

Senate Bill 253

By: Senator Ginn of the 47th

A BILL TO BE ENTITLED  
AN ACT

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

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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ARTICLE I  
INCORPORATION AND POWERS  
**SECTION 1.10.**

Name.

27 This city and the inhabitants thereof are hereby reincorporated by the enactment of this  
28 charter and are hereby constituted and declared a body politic and corporate under the name  
29 of the "City of Carlton" and by that name shall have perpetual succession.

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**SECTION 1.11.**  
Corporate Boundaries.

32 (a) The boundaries of this city shall be those existing on the effective date of the adoption  
33 of this charter with such alterations as may be made from time to time in the manner  
34 provided by law. The boundaries of this city at all times shall be shown on a map, a written  
35 description or any combination thereof, to be retained permanently in the office of the city  
36 clerk and to be designated, as the case may be: "Official Map of the corporate limits of the  
37 City of Carlton, Georgia." Photographic, typed, or other copies of such map or description  
38 certified by the mayor shall be admitted as evidence in all courts and shall have the same  
39 force and effect as with the original map or description.

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

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**SECTION 1.12.**  
Powers and Construction.

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

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

**SECTION 1.13.**

## Examples of Powers.

55 (a) Air and Water Pollution. To regulate the emission of smoke or other exhaust which  
56 pollutes the air, and to prevent the pollution of natural streams which flow within the  
57 corporate limits of the city.

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

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

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

70 (e) Business Regulation and Taxation. To levy and to provide for the collection of license  
71 fees and taxes on privileges, occupations, trades and professions; to license and regulate the  
72 same; to provide for the manner and method of payment of such licenses after due process  
73 for failure to pay any city taxes or fees.

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

78 (g) Contracts. To enter into contracts and agreements with other governmental entities and  
79 with private persons, firms and corporations.

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

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

- 88 management of solid and hazardous waste, and other necessary actions for the protection of  
89 the environment;
- 90 (j) Fire Regulations. To fix and establish fire limits and from time to time to extend, enlarge  
91 or restrict the same; to prescribe fire safety regulations not inconsistent with general law,  
92 relating to both fire prevention and detection and to fire fighting; and to prescribe penalties  
93 and punishment for violations thereof.
- 94 (k) Garbage Fees. To levy, fix, assess, and collect a garbage, refuse and trash collection and  
95 disposal, and other sanitary service charge, tax, or fee for such services as may be necessary  
96 in the operation of the city from all individuals, firm, and corporations residing in or doing  
97 business therein benefiting from such services; to enforce the payment of such charges, taxes  
98 or fees; and to provide for the manner and method of collecting such service charges.
- 99 (l) General Health, Safety and Welfare. To define, regulate and prohibit any act, practice,  
100 conduct or use of property which is detrimental to health, sanitation, cleanliness, welfare, and  
101 safety of the inhabitants of the city, and to provide for the enforcement of such standards.
- 102 (m) Gifts. To accept or refuse gifts, donations, bequests or grants from any source for any  
103 purpose related to powers and duties of the city and the general welfare of its citizens, on  
104 such terms and conditions as the donor or granter may impose.
- 105 (n) Health and Sanitation. To prescribe standards of health and sanitation and to provide for  
106 the enforcement of such standards.
- 107 (o) Jail Sentences. To provide that persons given jail sentences in the city court may work  
108 out such sentences in any public works or on the streets, roads, drains and squares in the city,  
109 to provide for commitment of such persons to any jail, or to provide for commitment of such  
110 persons to any county work camp or county jail by agreement with the appropriate county  
111 officials.
- 112 (p) Motor Vehicles. To regulate the operation of motor vehicles and exercise control over  
113 all traffic, including parking upon or across the streets, roads, alleys and walkways of the  
114 city.
- 115 (q) Municipal Agencies and Delegation of Power. To create, alter or abolish departments,  
116 boards, offices, commissions and agencies of the city, and to confer upon such agencies the  
117 necessary and appropriate authority for carrying out all the powers conferred upon or  
118 delegated to the same.
- 119 (r) Municipal Debts. To appropriate and borrow money for the payment of debts of the city  
120 and to issue bonds for the purpose of raising revenue to carry out any project, program or  
121 venture authorized by this charter or the laws of the State of Georgia.
- 122 (s) Municipal Property Ownership. To acquire, dispose of, and hold in trust or otherwise,  
123 any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the  
124 property limits of the city.

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

161 (dd) Public Utilities and Services. To grant franchises or make contracts for public utilities  
162 and public services; and to prescribe the rates, fares, regulations and standards and conditions  
163 of service applicable to the service to be provided by the franchise grantee or contractor,  
164 insofar as not in conflict with valid regulations of the Public Service Commission.

165 (ee) Regulation of Roadside Areas. To prohibit or regulate and control the erection,  
166 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings and any and  
167 all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads  
168 or within view thereof, within or abutting the corporate limits of the city; and to prescribe  
169 penalties and punishment for violation of such ordinances.

170 (ff) Retirement. To provide and maintain a retirement plan for officers and employees of  
171 the city.

