AND SHOULD THE COUNCIL THEN OR AT ITS NEXT REGULAR MEETING ADOPT THE ORDINANCE BY AN AFFIRMATIVE VOTE OF THREE MEMBERS IT SHALL BECOME LAW*.

- (d) THE MAYOR MAY *DISAPPROVE OR REDUCE ANY ITEM OR ITEMS OF APPROPRIATION IN ANY ORDINANCE. THE APPROVED PART OR PARTS OF ANY ORDINANCE MAKING APPROPRIATIONS SHALL BECOME LAW, AND THE PART OR PARTS DISAPPROVED SHALL NOT BECOME LAW UNLESS SUBSEQUENTLY PASSED BY THE CITY COUNCIL OVER THE MAYOR'S VETO AS PROVIDED HEREIN*.

SECTION 3.12. ADMINISTRATIVE AND SERVICE DEPARTMENTS. (d.) THE COUNCIL BY *ORDINANCE* MAY ESTABLISH, *ABOLISH*, MERGE, OR CONSOLIDATE OFFICES, POSITIONS OF

EMPLOYMENT, DEPARTMENTS, AND AGENCIES OF THE CITY AS THEY SHALL DEEM NECESSARY FOR THE PROPER ADMINISTRATION OF THE AFFAIRS AND GOVERNMENT OF THE CITY. THE COUNCIL SHALL PRESCRIBE THE FUNCTIONS AND DUTIES OF EXISTING DEPARTMENTS, OFFICES, AND AGENCIES OR OF ANY DEPARTMENTS, OFFICES, AND AGENCIES HEREINAFTER CREATED OR ESTABLISHED; MAY PROVIDE THAT THE SAME PERSON SHALL FILL ANY NUMBER OF OFFICES AND POSITIONS OF EMPLOYMENT; AND MAY TRANSFER OR CHANGE THE FUNCTION OR DUTIES OF OFFICES, POSITIONS OF EMPLOYMENT, DEPARTMENTS, AND AGENCIES OF THE CITY.

- (b) THE OPERATIONS AND RESPONSIBILITIES OF EACH DEPARTMENT NOW OR HEREAFTER ESTABLISHED IN THE CITY SHALL BE DISTRIBUTED AMONG SUCH DIVISIONS OR BUREAUS AS MAY BE PROVIDED BY ORDINANCE OF THE COUNCIL. EACH DEPARTMENT SHALL CONSIST OF SUCH OFFICERS, EMPLOYEES, AND POSITIONS AS MAY BE PROVIDED BY THIS CHARTER OR BY ORDINANCE AND SHALL BE SUBJECT TO THE GENERAL SUPERVISION AND GUIDANCE OF THE MAYOR AND COUNCIL.
- (c) EXCEPT AS OTHERWISE PROVIDED BY THIS CHARTER, THE DIRECTORS OF DEPARTMENTS AND OTHER APPOINTED OFFICERS OF THE CITY SHALL SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY. VACANCIES OCCURRING IN AN APPOINTIVE OFFICE SHALL BE FILLED IN THE SAME MANNER AS PRESCRIBED BY THIS CHARTER FOR AN ORIGINAL APPOINTMENT.
- (d) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE DIRECTORS OF DEPARTMENTS AND OTHER APPOINTED OFFICERS OF THE CITY SHALL BE APPOINTED SOLELY ON THE BASIS OF THEIR RESPECTIVE ADMINISTRATIVE AND PROFESSIONAL QUALIFICATIONS.

2.) ALL APPOINTIVE OFFICERS AND DIRECTORS OF DEPARTMENTS SHALL RECEIVE SUCH COMPENSATION AS PRESCRIBED BY ORDINANCE OF THE CITY COUNCIL.

SECTION 3.13. BOARD, COMMISSIONS, AND AUTHORITIES.

- (a.) ALL MEMBERS OF BOARDS, COMMISSIONS, AND AUTHORITIES SHALL BE APPOINTED BY THE COUNCIL FOR SUCH TERMS OF OFFICE AND SUCH MANNER OF APPOINTMENT AS PROVIDED BY ORDINANCE, EXCEPT WHERE OTHER APPOINTING AUTHORITY, TERM OF OFFICE, OR MANNER OF APPOINTMENT IS PRESCRIBED BY THIS CHARTER OR BY APPLICABLE STATE LAW.
- (b) NO MEMBER OF ANY BOARD, COMMISSION, OR AUTHORITY SHALL HOLD ANY ELECTIVE OFFICE IN THE CITY.
- (c) ANY VACANCY IN OFFICE OF ANY MEMBER OF A BOARD,

COMMISSION, OR AUTHORITY OF THE CITY SHALL BE FILLED FOR THE UNEXPIRED TERM IN THE MANNER PRESCRIBED HEREIN FOR ORIGINAL APPOINTMENT, EXCEPT AS OTHERWISE PROVIDED BY THIS CHARTER OR ANY APPLICABLE STATE LAW.

- (d) *NO MEMBER OF ANY BOARD, COMMISSION, OR AUTHORITY SHALL ASSUME OFFICE UNTIL HE SHALL HAVE EXECUTED AND FILED WITH THE CLERK OF THE CITY AN OATH OBLIGATING HIMSELF TO FAITHFULLY AND IMPARTIALLY PERFORM THE DUTIES OF HIS OFFICE, SUCH OATH TO BE PRESCRIBED BY ORDINANCE OF THE COUNCIL AND ADMINISTERED BY THE. MAYOR.*
- e) *ANY MEMBER OF A BOARD, COMMISSION, OR AUTHORITY MAY BE REMOVED FROM OFFICE FOR CAUSE BY A VOTE OF THREE MEMBERS OF THE COUNCIL.*

MEMBERS OF BOARDS, COMMISSIONS, AND AUTHORITIES

MAY
RECEIVE SUCH COMPENSATION AND EXPENSES IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS PRESCRIBED BY ORDINANCE.

- (g) *THE QUALIFICATIONS REQUIRED OF MEMBERS OF BOARDS, COMMISSIONS, AND AUTHORITIES SHALL BE AS PRESCRIBED BY ORDINANCE.*
- (h) *EXCEPT AS OTHERWISE PROVIDED BY THIS CHARTER OR BY APPLICABLE STATE LAW, EACH BOARD, COMMISSION, OR AUTHORITY OF THE CITY GOVERNMENT SHALL ELECT ONE OF ITS MEMBERS AS CHAIRMAN AND ONE MEMBER AS VICE-CHAIRMAN FOR TERMS OF ONE YEAR AND MAY ELECT AS ITS SECRETARY ONE OF ITS OWN MEMBERS OR MAY APPOINT AS SECRETARY AN EMPLOYEE OF THE CITY. EACH BOARD, COMMISSION, OR AUTHORITY OF THE CITY GOVERNMENT MAY ESTABLISH SUCH BYLAWS, RULES, AND REGULATIONS, NOT INCONSISTENT WITH THIS CHARTER, ORDINANCES OF THE CITY, OR APPLICABLE STATE LAW, AS IT DEEMS APPROPRIATE AND NECESSARY FOR THE CONDUCT OF ITS AFFAIRS, COPIES OF WHICH SHALL BE FILED WITH THE CLERK OF THE CITY.*

SECTION 3.21. CHIEF EXECUTIVE OFFICER. THE MAYOR SHALL BE THE CHIEF EXECUTIVE OFFICER OF THE GOVERNMENT OF THE CITY OF NAHUNTA. HE SHALL BE RESPONSIBLE TO THE COUNCIL FOR THE PROPER AND EFFICIENT ADMINISTRATION OF THE AFFAIRS OF THE CITY.