172 (gg) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of,  
173 abandon or close, construct, pave, maintain, repair, clean, prevent erosion of, and light the  
174 roads, alleys, and walkways within the corporate limits of the city; and to negotiate and  
175 execute leases over, through, under or across any city property or the right-of-way of any  
176 street, road, alley, and walkway or portion thereof within the corporate limits of the city, for  
177 bridges, passageways, or any other purpose or use between buildings on opposite sides of the  
178 street and for other bridges, overpasses and underpasses for private use at such location, and  
179 to charge a rental therefor in such manner as may be provided by ordinance; and to authorize  
180 and control the construction of bridges, overpasses, and underpasses within the corporate  
181 limits of the city; and to grant franchises and rights-of-way throughout the streets and roads,  
182 and over the bridges and viaducts for the use of public utilities and for private use; and to  
183 require real estate owners to repair and maintain in a safe condition the sidewalks adjoining  
184 their lots or lands, and to impose penalties for failure to do so.

185 (hh) Sewer Fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,  
186 constructing, equipping, operating, maintaining, and extending of a sewage disposal plan and  
187 sewerage system, and to levy on those to whom sewers and sewerage systems are made  
188 available a sewer service fee, charge or sewer tax for the availability or use of the sewers; to  
189 provide for the manner and method of collecting such service charges and for enforcing  
190 payment of the same; and to charge, impose and collect a sewer connection fee or fees to  
191 those connected with the system.

192 (ii) Solid Waste Disposal. To provide for the collection and disposal of garbage, rubbish and  
193 refuse, and to regulate the collection and disposal of garbage, rubbish and refuse by others;  
194 and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other  
195 recyclable materials, and to provide for the sale of such items.

196 (jj) Special Areas of Public Regulation. To regulate or prohibit junk dealers, pawn shops,  
197 the manufacture, sale or transportation of intoxicating liquors, and the use and sale of

198 firearms; to regulate the transportation, storage and use of combustible, explosive and  
 199 inflammable materials, the use of lighting and heating equipment, and any other business or  
 200 situation which may be dangerous to persons or property; to regulate and control the conduct  
 201 of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind,  
 202 by taxation or otherwise; and to license, tax, regulate or prohibit professional fortune telling,  
 203 palmistry, adult bookstores, and massage parlors.

204 (kk) Special Assessments. To levy and provide for the collection of special assessments to  
 205 cover the costs for any public improvements.

206 (ll) Taxes: Ad Valorem. To levy and provide for the assessment, valuation, revaluation, and  
 207 collection of taxes on all property subject to taxation.

208 (mm) Taxes: Other. To levy and collect such other taxes as may be allowed now or in the  
 209 future by law.

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

214 (oo) Urban Redevelopment. To organize and operate an urban redevelopment program.

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

225 **SECTION 1.14.**

226 **Exercise of Powers.**

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

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ARTICLE II  
GOVERNMENT STRUCTURE  
**SECTION 2.10.**  
City Council Creation; Number; Election.

235 The legislative authority of the government of this city, except as otherwise specifically  
236 provided in this charter, shall be vested in a city council to be composed of a mayor and five  
237 council members. The city council established shall in all respects be a successor to and  
238 continuation of the governing authority under prior law. The mayor and council members  
239 shall be elected in the manner provided by general law and this charter.

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**SECTION 2.11.**  
City Council Terms and Qualifications for Office.

242 The members of the city council shall serve for terms of two years and until their respective  
243 successors are elected and qualified. No person shall be eligible to serve as mayor or council  
244 member unless he or she shall have been a resident of the city for 12 months prior to the date  
245 of election of the mayor or members of the council; each shall continue to reside therein  
246 during that member's period of service and to be registered and qualified to vote in municipal  
247 elections of this city.

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**SECTION 2.12.**  
Vacancy; Filling of Vacancies; Suspensions.

250 (a) Vacancies. The office of mayor or council member shall become vacant upon the  
251 occurrence of the incumbent's death, resignation, forfeiture of office, missing two regular  
252 meetings in three months or 25 percent of regular meetings in one calendar year, or  
253 occurrence of any event specified by the Constitution of the State of Georgia, Title 45 of the  
254 Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter  
255 be enacted.

256 (b) Filling of Vacancies. A vacancy in the office of mayor or council member shall be filled  
257 for the remainder of the unexpired term, if any, by appointment if less than 12 months  
258 remains in the unexpired term, otherwise by an election, as provided for in Section 5.15 of  
259 this charter and in accordance with Titles 21 and 45 of the Official Code of Georgia  
260 Annotated, or other such laws as are or may hereafter be enacted.

261 (c) Upon the suspension from office of mayor or council member in any manner authorized  
262 by the general laws of the State of Georgia, the city council or those remaining shall appoint



263 a successor for the duration of the suspension. If the suspension becomes permanent, then  
 264 the office shall become vacant and shall be filled as provided in subsection (b) of this section.

265 **SECTION 2.13.**

266 Compensation and Expenses.

267 The mayor and council members shall receive compensation and expenses for their services  
 268 as provided by ordinance; however, compensation shall be paid only for meetings attended.

269 **SECTION 2.14.**

270 Conflicts of Interest; Holding Other Offices.

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

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

275 (1) Engage in any business or transaction, or have a financial or other personal interest,  
 276 direct or indirect, which is incompatible with the proper discharge of his or her official  
 277 duties or which would tend to impair the independence of his or her judgment or action  
 278 in the performance of his or her official duties;

279 (2) Engage in or accept private employment, or render services for private interests when  
 280 such employment or service is incompatible with the proper discharge of his or her  
 281 official duties or would tend to impair the independence of his or her judgment or action  
 282 in the performance of his or her official duties;

283 (3) Disclose confidential information, including information obtained at meetings which  
 284 are closed pursuant to Title 50, Chapter 14 of the Official Code of Georgia Annotated,  
 285 concerning the property, government, or affairs of the governmental body by which the  
 286 official is engaged without proper legal authorization; or use such information to advance  
 287 the financial or other private interest of himself or herself or others;

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

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

296 (6) Vote or otherwise participate in the negotiation or in the making of any contract with  
297 any business or entity in which the official has financial interest.

298 (c) Disclosure. Any elected official, appointed officer, or employee who shall have any  
299 private financial interest, directly or indirectly, in any contract or matter pending before or  
300 within any department of the city shall disclose such private interest to the city council. The  
301 mayor or any council member who has a private interest in the matter pending before the city  
302 council shall disclose such private interest and such disclosure shall be entered on the records  
303 of the city council, and the official shall disqualify himself or herself from participating in  
304 any decision or vote relating thereto. Any elected official, appointed officer, or employee  
305 of any agency or political entity to which this charter applies who shall have any private  
306 financial interest, directly or indirectly, in any contract or matter pending before or within  
307 such entity shall disclose such private interest to the governing body of such agency or entity.

308 (d) Use of Public Property. No elected official, appointed officer, or employee of the city  
309 or any agency or entity to which this charter applies shall use property owned by such  
310 governmental entity for personal benefit, convenience, or profit except in accordance with  
311 policies promulgated by the city council or the governing body of such agency or entity.

312 (e) Contracts Voidable and Rescindable. Any violation of this section which occurs with  
313 the knowledge, express or implied, of a party to a contract or sale shall render said contract  
314 or sale voidable at the option of the city council.

315 (f) Ineligibility of Elected Official. Except where authorized by law, neither the mayor nor  
316 any council member shall hold any other elective or compensated appointive office in the  
317 city or otherwise be employed by said government or any agency thereof during the term for  
318 which the official was elected.

319 (g) Political Activities of Certain Officers and Employees. No appointive officer and no  
320 employee of the city shall continue in such employment upon qualifying as a candidate for  
321 nomination or election to any public office.

322 (h) Penalties for Violation.

323 (1) Any city officer or employee who knowingly conceals such financial interest or  
324 knowingly violates any of the requirements of this section shall be guilty of malfeasance  
325 in office or position and shall be deemed to have forfeited his or her office or position.

326 (2) Any officer or employee of the city who shall forfeit an office or position, as  
327 described in paragraph (1) of this subsection, shall be ineligible for appointment or  
328 election to or employment in a position in the city government for a period of three years  
329 thereafter.

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**SECTION 2.15.**

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## Inquiries and Investigations.

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

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**SECTION 2.16.**

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## General Power and Authority of the City Council.

340 Except as otherwise provided by the charter, the city council shall be vested with all the  
 341 powers of government of this city.

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**SECTION 2.17.**

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## Eminent Domain.

344 The city council is hereby empowered to acquire, construct, operate and maintain public  
 345 ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,  
 346 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports,  
 347 hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional,  
 348 penal and medical institutions, agencies and facilities, and any other public improvements  
 349 inside or outside the city, and to regulate the use thereof, and for such purposes, property  
 350 may be condemned under procedures established under general law applicable now or as  
 351 provided in the future.

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**SECTION 2.18.**

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## Organizational Meeting.

354 The city council shall hold an organizational meeting at its first regular meeting in January  
 355 following an election. The meeting shall be called to order by the city clerk and the oath of  
 356 office shall be administered to the newly elected members as follows:  
 357 "I do solemnly swear that I will well and truly demean myself as (mayor) (council member)  
 358 of the City of Carlton for the ensuing term, that I will faithfully enforce the charter and

359 ordinances of the city to the best of my skill and ability, without fear or favor, so help me  
360 God."  
361 Newly elected members' terms shall begin immediately after they are sworn in and they shall  
362 hold office until their successors are sworn in.

363 **SECTION 2.19.**

364 Regular and Special Meetings.

365 (a) The city council shall hold regular meetings at such times and places as prescribed by  
366 ordinance.  
367 (b) Special meetings of the city council may be held on call of the mayor or three members  
368 of the city council. Notice of such special meetings shall be served on all other members  
369 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such  
370 notice to council members shall not be required if the mayor and all council members are  
371 present when the special meeting is called. Such notice of any special meeting may be  
372 waived by a council member in writing before or after such a meeting, and attendance at the  
373 meeting shall also constitute a waiver of notice on any business transacted in such council  
374 member's presence. Only the business stated in the call may be transacted at the special  
375 meeting.  
376 (c) All meetings of the city council shall be public to the extent required by law and notice  
377 to the public of special meetings shall be made fully as is reasonably possible as provided by  
378 Code Section 50-14-1 of the Official Code of Georgia Annotated, or other such applicable  
379 laws as are or may hereafter be enacted.

380 **SECTION 2.20.**

381 Rules of Procedure.

382 (a) The city council shall adopt its rules of procedure and order of business consistent with  
383 the provisions of this charter and shall provide for keeping a journal of its proceedings, which  
384 shall be a public record.  
385 (b) All committees and committee chairpersons and officers of the city council shall be  
386 appointed by the mayor, with the advice and consent of the council, and shall serve at his or  
387 her pleasure. The mayor shall have the power to appoint new members to any committee at  
388 any time, with the advice and consent of the council.