SECTION 3.22. POWERS AND DUTIES. AS CHIEF EXECUTIVE THE MAYOR SHALL HAVE SUCH POWERS AND DUTIES AS ARE VESTED IN HIM BY ORDINANCE.

SECTION 3.29. CITY MANAGER. THE COUNCIL MAY APPOINT A CITY MANAGER. THE DUTIES AND AUTHORITY OF THE CITY MANAGER

SHALL BE ESTABLISHED BY ORDINANCE OF THE COUNCIL, AND IN SO DOING, THE COUNCIL MAY SPECIFICALLY DELEGATE TO THE CITY MANAGER ANY OF THE ADMINISTRATIVE OR BUDGETARY DUTIES OF THE MAYOR.

SECTION 3.30. CITY ATTORNEY. THE COUNCIL SHALL APPOINT A CITY ATTORNEY, TOGETHER WITH SUCH ASSISTANT CITY ATTORNEYS AS MAY BE AUTHORIZED BY ORDINANCE, AND SHALL PROVIDE FOR THE PAYMENT OF SUCH ATTORNEY OR ATTORNEYS FOR SERVICES RENDERED TO THE CITY. THE CITY ATTORNEY SHALL BE RESPONSIBLE FOR REPRESENTING AND DEFENDING THE CITY IN ALL LITIGATION IN WHICH THE CITY IS A PARTY; MAY BE THE PROSECUTING OFFICER IN THE RECORDER'S COURT; SHALL ATTEND THE MEETINGS OF THE COUNCIL AS DIRECTED; SHALL ADVISE THE COUNCIL, MAYOR, AND OTHER OFFICERS, AND EMPLOYEES OF THE CITY CONCERNING LEGAL ASPECTS OF THE CITY'S AFFAIRS AND SHALL PERFORM SUCH OTHER DUTIES AS MAY BE REQUIRED OF HIM BY VIRTUE OF HIS POSITION AS CITY ATTORNEY.

SECTION 3.40. CITY CLERK. THE COUNCIL MAY APPOINT A CITY CLERK TO KEEP A JOURNAL OF THE PROCEEDINGS OF THE CITY COUNCIL AND TO MAINTAIN IN A SAFE PLACE ALL RECORDS AND DOCUMENTS PERTAINING TO THE AFFAIRS OF THE CITY AND TO PERFORM SUCH OTHER DUTIES AS MAY BE REQUIRED BY LAW OR AS THE COUNCIL MAY DIRECT.

SECTION 3.41. TAX COLLECTOR. THE COUNCIL MAY APPOINT A TAX COLLECTOR TO COLLECT ALL TAXES, LICENSES, FEES, AND OTHER MONIES BELONGING TO THE CITY SUBJECT TO THE PROVISIONS OF THIS CHARTER AND THE ORDINANCES OF THE CITY, AND THE TAX COLLECTOR SHALL DILIGENTLY COMPLY WITH AND ENFORCE ALL GENERAL LAWS OF GEORGIA RELATING TO THE COLLECTION, SALE, OR FORECLOSURE OF TAXES BY MUNICIPALITIES.

SECTION 3.42. CITY ACCOUNTANT. THE COUNCIL MAY APPOINT A CITY ACCOUNTANT TO PERFORM THE DUTIES OF AN ACCOUNTANT.

SECTION 3.43. CONSOLIDATION OF FUNCTIONS. THE COUNCIL MAY CONSOLIDATE ANY TWO OR MORE OF THE POSITIONS OF CITY CLERK, CITY TAX COLLECTOR, AND CITY ACCOUNTANT, OR ANY OTHER POSITIONS OR MAY ASSIGN THE FUNCTIONS OF ANY ONE OR MORE OF SUCH POSITIONS TO THE HOLDER OR HOLDERS OF ANY OTHER POSITIONS.

SECTION 3.50. POSITION CLASSIFICATION AND PAY PLAN. THE MAYOR MAY BE RESPONSIBLE FOR THE PREPARATION OF A POSITION CLASSIFICATION AND PAY PLAN WHICH SHALL BE SUBMITTED TO THE COUNCIL FOR APPROVAL. SAID PLANS MAY APPLY TO ALL EMPLOYEES OF THE CITY OF NAHUNTA AND OF ANY OF ITS AGENCIES AND OFFICES. WHEN A PAY PLAN HAS BEEN ADOPTED, THE COUNCIL SHALL NOT INCREASE OR DECREASE THE SALARIES OF INDIVIDUAL EMPLOYEES EXCEPT BY AMENDMENT OF SAID PAY PLAN.

SECTION 3.51. PERSONNEL POLICIES. THE COUNCIL SHALL

ADOPT RULES AND REGULATIONS CONSISTENT WITH THIS CHARTER CONCERNING: (1) THE METHOD OF EMPLOYEES SELECTION AND PROBATIONARY PERIODS OF EMPLOYMENT; AND (2) THE ADMINISTRATION OF THE POSITION CLASSIFICATION AND PAY PLAN, METHODS OF PROMOTION, AND APPLICATION OF SERVICE RATINGS THERETO, AND TRANSFER OF EMPLOYEES WITHIN THE CLASSIFICATION PLAN; (3) HOURS OF WORK, VACATION, SICK LEAVE, AND OTHER LEAVES OF ABSENCE, OVERTIME PAY, AND THE ORDER AND MANNER IN WHICH LAYOFF SHALL RE EFFECTED; AND (4) SUCH OTHER PERSONNEL POLICIES AS MAY BE NECESSARY TO PROVIDE FOR ADEQUATE AND SYSTEMATIC HANDLING OF THE PERSONNEL AFFAIRS OF THE CITY OF NAHUNTA.