389 **SECTION 2.21.**

390 Quorum: Voting.

391 (a) Three council members shall constitute a quorum and shall be authorized to transact  
392 business of the city council. Voting on the adoption of ordinances shall be by voice vote and  
393 the vote shall be recorded in the journal, but any member of the city council shall have the  
394 right to request a roll call vote and such vote shall be recorded in the journal. Except as  
395 otherwise provided in this charter, the affirmative vote of a majority of council members  
396 present shall be required for the adoption of any ordinance, resolution, or motion. An  
397 abstention shall be counted as a negative vote.

398 (b) No member of the city council shall abstain from voting on any matter properly brought  
399 before the council for official action except when such council member has a conflict of  
400 interest which is disclosed in writing prior to or at the meeting and made a part of the  
401 minutes. Any member of the city council present and eligible to vote on a matter and  
402 refusing to do so for any reason other than a properly disclosed and recorded conflict of  
403 interest shall be deemed to have acquiesced or concurred with the members of the majority  
404 who did vote on the question involved.

405 **SECTION 2.22.**

406 Ordinance Form; Procedures.

407 (a) Every proposed ordinance should be introduced in writing and in the form required for  
408 final adoption. No ordinance shall contain a subject which is not expressed in its title. The  
409 enacting clause shall be "The Council of the City of Carlton hereby ordains . . ." and every  
410 ordinance shall so begin.

411 (b) An ordinance may be introduced by any council member and be read at a regular or  
412 special meeting of the city council. Ordinances shall be considered and adopted or rejected  
413 by the city council in accordance with the rules which it shall establish. Upon introduction  
414 of any ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to  
415 each council member and shall file a reasonable number of copies in the office of the clerk  
416 and at such other public places as the city council may designate.

417 **SECTION 2.23.**

418 Action Requiring An Ordinance.

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

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**SECTION 2.24.**

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## Emergencies.

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

438 (b) Such meetings shall be open to the public to the extent required by law and notice to the  
439 public of emergency meetings shall be made as fully as is reasonably possible in accordance  
440 with Code Section 50-14-1 of the Official Code of Georgia Annotated, or such other  
441 applicable laws as are or may hereafter be enacted.

442

**SECTION 2.25.**

443

## Codes of Technical Regulations.

444 (a) The city council may adopt any standard code of technical regulations by reference  
445 thereto in an adopting ordinance. The procedure and requirements governing such adopting  
446 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements  
447 of Section 2.22(b) for distribution and filing of copies of the ordinance shall be construed to  
448 include copies of any code of regulations, as well as the adopting ordinance; and (2) a copy  
449 of each adopted code of technical regulations, as well as the adopting ordinance, shall be  
450 authenticated and recorded by the clerk pursuant to Section 2.26.

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

453

**SECTION 2.26.**

454

Signing; Authenticating; Recording; Codification; Printing.

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

457 (b) The city council shall provide for the preparation of a general codification of all the  
458 ordinances of the city having the force and effect of law. The general codification shall be  
459 adopted by the city council by ordinance and shall be published promptly, together with all  
460 amendments thereto and such codes of technical regulations and other rules and regulations  
461 as the city council may specify. This compilation shall be known and cited officially as "The  
462 Code of the City of Carlton, Georgia." Copies of the code shall be furnished to all officers,  
463 departments and agencies of the city, and made available for purchase by the public at a  
464 reasonable price as fixed by the city council.

465 (c) The city council shall cause each ordinance and each amendment to this charter to be  
466 printed promptly following its adoption, and the printed ordinances and charter amendments  
467 shall be made available for purchase by the public at reasonable prices to be fixed by the city  
468 council. Following publication of the first code under this charter and at all times thereafter,  
469 the ordinances and charter amendments shall be printed in substantially the same style as the  
470 code currently in effect and shall be suitable in form for incorporation therein. The city  
471 council shall make such further arrangements as deemed desirable with the reproduction and  
472 distribution of any current changes in or additions to codes of technical regulations and other  
473 rules and regulations included in the code.

474

**SECTION 2.27.**

475

Election of Mayor; Forfeiture; Compensation.

476 The mayor shall be elected and serve for a term of two years and until his or her successor  
477 is elected and qualified. The mayor shall be a qualified elector of this city and shall have  
478 been a resident of the city for 12 months immediately preceding his or her election. The  
479 mayor shall continue to reside in this city during the period of his or her service. The mayor  
480 shall forfeit his or her office on the same grounds and under the same procedure as for  
481 council members. The compensation of the mayor shall be established in the same manner  
482 as for council members.

483

**SECTION 2.28.**

484

Chief Executive Officer.

485 The mayor shall be the executive of this city. The mayor shall possess all of the executive  
486 and administrative power granted to the city under the Constitution and laws of the State of  
487 Georgia, and all the executive and administrative powers contained in this charter.

488

**SECTION 2.29.**

489

Powers and Duties of Mayor.

490 As the chief executive of this city, the mayor shall:

491 (a) See that all laws and ordinances of the city are faithfully executed;

492 (b) Appoint and remove, for cause, all officers, department heads, and employees of the city  
493 except as otherwise provided in this charter;

494 (c) Exercise supervision over all executive and administrative work of the city and provide  
495 for the coordination of administrative activities;

496 (d) Prepare and submit to the council a recommended annual operating budget and  
497 recommended capital budget;

498 (e) Submit to the council at least once a year a statement covering the financial conditions  
499 of the city and from time to time such other information as the city council may request;

500 (f) Preside over all meetings of the city council;

501 (g) Call special meetings of the city council as provided for in Section 2.19;

502 (h) Participate in the discussion of all matters brought before the city council and vote on  
503 such matters only in the case of a tie vote;

504 (i) Recommend to the city council such measures relative to the affairs of the city  
505 improvement of the government, and promotion of the welfare of its inhabitants as he or she  
506 may deem expedient;

507 (j) Approve or disapprove ordinances as provided in Section 2.30;

508 (k) Require any department or agency of the city to submit written reports whenever he or  
509 she deems it expedient;

510 (l) Sign as a matter of course all written contracts, ordinances, and other instruments  
511 executed by the city which by law are required to be in writing; and

512 (m) Perform such other duties as may be required by general state law, this charter, or  
513 ordinance.



514

**SECTION 2.30.**

515

**Submission of Ordinances to the Mayor; Veto Power.**

516 (a) Every ordinance adopted by the city council shall be presented by the city clerk to the  
517 mayor within three days after its adoption.

518 (b) The mayor shall, within ten calendar days of receipt of an ordinance, return it to the clerk  
519 with or without his or her approval, or with his or her disapproval. If the ordinance has been  
520 approved by the mayor, it shall become law upon its return to the clerk; if the ordinance is  
521 neither approved nor disapproved, it shall become law at twelve o'clock noon on the tenth  
522 calendar day after its adoption; if the ordinance is disapproved, the mayor shall submit to the  
523 city council through the clerk a written statement of his or her reasons for his or her veto.  
524 The clerk shall record upon the ordinance the date of its delivery to and receipt from the  
525 mayor.

526 (c) Ordinances vetoed by the mayor shall be presented by the clerk to the city council at its  
527 next meeting. If the city council then or at its next general meeting adopts the ordinance by  
528 an affirmative vote of the entire council members, it shall become law.

529 (d) The mayor may disapprove or reduce any item or items of appropriation in any  
530 ordinance. The approved part or parts of any ordinance making appropriations shall become  
531 law, and the part or parts disapproved shall not become law unless subsequently passed by  
532 the city council over the mayor's veto as provided in this section. The reduced part or parts  
533 shall be presented to the city council as though disapproved and shall become law unless  
534 overridden by the council as provided in subsection (c) of this section.

535

**SECTION 2.31.**

536

**Mayor Pro Tem; Selection; Duties.**

537 By a majority vote, the city council shall elect a council member to serve as mayor pro tem.  
538 The mayor pro tem shall preside at all meetings of the city council and shall assume the  
539 duties and powers of the mayor upon the mayor's disability or absence. The city council by  
540 a majority vote shall elect a new presiding officer from among its members for any period  
541 in which the mayor pro tem is disabled, absent or acting as mayor. Any such absence or  
542 disability shall be declared by majority vote of all council members. When serving as mayor,  
543 the mayor pro tem shall not also vote as a member of the council.

544  
545  
546  
547

ARTICLE III  
ADMINISTRATIVE AFFAIRS  
**SECTION 3.10.**  
Administrative and Service Departments.

548 (a) Except as otherwise provided in this charter, the city council, by ordinance, shall  
549 prescribe the functions or duties, and establish, abolish or alter all nonelective offices,  
550 positions of employment, departments, and agencies of the city, as necessary for the proper  
551 administration of the affairs and government of this city.

552 (b) Except as otherwise provided by this charter or by law, the directors of departments and  
553 other appointed officers of the city shall be appointed solely on the basis of their respective  
554 administrative and professional qualifications.

555 (c) All appointive officers and directors of departments shall receive such compensation as  
556 prescribed by ordinance.

557 (d) There shall be a director of each department or agency who shall be its principal officer.  
558 Each director shall, subject to the direction and supervision of the mayor, be responsible for  
559 the administration and direction of the affairs and operations of his or her department or  
560 agency.

561 (e) All appointive officers and directors under the supervision of the mayor shall be  
562 nominated by the mayor with confirmation of appointment by the city council. All appointive  
563 officers and directors shall be employees at-will and subject to removal or suspension at any  
564 time by the mayor unless otherwise provided by law.

565  
566

**SECTION 3.11.**  
Boards, Commissions and Authorities.

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

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

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

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

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

582 (f) No member of a board, commission or authority shall assume office until he or she has  
583 executed and filed with the clerk of the city an oath obligating himself or herself to faithfully  
584 and impartially perform the duties of his or her office, such oath to be prescribed by  
585 ordinance and administered by the mayor.

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

588 (h) Except as otherwise provided by this charter or by law, each board, commission or  
589 authority of the city shall elect one of its members as chairman and one member as  
590 vice-chairman, and may elect as its secretary one of its own members or may appoint as  
591 secretary an employee of the city. Each board, commission or authority of the city  
592 government may establish bylaws, rules and regulations, not inconsistent with this charter,  
593 ordinances of the city, or law, as it deems appropriate and necessary for the fulfillment of its  
594 duties or the conduct of its affairs. Copies of such bylaws, rules and regulations shall be filed  
595 with the clerk of the city.

596 **SECTION 3.12.**

597 **City Attorney.**

598 The city council shall appoint a city attorney who shall be a member of the State Bar of  
599 Georgia and shall provide for the payment of such attorney for services rendered to the city.