MAYOR'S COURT

SECTION 4.10. CREATION. THERE IS HEREBY ESTABLISHED A COURT TO RE KNOWN AS THE MAYOR'S COURT OF THE CITY OF NAHUNTA WHICH SHALL HAVE JURISDICTION AND AUTHORITY TO TRY OFFENSES AGAINST THE LAWS AND ORDINANCES OF SAID CITY AND TO PUNISH FOR A VIOLATION OF THE SAME. SUCH COURT SHALL HAVE THE POWER AND AUTHORITY TO ENFORCE ITS JUDGEMENTS BY THE IMPOSITION OF SUCH PENALTIES AS MAY BE PROVIDED BY LAW; TO PUNISH WITNESSES FOR NONATTENDANCE, AND TO PUNISH ALSO ANY PERSON WHO MAY COUNSEL OR ADVISE, AID, ENCOURAGE OR PERSUADE ANOTHER WHOSE TESTIMONY IS DESIRED OR MATERIAL IN ANY PROCEEDING BEFORE SAID COURT; TO GO OR MOVE BEYOND THE REACH OF THE PROCESS OF THE COURT; TO TRY ALL OFFENSES WITHIN THE TERRITORIAL LIMITS OF THE CITY CONSTITUTING TRAFFIC CASES WHICH UNDER THE LAWS OF GEORGIA ARE PLACED WITHIN THE JURISDICTION OF MUNICIPAL OR POLICE COURTS TO THE EXTENT OF AND IN ACCORDANCE WITH THE PROVISIONS OF SUCH LAWS AND ALL LAWS SUBSEQUENTLY ENACTED AMENDATORY THEREOF. SAID COURT SHALL BE PRESIDED OVER BY THE JUDGE OF SAID COURT. IN THE ABSENCE OR DISQUALIFICATION OF THE JUDGE, THE JUDGE PRO TEM SHALL PRESIDE AND SHALL EXERCISE THE SAME POWERS AND DUTIES AS THE JUDGE WHEN SO ACTING.

SECTION 4.11. JUDGE.

- (a) THE MAYOR SHALL SERVE AS JUDGE.
- (b) THE MAYOR PRO TEM SHALL SERVE IN THE ABSENCE OF THE JUDGE.

SECTION 4.12. CONVENING. SAID COURT SHALL BE CONVENED AS SUCH TIMES AS DESIGNATED BY ORDINANCE OR AT SUCH TIMES AS DEEMED NECESSARY TO KEEP CURRENT THE DOCKETS THEREOF.

SECTION 4.13. JURISDICTION; POWERS.

- (c) THE MAYOR'S COURT SHALL TRY AND PUNISH FOR CRIMES AGAINST THE CITY OF NAHUNTA AND FOR VIOLATION OF ITS ORDINANCES. THE MAYOR'S COURT SHALL HAVE AUTHORITY TO PUNISH THOSE IN ITS PRESENCE FOR CONTEMPT, PROVIDED THAT SUCH PUNISHMENT SHALL NOT EXCEED \$50.00 OR SEVEN DAYS IN JAIL. THE MAYOR'S COURT MAY FIX PUNISHMENT FOR OFFENSES WITHIN ITS

JURISDICTION NOT EXCEEDING A FINE OF \$500.00 OR IMPRISONMENT FOR SIXTY DAYS OR BOTH, AND AS AN ALTERNATIVE TO FINE OR IMPRISONMENT, TO SENTENCE ANY OFFENDER UPON CONVICTION TO LABOR IN A CITY WORK GANG OR ON THE STREETS, SIDEWALKS, SQUARES, OR OTHER PUBLIC WORKS FOR A PERIOD NOT EXCEEDING SIXTY DAYS.

- (b) THE MAYOR'S 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.
- c) THE MAYOR'S COURT SHALL HAVE AUTHORITY TO ESTABLISH BAIL AND RECOGNIZANCES TO INSURE THE PRESENCE OF THOSE CHARGED WITH VIOLATIONS BEFORE SAID COURT AND SHALL HAVE DISCRETIONARY AUTHORITY TO ACCEPT CASH OR PERSONAL OR REAL PROPERTY AS SURETY FOR APPEARANCE OF PERSONS CHARGED WITH VIOLATIONS. WHENEVER ANY PERSON SHALL GIVE BAIL FOR HIS APPEARANCE AND SHALL FAIL TO APPEAR AT THE TIME FIXED FOR TRIAL, HIS BOND SHALL BE FORFEITED BY THE JUDGE PRESIDING AT SUCH TIME AND AN EXECUTION ISSUED THEREON BY SERVING THE DEFENDANT AND HIS SURETIES WITH A RULE NISI, AT LEAST TWO (2) DAYS BEFORE A HEARING ON THE RULE NISI. IN THE EVENT THAT CASH OR PROPERTY IS ACCEPTED IN LIEU OF BOND FOR SECURITY FOR THE APPEARANCE OF A DEFENDANT AT TRIAL AND IF SUCH DEFENDANT FAILS TO APPEAR AT THE TIME AND PLACE FIXED FOR TRIAL THE CASH SO DEPOSITED SHALL BE, ON ORDER OF THE JUDGE, DECLARED FORFEITED TO THE CITY OF NAHUNTA, OR THE PROPERTY SO DEPOSITED SHALL HAVE A LIEN AGAINST IT FOR THE VALUE FORFEITED, WHICH LIEN SHALL BE ENFORCEABLE IN THE SAME MANNER AND TO THE SAME EXTENT AS A LIEN FOR CITY PROPERTY TAXES.
- (d) THE MAYOR'S COURT SHALL HAVE THE AUTHORITY TO BIND PRISONERS OVER TO THE APPROPRIATE COURT WHEN IT APPEARS BY PROBABLE CAUSE THAT A STATE LAW HAS BEEN VIOLATED.
- c) THE MAYOR'S COURT SHALL HAVE THE AUTHORITY TO ADMINISTER OATHS AND TO PERFORM ALL OTHER ACTS NECESSARY OR PROPER TO THE CONDUCT OF SAID COURT.
- (4) THE MAYOR'S COURT MAY COMPEL THE PRESENCE OF ALL PARTIES NECESSARY TO A PROPER DISPOSAL OF EACH CASE BY THE ISSUANCE OF SUMMONS, SUBPOENA, AND WARRANTS WHICH MAY BE SERVED AS EXECUTED BY ANY OFFICER AS AUTHORIZED BY THIS CHARTER OR BY STATE LAW.

ORDINANCE TO AMEND THE CITY CHARTER
TO PROVIDE FOR A MUNICIPAL COURT FOR THE CITY OF NAHUNTA

THE 1980 Charter of the City of Nahunta is hereby amended as follows:

By striking in its entirety section 4.10 and inserting in lieu thereof the following:

Section 4.10. Creation; Name.

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

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 he shall have attained the age of 21 years. All judges shall be appointed by the city council.

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

(d) Judges may be removed for cause by a vote of three members of the city council.

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

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 two hundred (\$200.00) or ten (10) days in jail.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000 dollars or imprisonment for 60 days 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 said court, and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for his appearance and shall fail to appear at the time fixed for trial, his bond shall be forfeited by the judge presiding at such time, and an execution issued thereon by serving the defendant and his sureties with a rule nisi, at least two (2) days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the case so deposited shall be on order of the judge declared forfeited to the city, or the property so deposited shall have a lien against it for the value forfeited which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

(i) The municipal court is specifically vested with all the jurisdiction and powers throughout the geographic area of this city granted by law to mayor's, recorder's and police courts, and particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.

Section 4.14. Certiorari.

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

Section 4.15. Rules for Court.

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

This ____ day of (10.1/4) 1992.