600 The city attorney shall be responsible for representing and defending the city in all litigation  
601 in which the city is a party; may be prosecuting officer in the municipal court; shall attend  
602 the meetings of the council as directed; shall advise the city council, mayor, and other  
603 officers and employees of the city concerning legal aspects of the city's affairs; and shall  
604 perform such other duties as may be required of him or her by virtue of his or her position  
605 as city attorney. The city attorney is not a public official of the city and does not take an oath  
606 of office. The city attorney shall at all times be an independent contractor.

607

**SECTION 3.13.**

608

City Clerk-Treasurer.

609 The city council shall appoint a city clerk-treasurer who shall not be a council member. The  
 610 city clerk-treasurer shall be custodian of the official city seal and city records; be responsible  
 611 for the general duties of a treasurer and fiscal officer; maintain city council records required  
 612 by this charter; shall collect all taxes, licenses, fees, and other moneys belonging to the city  
 613 subject to the provisions of this charter and the ordinances of the city and enforce all laws  
 614 of Georgia relating to the collection of delinquent taxes and sale or foreclosure for  
 615 nonpayment of taxes to the city; and perform such other duties as may be required by the city  
 616 council.

617

**SECTION 3.14.**

618

Personnel Policies.

619 All employees serve at-will and may be removed from office at any time unless otherwise  
 620 provided by ordinance. The city council shall adopt policies or ordinances to provide for:

- 621 (1) The method of employee selection, promotion and transfer;  
 622 (2) Hours of work, vacation, sick leave, and other leaves of absence, and overtime pay;  
 623 and  
 624 (3) Other personnel policies.

625

626

## ARTICLE IV

627

## JUDICIAL BRANCH

628

**SECTION 4.10.**

629

Creation; Name.

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

631

**SECTION 4.11.**

632

Chief Judge; Associate Judge.

633 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,  
 634 or stand-by judges as shall be provided by ordinance.

635 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless  
 636 he or she shall have attained the age of 21 years, shall be an active member in good standing  
 637 of the State Bar of Georgia and shall possess all qualifications required by law. All judges

638 shall be appointed by the city council and shall serve until a successor is appointed and  
639 qualified.

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

641 (d) Judges serve at-will and may be removed from office at any time by the city council  
642 unless otherwise provided by ordinance.

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

647 **SECTION 4.12.**

648 Convening.

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

650 **SECTION 4.13.**

651 Jurisdiction; Powers.

652 (a) The municipal court shall try and punish violations of this charter, all city ordinances,  
653 and such other violations as provided by law.

654 (b) The municipal court shall have authority to punish those in its presence for contempt,  
655 provided that such punishment shall not exceed \$200.00 or ten days in jail.

656 (c) The municipal court may fix punishment for offenses within its jurisdiction not  
657 exceeding a fine of \$1,000.00 or imprisonment for 90 days or both such fine and  
658 imprisonment or may fix punishment by fine, imprisonment or alternative sentencing as now  
659 or hereafter provided by law.

660 (d) The municipal court shall have authority to establish a schedule of fees to defray the cost  
661 of operation, and shall be entitled to reimbursement of the cost of meals, transportation, and  
662 care taking of prisoners bound over to superior courts for violations of state law.

663 (e) The municipal court shall have authority to establish bail and recognizances to ensure  
664 the presence of those charged with violations before said court, and shall have discretionary  
665 authority to accept cash or personal or real property as surety for the appearance of persons  
666 charged with violations. Whenever any person shall give bail for his or her appearance and  
667 shall fail to appear at the time fixed for trial, his or her bond shall be forfeited by the judge  
668 presiding at such time, and an execution issued thereon by serving the defendant and his or  
669 her sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the event  
670 that cash or property is accepted in lieu of bond for security for the appearance of a defendant

671 at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so  
672 deposited shall be on order of the judge declared forfeited to the city, or the property so  
673 deposited shall have a lien against it for the value forfeited which lien shall be enforceable  
674 in the same manner and to the same extent as a lien for city property taxes.

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

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

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

685 **SECTION 4.14.**

686 Certiorari.

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

691 **SECTION 4.15.**

692 Rules for Court.

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



726 **SECTION 5.14.**

727 Election by Plurality.

728 The person receiving a plurality of the votes cast for any city office shall be elected. In the  
729 event of a tie, a run-off election shall be held and the candidate who receives the highest  
730 number of votes cast in the run-off election shall be elected.

731 **SECTION 5.15.**

732 Special Elections; Vacancies.

733 In the event that the office of mayor or council member shall become vacant as provided in  
734 Section 2.12 of this charter, the city council or those remaining shall order a special election  
735 to fill the balance of the unexpired term of such official; provided, however, if such vacancy  
736 occurs within 12 months of the expiration of the term of that office, the city council or those  
737 remaining shall appoint a successor for the remainder of the term. In all other respects, the  
738 special election shall be held and conducted in accordance with the Georgia Election Code,  
739 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, as now or hereafter  
740 amended.

741 **SECTION 5.16.**

742 Other Provisions.

743 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe  
744 such rules and regulations it deems appropriate to fulfill any options and duties under the  
745 Georgia Election Code, Chapter 2 of Title 21 of the Official Code of Georgia Annotated.