Mayor

Alderman

44tiara46- (2. J./-4,

Alderman *ie Jacobs* _____

n *rd Aldridge* _____

Alderman

ATTEST:

Lc,
L-6L

-1-

City Clerk

(g) THE MAYOR'S COURT IS SPECIFICALLY VESTED WITH ALL OF THE JURISDICTION AND POWERS THROUGHOUT THE ENTIRE AREA OF THE CITY OF NAHUNTA GRANTED BY STATE LAWS GENERALLY TO MAYOR'S, RECORDER'S AND POLICE COURTS, AND PARTICULARLY BY SUCH LAWS AS AUTHORIZE THE ABATEMENT OF NUISANCES.

SECTION 4.14. APPEALS. ANY PERSON CONVICTED IN THE MAYOR'S COURT SHALL HAVE THE RIGHT TO APPLY FOR A WRIT OF CERTIORARI TO THE SUPERIOR COURT OF THE COUNTY.

SECTION 4.15. RULES FOR COURT. WITH THE APPROVAL OF THE COUNCIL, THE JUDGE SHALL HAVE FULL POWER AND AUTHORITY TO MAKE REASONABLE RULES AND REGULATIONS NECESSARY AND PROPER TO SECURE THE EFFICIENT AND SUCCESSFUL ADMINISTRATION OF THE MAYOR'S COURT; PROVIDED, HOWEVER, THAT THE COUNCIL MAY ADOPT IN WHOLE OR IN PART THE RULES AND REGULATIONS RELATIVE TO THE PROCEDURE OF THE OPERATION OF THE SUPERIOR COURT UNDER THE GENERAL LAWS OF THE STATE OF GEORGIA. THE RULES OR REGULATIONS MADE OR ADOPTED FOR SAID COURT SHALL BE FILED WITH THE CITY CLERK, SHALL BE AVAILABLE FOR PUBLIC INSPECTION, AND, UPON REQUEST, A COPY SHALL BE FURNISHED TO ALL DEFENDANTS IN MAYOR'S COURT PROCEEDINGS A LEAST FORTY-EIGHT HOURS PRIOR TO SAID PROCEEDINGS.

REPRESENTATION - GENERAL PROVISIONS

ARTICLE V.

SECTION 5.10. REGULAR ELECTIONS; TIME FOR HOLDING. ON THE SECOND WEDNESDAY IN OCTOBER 1979, AND ON SAID DATE BIENNIALLY THEREAFTER, THERE SHALL BE AN ELECTION FOR THE OFFICE OF MAYOR. ON THE SAME DAY AND MONTH IN 1979, FOUR COUNCILMEN SHALL BE ELECTED TO SERVE TWO YEARS IN THE ORDER OF EXPIRATION OF TERMS OF THOSE NOW SERVING AS SUCH AND ON SAID DATE BIENNIALLY THEREAFTER, THERE SHALL BE AN ELECTION FOR FOUR COUNCILMEN. THE TERMS OF OFFICE OF MEMBERS OF THE COUNCIL SHALL BEGIN AT THE DAY AND HOUR OF TAKING OF OATH OF OFFICE AS PROVIDED IN SECTION 2.21 OF THIS CHARTER. THE FOUR CANDIDATES FOR THE OFFICE OF COUNCILMEN WHO RECEIVE THE HIGHEST NUMBER OF VOTES SHALL BE ELECTED.

SECTION 5.11. QUALIFYING; NOMINATION OF CANDIDATES; ABSENTEE BALLOTS. THE COUNCIL MAY, BY ORDINANCE, PRESCRIBED RULES AND REGULATIONS GOVERNING QUALIFYING FEES, NOMINATION OF CANDIDATES, ABSENTEE BALLOTS, WRITE-IN VOTES, CHALLENGE OF VOTES, AND SUCH OTHER RULES AND REGULATIONS AS MAY BE NECESSARY FOR THE CONDUCT OF ELECTION IN THE CITY OF NAHUNTA.

CONDUCT OF ELECTIONS

SECTION 5.20. APPLICABILITY OF GENERAL LAWS. THE PROCEDURES AND REQUIREMENTS FOR ELECTION OF ALL ELECTED OFFICIALS OF THE CITY OF NAHUNTA AS TO PRIMARY, SPECIAL, OR GENERAL, ELECTIONS SHALL BE IN CONFORMITY WITH THE PROVISIONS OF CODE TITLE 34A, THE "GEORGIA MUNICIPAL ELECTION CODE," AS NOW OR HEREAFTER AMENDED.

SECTION 5.21. SPECIAL ELECTIONS; VACANCIES. IN THE EVENT THAT THE OFFICE OF MAYOR OR COUNCILMAN SHALL BECOME VACANT FOR ANY CAUSE WHATSOEVER, THE COUNCIL OR THOSE REMAINING SHALL ORDER A SPECIAL ELECTION TO FILL THE BALANCE OF THE UNEXPIRED TERM OF SUCH OFFICE; PROVIDED, HOWEVER, IF SUCH VACANCY OCCURS WITHIN SIX MONTHS OF THE EXPIRATION OF THE TERM OF OFFICE OF THE MAYOR OR ANY COUNCILMAN, SAID VACANCY IN OFFICE SHALL BE FILLED BY APPOINTMENT BY THE REMAINING MEMBERS OF THE COUNCIL. BOTH SPECIAL ELECTIONS AND QUALIFICATIONS OF CANDIDATES THEREFOR SHALL CONFORM TO THE APPLICABLE PROVISIONS OF THIS CHARTER AND THE GEORGIA MUNICIPAL ELECTION CODE AND TITLE 34A OF THE CODE OF GEORGIA OF 1933, AS NOW OR HEREAFTER AMENDED.

REMOVAL OF ELECTIVE OFFICERS

SECTION 5.30. GROUNDS FOR REMOVAL. THE MAYOR OR ANY COUNCILMAN SHALL BE SUBJECT TO REMOVAL FROM OFFICE FOR ANY ONE OR MORE OF THE FOLLOWING CASES:

- (a.) INCOMPETENCE, MISFEASANCE, OR MALFEASANCE IN OFFICE;
- (b) CONVICTION OF A CRIME INVOLVING MORAL TURPITUDE;
- (c) FAILURE AT ANY TIME TO POSSESS ANY OF THE QUALIFICATIONS OF OFFICE AS PROVIDED BY THIS CHARTER OR BY LAW;
- (a) WILLFUL VIOLATION OF ANY EXPRESS PROHIBITION OF THIS CHARTER;
- (d) ABANDONMENT OF OFFICE OR NEGLECT TO PERFORM THE DUTIES THEREOF; OR
- (.6) FAILURE FOR ANY OTHER CAUSE TO PERFORM THE DUTIES OF OFFICE AS REQUIRED BY THIS CHARTER OR BY LAW.

SECTION 5.31. PROCEDURE FOR REMOVAL. REMOVAL OF AN ELECTED OFFICER FROM OFFICE MAY BE ACCOMPLISHED BY ONE OF THE FOLLOWING METHODS:

- (a-) BY ACTION OF TWO-THIRDS' VOTE OF THE ENTIRE MEMBERSHIP OF THE COUNCIL. IN THE EVENT AN ELECTED OFFICER IS SOUGHT TO BE REMOVED BY THE ACTION OF THE COUNCIL, SUCH OFFICER SHALL BE ENTITLED TO A WRITTEN NOTICE SPECIFYING THE GROUND FOR REMOVAL

AND TO A PUBLIC HEARING WHICH SHALL BE HELD *NOT LESS* THAN *TEN DAYS* AFTER THE SERVICE OF SUCH WRITTEN NOTICE. ANY ELECTED OFFICER SOUGHT TO BE REMOVED FROM OFFICE AS HEREIN PROVIDED SHALL HAVE THE RIGHT OF APPEAL FROM THE *DECISION* OF THE COUNCIL TO THE SUPERIOR COURT OF BRANTLEY COUNTY. SUCH APPEAL SHALL BE GOVERNED BY THE *SAME RULES AS GOVERN APPEALS* TO THE SUPERIOR COURT FROM THE JUDGE OF THE PROBATE COURT.

(b) BY INFORMATION FILED IN THE SUPERIOR COURT OF BRANTLEY COUNTY AS PROVIDED BY LAW.

ARTICLE VI.

SECTION 6.10. PROPERTY TAXES. ALL PROPERTY SUBJECT TO TAXATION FOR STATE OR COUNTY PURPOSES, ASSESSED AS OF JANUARY 1 IN EACH YEAR, SHALL BE SUBJECT TO THE PROPERTY TAX LEVIED BY THE CITY OF NAHUNTA. THE COUNCIL SHALL USE THE COUNTY ASSESSMENT FOR THE YEAR IN WHICH THE CITY TAXES ARE TO BE LEVIED AND SHALL REQUEST THE COUNTY TO FURNISH APPROPRIATE INFORMATION FOR SUCH PURPOSE.

SECTION 6.12. TAX LEVY. THE COUNCIL SHALL BE AUTHORIZED TO LEVY AN AD VALOREM TAX ON ALL REAL AND PERSONAL PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY FOR THE PURPOSE OF RAISING REVENUES TO DEFRAY THE COSTS OF OPERATING THE CITY GOVERNMENT, PROVIDING GOVERNMENTAL SERVICES, AND FOR ANY OTHER PUBLIC PURPOSE AS DETERMINED BY THE COUNCIL AND INTEREST ON GENERAL OBLIGATIONS.

SECTION 6.13. TAX DUE DATES AND TAX BILLS. THE COUNCIL SHALL PROVIDE BY ORDINANCE WHEN THE TAXES OF THE CITY SHALL FALL DUE AND IN WHAT LENGTH OF TIME SAID TAXES MAY BE PAID AND SHALL PROVIDE BY ORDINANCE FOR THE PAYMENT OF TAXES DUE TO THE CITY IN INSTALLMENTS, OR IN ONE LUMP SUM, AND WHEN AND HOW AND UPON WHAT TERMS SUCH TAXES SHALL BE DUE AND PAYABLE, AS WELL AS TO AUTHORIZE THE VOLUNTARY PAYMENT OF TAXES PRIOR TO THE TIME WHEN DUE.

SECTION 6.14. COLLECTION OF DELINQUENT TAXES. THE COUNCIL MAY PROVIDE BY ORDINANCE FOR THE COLLECTION OF DELINQUENT TAXES BY F.I.F.A. ISSUED BY THE CITY CLERK AND EXECUTED BY ANY POLICE OFFICER OF THE CITY UNDER THE SAME PROCEDURE PROVIDED BY THE LAWS GOVERNING EXECUTION OF SUCH PROCESS FROM THE SUPERIOR COURT, OR BY THE USE OF ANY OTHER AVAILABLE LEGAL PROCESSES REMEDIES. A LIEN SHALL EXIST AGAINST ALL PROPERTY UPON WHICH CITY PROPERTY TAXES ARE LEVIED, AS OF THE ASSESSMENT DATE OF EACH YEAR, WHICH LIEN SHALL BE SUPERIOR TO ALL OTHER LIENS, EXCEPT THAT IT SHALL HAVE EQUAL DIGNITY WITH THOSE OF FEDERAL, STATE, OR COUNTY TAXES. IN CASES OF HARDSHIP, THE COUNCIL SHALL HAVE DISCRETIONARY AUTHORITY TO WAIVE ANY AND ALL PENALTIES IMPOSED BY THIS CHARTER ON DELINQUENT TAXES, FEES,

ASSESSMENTS, OR ON OTHER AMOUNTS DUE TO THE CITY.

SECTION 6.15. LICENSES, OCCUPATIONAL TAXES, EXCISE TAXES. THE COUNCIL BY *ORDINANCE SHALL HAVE FULL POWER TO LEVY SUCH LICENSE AND SPECIFIC OR OCCUPATION TAXES UPON THE RESIDENTS OF THE CITY OF NAHUNTA, BOTH INDIVIDUAL AND CORPORATE, AND ON ALL THOSE WHO TRANSACT OR OFFER TO TRANSACT BUSINESS THEREIN, OR WHO PRACTICE OR OFFER TO PRACTICE ANY PROFESSION OR CALLING THEREIN, AS THE COUNCIL MAY DEEM EXPEDIENT FOR THE PUBLIC HEALTH, SAFETY, BENEFIT, CONVENIENCE OF ADVANTAGE OF THE CITY; TO CLASSIFY BUSINESSES, OCCUPATIONS, PROFESSIONS, OR CALLINGS FOR THE PURPOSE OF SUCH TAXATION IN ANY WAY WHICH MAY BE LAWFUL; TO REQUIRE SUCH PERSONS TO PROCURE LICENSES; TO COMPEL THE PAYMENT OF SUCH LICENSES BY EXECUTION OR ANY OTHER LAWFUL MANNER; AND TO MAKE LAWS AND REGULATIONS NECESSARY OR PROPER TO CARRY OUT THE POWERS HEREIN CONFERRED; AND TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF. THE COUNCIL SHALL HAVE FULL POWER AND AUTHORITY TO LEVY AN EXCISE TAX NOT PROHIBITED BY GENERAL LAW.*

SECTION 6.16. SEWER SERVICE CHARGES. THE COUNCIL BY *ORDINANCE SHALL HAVE THE RIGHT, POWER, AND AUTHORITY TO ASSESS AND COLLECT FEES, CHARGES AND TOLLS FOR SEWER SERVICES RENDERED BOTH WITHIN AND WITHOUT THE CORPORATE LIMITS OF THE CITY OF NAHUNTA, TO PROVIDE FOR THE COST AND EXPENSE OF PROVIDING FOR THE COLLECTION AND DISPOSAL OF SEWAGE THROUGH THE SEWERAGE FACILITIES OF SAID CITY. IF UNPAID, SAID SEWER SERVICE CHARGE SHALL CONSTITUTE A LIEN AGAINST ANY PRIORITY ONLY TO LIENS FOR COUNTY AND CITY PROPERTY TAXES AND SHALL BE ENFORCEABLE IN THE SAME MANNER AND UNDER THE SAME REMEDIES AS A LIEN FOR CITY PROPERTY TAXES.*