746 **SECTION 5.17.**

747 Removal of Officers.

748 (a) The mayor, council members, or other appointed officers provided for in this charter  
749 shall be removed from office for any one or more of the following causes provided in Title  
750 45 of the Official Code of Georgia Annotated, or such other applicable laws as are or may  
751 hereafter be enacted:

752 (1) By the death of the incumbent;

753 (2) By resignation, when accepted;

754 (3) By decision of a competent tribunal declaring the office vacant;



- 755 (4) By voluntary act or misfortune of the incumbent whereby he or she is placed in any  
 756 of the specified conditions of ineligibility to office;
- 757 (5) By the incumbent ceasing to be a resident of the state or of the county, circuit, or  
 758 district for which he or she was elected;
- 759 (6) By failing to apply for and obtain commissions or certificates or by failing to qualify  
 760 or give bond, or both, within the time prescribed by the laws and Constitution of Georgia;  
 761 or
- 762 (7) By abandoning the office or ceasing to perform its duties, or both.
- 763 (b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished  
 764 one of the following methods:
- 765 (1) By a vote of three council members after an investigative hearing. In the event an  
 766 elected officer is sought to be removed by the action of the city council, such officer shall  
 767 be entitled to a written notice specifying the ground or grounds for removal and to a  
 768 public hearing which shall be held not less than ten days after the service of such written  
 769 notice. Any elected officer sought to be removed from office as provided in this section  
 770 shall have the right of appeal from the decision of the city council to the Superior Court  
 771 of Madison County. Such appeal shall be governed by the same rules as govern appeals  
 772 to the superior court from the probate court; or
- 773 (2) By a petition of recall by the electors of the City of Carlton, as provided by the laws  
 774 of the State of Georgia.

775

776

## ARTICLE VI

777

## FINANCE

778

**SECTION 6.10.**

779

## Property Tax.

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

786 **SECTION 6.11.**

787 Millage Rate; Due Dates; Payment Methods.

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

792 **SECTION 6.12.**

793 Occupation and Business Taxes.

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

798 **SECTION 6.13.**

799 Regulatory Fees; Permits.

800 The city council by ordinance shall have the power to require businesses or practitioners  
801 doing business within this city to obtain a permit for such activity from the city and pay a  
802 reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect  
803 the total cost to the city of regulating the activity, and if unpaid, shall be collected as  
804 provided in Section 6.18.

805 **SECTION 6.14.**

806 Franchises.

807 (a) The city council shall have the power to grant franchises for the use of this city's streets  
808 and alleys for the purposes of railroads, street railways, telephone companies, electric  
809 companies, cable television, gas companies, transportation companies and other similar  
810 organizations. The city council shall determine the duration, terms, whether the same shall  
811 be exclusive or nonexclusive, and the consideration for such franchises; provided, however,  
812 no franchise shall be granted unless the city receives just and adequate compensation  
813 therefor. The city council shall provide for the registration of all franchises with the city  
814 clerk in a registration book kept by the clerk. The city council may provide by ordinance for  
815 the registration within a reasonable time of all franchises previously granted.

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

821 **SECTION 6.15.**

822 Service Charges.

823 The city council by ordinance shall have the power to assess and collect fees, charges, and  
 824 tolls for sewers, sanitary and health services, or any other services provided or made  
 825 available within and without the corporate limits of the city for the total cost to the city of  
 826 providing or making available such services. If unpaid, such charges shall be collected as  
 827 provided in Section 6.18.

828 **SECTION 6.16.**

829 Special Assessments.

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

835 **SECTION 6.17.**

836 Construction; Other Taxes.

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

840 **SECTION 6.18.**

841 Collection of Delinquent Taxes and Fees.

842 The city council, by ordinance, may provide generally for the collection of delinquent taxes,  
 843 fees, or other revenue due the city under Sections 6.10 through 6.17 by whatever reasonable  
 844 means as are not precluded by law. This shall include providing for the dates when the taxes

845 or fees are due; late penalties or interest; issuance and execution of fi.fa.'s; creation and  
 846 priority of liens; making delinquent taxes and fees personal debts of the persons required to  
 847 pay the taxes or fees imposed; revoking city licenses for failure to pay any city taxes or fees;  
 848 and providing for the assignment or transfer of tax executions.

849 **SECTION 6.19.**

850 General Obligation Bonds.

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

855 **SECTION 6.20.**

856 Revenue Bonds.

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

860 **SECTION 6.21.**

861 Short-Term Loans.

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

864 **SECTION 6.22.**

865 Lease-Purchase Contracts

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

873 **SECTION 6.23.**

874 Fiscal Year.

875 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the  
876 budget year and the year for financial accounting and reporting of each and every office,  
877 department, agency and activity of the city government.

878 **SECTION 6.24.**

879 Preparation of Budgets.

880 The city council shall provide an ordinance on the procedures and requirements for the  
881 preparation and execution of an annual operating budget, a capital improvements program  
882 and a capital budget, including requirements as to the scope, content and form of such  
883 budgets and programs.

884 **SECTION 6.25.**

885 Submission of Operating Budget to City Council.

886 On or before a date fixed by the city council but not later than 60 days prior to the beginning  
887 of each fiscal year, the mayor shall submit to the city council a proposed operating budget  
888 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor  
889 containing a statement of the general fiscal policies of the city, the important features of the  
890 budget, explanations of major changes recommended for the next fiscal year, a general  
891 summary of the budget, and such other comments and information as he or she may deem  
892 pertinent. The operating budget and the capital improvements budget hereinafter provided  
893 for, the budget message, and all supporting documents shall be filed in the office of the city  
894 clerk and shall be open to public inspection.