SECTION 6.17. SANITARY AND HEALTH SERVICES CHARGE. THE COUNCIL *SHALL HAVE AUTHORITY BY ORDINANCE TO PROVIDE FOR, TO ENFORCE, TO LEVY, AND TO COLLECT THE COST OF SANITARY AND HEALTH SERVICES NECESSARY IN THE OPERATION OF THE CITY FROM ALL INDIVIDUALS, FIRMS, AND CORPORATIONS RESIDING IN OR DOING BUSINESS IN SAID CITY BENEFITING FROM SUCH SERVICE. SUCH AUTHORITY SHALL INCLUDE THE POWER TO ASSESS, LEVY, AND COLLECT ANNUAL OR MONTHLY SANITARY TAXES OR FEES IN SUCH AMOUNT OR AMOUNTS, AND BASED UPON AND IN ACCORDANCE WITH SUCH CLASSIFICATION OF PROPERTY AND SANITARY SERVICE OR SERVICE PROVIDED, AS MAY BE FIXED BY ORDINANCE. SAID SANITARY TAXES AND THE ASSESSMENT THEREOF SHALL BE A CHARGE AND LIEN AGAINST THE REAL ESTATE IN RESPECT TO WHICH SAID TAXES ARE SO ASSESSED, AND THE OWNER OR OWNERS THEREOF, SUPERIOR TO ALL OTHER LIENS EXCEPT LIENS FOR COUNTY AND CITY PROPERTY TAXES, AND SHALL BE ENFORCEABLE IN THE SAME MANNER AND UNDER THE SAME REMEDIES AS A LIEN FOR CITY PROPERTY TAXES.*

SECTION 6.19. TRANSFER OF EXECUTIONS. THE CITY *CLERK SHALL BE AUTHORIZED TO ASSIGN OR TRANSFER ANY FI. FA. OR EXECUTION ISSUED FOR ANY TAX OR FOR ANY STREET, SEWER, OR*

OTHER ASSESSMENT IN THE SAME MANNER AND TO THE SAME EXTENT AS PROVIDED BY GEORGIA LAW REGARDING SALES AND TRANSFERS TO TAX FL. FAS. SUCH TRANSFER OR ASSIGNMENT, WHEN MADE, SHALL VEST THE PURCHASES OR TRANSFEREE WITH ALL RIGHT, TITLE, AND INTEREST AS PROVIDED BY GEORGIA LAW GOVERNING SALES AND TRANSFERS OF TAX FL. FAS. PROVIDED THAT, UPON LEVY OF EXECUTION AND SALE OF PROPERTY PURSUANT TO SUCH TAX FI. FA, WHETHER ASSIGNED, TRANSFERRED, OR EXECUTED BY THE CITY, THE OWNER OF SUCH PROPERTY, IN FEE SIMPLE OR LESSER INTEREST, SHALL NOT LOSE HIS RIGHT TO REDEEM THE PROPERTY IN ACCORD WITH THE REQUIREMENTS OF REDEMPTION OF PROPERTY SOLD UNDER STATE OR COUNTY AD VALOREM TAX FI. FAS., AS SAID REQUIREMENTS NOW EXIST OR AS MAY BE HEREINAFTER PROVIDED BY LAW.

BORROWING

SECTION 6.20. GENERAL OBLIGATION BONDS. THE COUNCIL SHALL HAVE THE POWER TO ISSUE BONDS FOR THE PURPOSE OF RAISING REVENUE TO CARRY OUT ANY PROJECT, PROGRAM, OR VENTURE AUTHORIZED UNDER THIS CHARTER OR THE GENERAL LAWS OF THE STATE. SUCH BONDING AUTHORITY SHALL BE EXERCISED IN ACCORDANCE WITH THE LAWS GOVERNING BOND ISSUANCES BY MUNICIPALITIES IN EFFECT AT THE TIME SAID ISSUE IS UNDERTAKEN.

SECTION 6.21. REVENUE BONDS. REVENUE BONDS MAY ME ISSUED BY THE COUNCIL AS PROVIDED BY AN ACT OF THE GENERAL ASSEMBLY OF GEORGIA, APPROVED MARCH 31, 1937, KNOWN AS THE "REVENUE BOND LAW" (GA. LAWS 1937, P. 761), AS NOW OR HEREAFTER AMENDED, OR BY ANY OTHER GEORGIA LAW AS NOW OR HEREAFTER PROVIDED.

SECTION 6.22. SHORT-TERM NOTES. PURSUANT TO APPLICABLE STATE LAW, THE CITY MAY OBTAIN TEMPORARY LOANS BETWEEN JANUARY 1 AND DECEMBER 31 OF EACH YEAR.

SECTION 6.30. FISCAL YEAR. THE COUNCIL SHALL SET THE FISCAL YEAR BY ORDINANCE. SAID FISCAL YEAR SHALL CONSTITUTE THE BUDGET YEAR AND THE YEAR FOR FINANCIAL ACCOUNTING AND REPORTING OF EACH AND EVERY OFFICE, DEPARTMENT, OR INSTITUTION, AGENCY, AND ACTIVITY OF THE CITY GOVERNMENT, UNLESS OTHERWISE PROVIDED BY STATE OR FEDERAL LAW.

SECTION 6.31. PREPARATION OF BUDGETS. THE COUNCIL SHALL PROVIDE BY ORDINANCE THE PROCEDURES AND REQUIREMENTS FOR THE PREPARATION AND EXECUTION OF AN ANNUAL OPERATING BUDGET AND A CAPITAL IMPROVEMENT PROGRAM AND A CAPITAL BUDGET INCLUDING REQUIREMENTS AS TO THE SCOPE, CONTENT, AND FORM OF SUCH BUDGETS AND PROGRAMS.

SECTION 6.32. SUBMISSION OF OPERATING BUDGET TO CITY COUNCIL. ON OR BEFORE A DATE FIXED BY THE COUNCIL BUT NOT LATER THAN SIXTY DAYS PRIOR TO THE BEGINNING OF EACH FISCAL YEAR, THE MAYOR SHALL SUBMIT TO THE COUNCIL A PROPOSED

OPERATING BUDGET FOR THE ENSUING FISCAL YEAR. THE BUDGET SHALL BE ACCOMPANIED BY A MESSAGE FROM THE MAYOR CONTAINING A STATEMENT OF THE *GENERAL FISCAL POLICIES OF THE CITY*, THE IMPORTANT FEATURES OF THE BUDGET, *EXPLANATION OF MAJOR CHANGES RECOMMENDED FOR THE NEXT FISCAL YEAR*, A GENERAL SUMMARY OF THE BUDGET, *AND SUCH OTHER COMMENTS AND INFORMATION AS HE MAY DEEM PERTINENT*. THE OPERATING BUDGET *AND THE CAPITAL IMPROVEMENTS BUDGET* HEREINAFTER PROVIDED FOR, THE BUDGET MESSAGE, *AND ALL SUPPORTING DOCUMENTS SHALL BE FILED IN THE OFFICE OF THE CITY CLERK AND SHALL BE OPEN TO PUBLIC INSPECTION*.

SECTION 6.33. ACTION BY *COUNCIL ON BUDGET*.

(a.) THE COUNCIL MAY AMEND THE *OPERATING BUDGET PROPOSED* BY THE MAYOR EXCEPT THAT THE BUDGET AS FINALLY AMENDED *AND ADOPTED MUST PROVIDE FOR ALL EXPENDITURE REQUIRED BY LAW OR BY OTHER PROVISIONS OF THIS CHARTER AND FOR ALL DEBT SERVICE REQUIREMENTS FOR THE ENSUING FISCAL YEAR AND THE TOTAL APPROPRIATIONS FROM ANY FUND SHALL NOT EXCEED THE ESTIMATED FUND BALANCE, RESERVES, AND REVENUES CONSTITUTING THE FUND AVAILABILITY OF SUCH FUND*.

(b) THE COUNCIL *SHALL ADOPT THE FINAL OPERATING BUDGET FOR THE ENSUING FISCAL YEAR NOT LATER THAN THE FIFTEENTH DAY OF MAY OF EACH YEAR*. THE COUNCIL FAILS TO ADOPT THE BUDGET BY THIS DATE, THE AMOUNTS APPROPRIATED *FOR OPERATION FOR THE CURRENT FISCAL YEAR SHALL BE DEEMED ADOPTED FOR THE ENSUING FISCAL YEAR ON A MONTH-TO-MONTH BASIS, WITH ALL ITEMS PRORATED ACCORDINGLY UNTIL SUCH TIME AS THE COUNCIL ADOPTS A BUDGET FOR THE ENSUING FISCAL YEAR*. SUCH *ADOPTION SHALL TAKE FORM OF AN APPROPRIATION 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 DOCUMENT*.

c) THE AMOUNT SET OUT IN THE ADOPTED OPERATING BUDGET *FOR EACH ORGANIZATIONAL UNIT SHALL CONSTITUTE THE ANNUAL APPROPRIATION FOR SUCH ITEM, AND NO EXPENDITURE SHALL BE MADE OR ENCUMBRANCE CREATED IN EXCESS OF THE OTHERWISE UNENCUMBERED BALANCE OF THE APPROPRIATIONS, OR ALLOTMENT THEREOF, TO WHICH IT IS CHARGEABLE*.

SECTION 6.34. PROPERTY TAX *LEVIES*. AS THE *NEXT ORDER OF BUSINESS FOLLOWING ADOPTION OF THE OPERATING BUDGET*, THE COUNCIL *SHALL LEVY BY ORDINANCE AN ANNUAL TAX ON ALL REAL AND PERSONAL PROPERTY WITHIN THE CITY OF NAHUNTA*. THE TAX RATE *SET BY SUCH ORDINANCE SHALL BE SUCH THAT REASONABLE ESTIMATES OF REVENUES FROM SUCH LEVY SHALL AT LEAST BE SUFFICIENT, TOGETHER WITH OTHER ANTICIPATED REVENUES, FUND BALANCES, AND*

APPLICABLE RESERVES, TO EQUAL THE TOTAL AMOUNT APPROPRIATED FOR EACH OF THE *SEVERAL FUNDS SET FORTH* IN THE ANNUAL OPERATING BUDGET *FOR* DEFRAYING THE *EXPENSES* OF THE GENERAL GOVERNMENT OF THE CITY OF NAHUNTA.

SECTION 6.35. *ADDITIONAL APPROPRIATIONS*. THE COUNCIL MAY MAKE *APPROPRIATIONS IN ADDITION TO THOSE CONTAINED IN* THE CURRENT OPERATING BUDGET AT ANY REGULAR *OR SPECIAL MEETING CALLED FOR* SUCH *PURPOSE*, BUT ANY SUCH ADDITIONAL APPROPRIATIONS MAY *BE MADE ONLY FROM AN EXISTING UNAPPROPRIATED SURPLUS* IN THE FUND TO WHICH IT APPLIES.

SECTION 6.36. CAPITAL IMPROVEMENTS BUDGET.

(a.) *ON OR BEFORE THE DATE FIXED BY CITY COUNCIL BUT NOT LATER THAT SIXTY DAYS PRIOR TO THE BEGINNING OF EACH FISCAL YEAR*, THE MAYOR SHALL SUBMIT TO THE COUNCIL A *PROPOSED* CAPITAL IMPROVEMENTS BUDGET WITH HIS RECOMMENDATIONS AS TO THE MEANS OF FINANCING THE IMPROVEMENTS *PROPOSED* FOR THE ENSUING FISCAL YEAR. THE COUNCIL *SHALL* HAVE *POWER* TO ACCEPT WITH OR WITHOUT AMENDMENTS, *OR* REJECT THE *PROPOSED* PROGRAM AND *PROPOSED* MEANS OF FINANCING. THE COUNCIL *SHALL* NOT AUTHORIZE AN EXPENDITURE *FOR* THE CONSTRUCTION OF ANY BUILDING, STRUCTURE, *WORK, OR IMPROVEMENT, UNLESS THE APPROPRIATIONS FOR SUCH* PROJECT ARE *INCLUDED IN* THE CAPITAL IMPROVEMENTS BUDGET, EXCEPT TO MEET A PUBLIC EMERGENCY THREATENING THE *LIVES, HEALTH, OR PROPERTY OF THE INHABITANTS WHEN PASSED BY TWO-THIRDS' VOTE OF THE MEMBERSHIP OF THE COUNCIL*.

(b) THE COUNCIL SHALL ADOPT THE FINAL CAPITAL IMPROVEMENTS BUDGET *FOR THE ENSUING FISCAL YEAR NOT LATER THAN THE FIFTEENTH DAY OF MAY OF EACH YEAR. NO APPROPRIATION PROVIDED FOR IN THE CAPITAL IMPROVEMENTS BUDGET SHALL ELAPSE UNTIL THE PURPOSE FOR WHICH THE APPROPRIATION WAS MADE SHALL HAVE BEEN ACCOMPLISHED OR ABANDONED; PROVIDED THE MAYOR MAY SUBMIT AMENDMENTS TO THE CAPITAL IMPROVEMENTS BUDGET AT ANY TIME DURING THE FISCAL YEAR, ACCOMPANIED BY HIS RECOMMENDATIONS THEREON. ANY SUCH AMENDMENTS TO THE CAPITAL IMPROVEMENTS BUDGET SHALL BECOME EFFECTIVE ONLY UPON ADOPTION BY A VOTE OF THE COUNCIL*.

SECTION 6.40. *CONTRACTING PROCEDURES*. ALL CONTRACTS SHALL *BE MADE OR AUTHORIZED BY* THE COUNCIL, AND NO CONTRACTS SHALL *BIND* THE CITY *UNLESS REDUCED TO WRITING AND APPROVED BY THE COUNCIL*. ALL CONTRACTS, AND ALL ORDINANCES *OR RESOLUTIONS* MAKING CONTRACTS OR AUTHORIZING THE SAME, SHALL BE DRAWN BY THE CITY ATTORNEY OR SHALL BE SUBMITTED TO HIM BEFORE AUTHORIZATION BY THE *COUNCIL*.

SECTION 6.41. CENTRALIZED PURCHASING.

- (a) THE COUNCIL SHALL BY ORDINANCE PRESCRIBE PROCEDURES FOR A SYSTEM OF CENTRALIZED PURCHASING FOR THE CITY OF NAHUNTA.
- (b) THE COUNCIL MAY SELL AND CONVEY ANY REAL OR PERSONAL PROPERTY OWNED OR HELD BY THE CITY OF NAHUNTA FOR GOVERNMENTAL OR OTHER PURPOSES, AT A PUBLIC OR PRIVATE SALE, WITH OR WITHOUT ADVERTISEMENT, FOR SUCH CONSIDERATION AS IT SHALL DEEM EQUITABLE AND JUST FOR THE CITY.
- (c-) THE COUNCIL MAY QUITCLAIM ANY RIGHTS IT MAY HAVE IN PROPERTY NOT NEEDED FOR PUBLIC PURPOSES UPON REPORT BY THE MAYOR AND ADOPTION OF A RESOLUTION, BOTH FINDING THAT THE PROPERTY IS NOT NEEDED FOR PUBLIC OR OTHER PURPOSES AND THAT THE INTEREST OF THE CITY HAS NO READILY ASCERTAINABLE MONETARY VALUE.
- (d) WHENEVER IN OPENING, EXTENDING, OR WIDENING ANY STREET, AVENUE, ALLEY, OR PUBLIC PLACE OF THE CITY, A SMALL PARCEL OR TRACT OF LAND IS CUT OFF OR SEPARATED BY SUCH WORK FROM A LARGER TRACT OR BOUNDARY OF LAND OWNED BY THE CITY, THE COUNCIL MAY AUTHORIZE THE MAYOR TO EXECUTE AND DELIVER IN THE NAME OF THE CITY A DEED CONVEYING SAID CUT-OFF OR SEPARATED PARCEL OR TRACT OF LAND TO AN ABUTTING OR ADJOINING PROPERTY OWNER OR OWNERS IN EXCHANGE FOR RIGHTS-OF-WAY OF SAID STREET, AVENUE, ALLEY, OR PUBLIC PLACE OR IN SETTLEMENT OF ANY ALLEGED DAMAGES SUSTAINED BY SAID ABUTTING OR ADJOINING PROPERTY OWNER. ALL DEEDS AND CONVEYANCES HERETOFORE AND HEREAFTER SO EXECUTED AND DELIVERED SHALL CONVEY ALL TITLE AND INTEREST THE CITY HAS IN SUCH PROPERTY, NOTWITHSTANDING THE FACT THAT NO PUBLIC SALE AFTER ADVERTISEMENT WAS OR IS HEREAFTER MADE.

ARTICLE VIII.

SECTION 8.10. OFFICIAL BONDS. THE OFFICERS AND EMPLOYEES OF THE CITY OF NAHUNTA, BOTH ELECTIVE AND APPOINTIVE, SHALL EXECUTE SUCH OFFICIAL BONDS IN SUCH AMOUNTS AND UPON SUCH TERMS AND CONDITIONS AS THE CITY COUNCIL MAY FROM TIME TO TIME REQUIRE.

SECTION 8.11. EXISTING ORDINANCES AND REGULATIONS. EXISTING ORDINANCES AND RESOLUTIONS OF THE CITY OF NAHUNTA NOT INCONSISTENT WITH THE PROVISIONS OF THIS CHARTER SHALL CONTINUE IN EFFECT UNTIL THEY HAVE BEEN REPEALED, MODIFIED, OR AMENDED BY THE COUNCIL. EXISTING RULES AND REGULATIONS OF DEPARTMENTS OR AGENCIES OF THE CITY OF NAHUNTA NOT INCONSISTENT WITH THE PROVISIONS OF THIS CHARTER SHALL CONTINUE IN EFFECT UNTIL THEY HAVE BEEN REPEALED, MODIFIED,

OR AMENDED.

SECTION 8.12. *SECTION CAPTIONS.* THE CAPTIONS TO THE SEVERAL *SECTIONS OF RHRS* CHARTER ARE INFORMATIVE ONLY AND ARE NOT TO BE *CONSIDERED* AS A PART THEREOF.

SECTION 8.13. *PENALTIES.* THE VIOLATION *OF ANY PROVISIONS* OF THIS CHARTER, FOR WHICH *PENALTY IS NOT* SPECIFICALLY PROVIDED FOR HEREIN, *IS* HEREBY DECLARED TO BE A MISDEMEANOR AND *SHALL* BE PUNISHABLE BY A FINE *OF NOT MORE THAN \$500.00 OR BY* IMPRISONMENT NOT TO EXCEED SIXTY DAYS OR BOTH SUCH FINE *AND* IMPRISONMENT.

SECTION 8.14. SPECIFIC [REPEALER AN](#) ACT INCORPORATING THE CITY OF NAHUNTA IN THE COUNTY *OF BRANTLEY, APPROVED JULY 28, 1925 (GA. LAWS 1925, P. 1273), IS* HEREBY REPEALED *IN ITS ENTIRETY AND ALL AMENDATORY ACTS THERETO ARE LIKewise REPEALED IN THEIR ENTIRETY.*

SECTION 8.15. *SEVERABILITY.* *IN THE EVENT ANY SECTION, SUBSECTION, SENTENCE, CLAUSE OR PHRASE OF THIS CHARTER SHALL BE DECLARED OR ADJUDGED INVALID OR UNCONSTITUTIONAL, SUCH ADJUDICATION SHALL IN NO MANNER AFFECT THE OTHER SECTIONS, SUBSECTIONS, SENTENCES, CLAUSES, OR PHRASES OF THIS CHARTER, WHICH SHALL REMAIN OF FULL FORCE AND EFFECT, AS IF THE SECTION, SUBSECTION, SENTENCE, CLAUSE OR PHRASE SO DECLARED OR ADJUDGED INVALID OR UNCONSTITUTIONAL WERE NOT ORIGINALLY A PART* HEREOF. THE GENERAL ASSEMBLY HEREBY DECLARES THAT IT WOULD HAVE *PASSED* THE REMAINING PARTS *OF THIS CHARTER IF IT HAD KNOWN* THAT SUCH PART OR PARTS HEREOF *WOULD BE DECLARED OR ADJUDGED* INVALID OR UNCONSTITUTIONAL.

SECTION 8.17. *REPEALER.* ALL LAWS AND PARTS OF LAWS IN CONFLICT WITH THIS ACT ARE HEREBY *REPEALED.*

NOTICE OF INTENT.

NOTICE *IS* HEREBY GIVEN THAT THERE *WILL* BE INTRODUCED AT THE REGULAR *1980 SESSION OF THE GENERAL ASSEMBLY OF GEORGIA, A BILL* CREATING A NEW CHARTER FOR THE CITY *OF NAHUNTA, REDEFINING THE CITY LIMITS AND FOR OTHER PURPOSES.*

THIS THE 6TH DAY OF DECEMBER, 1979.

MAYOR AND COUNCIL
THE CITY OF NAHUNTA
BY: EARL DANIEL SMITH,
CITY ATTORNEY *FOR*
THE CITY OF NAHUNTA