895 **SECTION 6.26.**

896 Action by City Council on Budget.

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

902 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal  
 903 year not later than December of each year. If the city council fails to adopt the budget by this  
 904 date, the amounts appropriated for operation for the current fiscal year shall be deemed  
 905 adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated  
 906 accordingly until such time as the city council adopts a budget for the ensuing fiscal year.  
 907 Adoption of the budget shall take the form of an appropriations ordinance setting out the  
 908 estimated revenues in detail by sources and making appropriations according to fund and by  
 909 organizational unit, purpose, or activity as set out in the budget preparation ordinance  
 910 adopted pursuant to Section 6.24.

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

915 **SECTION 6.27.**

916 Tax Levies.

917 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates  
 918 set by such ordinance shall be such that reasonable estimates of revenues from such levy  
 919 shall at least be sufficient, together with other anticipated revenues, fund balances and  
 920 applicable reserves, to equal the total amount appropriate for each of the several funds set  
 921 forth in the annual operating budget for defraying the expenses of the general government  
 922 of this city.

923 **SECTION 6.28.**

924 Changes in Appropriations.

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

929 **SECTION 6.29.**

930 Capital Improvements Budget.

931 (a) On or before the date fixed by the city council but no later than 60 days prior to the  
 932 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital

933 improvements budget with his or her recommendations as to the means of financing the  
 934 improvements proposed for the ensuing fiscal year. The city council shall have power to  
 935 accept, with or without amendments, or reject the proposed program and proposed means of  
 936 financing. The city council shall not authorize an expenditure for the constructing of any  
 937 building, structure, work or improvement, unless the appropriations for such project are  
 938 included in the capital improvements budget, except to meet a public emergency as provided  
 939 in Section 2.24.

940 (b) The city council shall adopt by ordinance the final capital improvements budget for the  
 941 ensuing fiscal year not later than December of each year. No appropriation provided for in  
 942 a prior capital improvements budget shall lapse until the purpose for which the appropriation  
 943 was made shall have been accomplished or abandoned; provided, however, the mayor may  
 944 submit amendments to the capital improvements budget at any time during the fiscal year,  
 945 accompanied by his or her recommendations. Any such amendments to the capital  
 946 improvements budget shall become effective only upon adoption by ordinance.

947 **SECTION 6.30.**

948 Independent Audit.

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

954 **SECTION 6.31.**

955 Contracting Procedures.

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

- 957 (1) It is in writing;
- 958 (2) It is drawn by or submitted and reviewed by the city attorney, and as a matter of  
 959 course, it is signed by him or her to indicate such drafting or review; and
- 960 (3) It is made or authorized by the city council and such approval is entered in the city  
 961 journal of proceedings pursuant to Section 2.20.

962 **SECTION 6.32.**

## 963 Centralized Purchasing.

964 The city council shall by ordinance prescribe procedures for a system of centralized  
 965 purchasing for the city.

966 **SECTION 6.33.**

## 967 Sale of City Property.

968 (a) The city council may sell and convey any real or personal property owned or held by the  
 969 city for governmental or other purposes as now or hereafter provided by law.

970 (b) The city council may quitclaim any rights it may have in property not needed for public  
 971 purposes upon report by the mayor and adoption of a resolution, both finding that the  
 972 property is not needed for public or other purposes and that the interest of the city has no  
 973 readily ascertainable monetary value.

974 (c) Whenever in opening, extending or widening any street, avenue, alley or public place of  
 975 the city, a small parcel or tract of land is cut off or separated by such work from a larger tract  
 976 or boundary of land owned by the city, the city council may authorize the mayor to sell or  
 977 convey said cut-off or separated parcel or tract of land to an abutting or adjoining property  
 978 owner or owners where such sale and conveyance facilitates the enjoyment of the abutting  
 979 owner's property. Included in the sales contract shall be a provision for the rights-of-way of  
 980 said street, avenue, alley or public place. Each abutting property owner shall be notified of  
 981 the availability of the property and given the opportunity to purchase said property under  
 982 such terms and conditions as set out by ordinance. All deeds and conveyances heretofore and  
 983 hereafter so executed and delivered shall convey all title and interest the city has in such  
 984 property, notwithstanding the fact that no public sale after advertisement was or is hereafter  
 985 made.

986 **ARTICLE VII**987 **GENERAL PROVISIONS**988 **SECTION 7.10.**

## 989 Bonds for Officials.

990 The officers and employees of this city, both elective and appointive, shall execute such  
 991 surety or fidelity bonds in such amounts and upon such terms and conditions as the city  
 992 council shall from time to time require by ordinance or as may be provided by law.



993 **SECTION 7.11.**

994 Prior Ordinances.

995 All ordinances, resolutions, rules and regulations now in force in the city not inconsistent  
996 with this charter are hereby declared valid and of full effect and force until amended or  
997 repealed by the city council.

998 **SECTION 7.12.**

999 Pending Matters.

1000 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,  
1001 contracts and legal or administrative proceedings shall continue and any such ongoing work  
1002 or cases shall be completed by such city agencies, personnel or offices as may be provided  
1003 by the city council.

1004 **SECTION 7.13.**

1005 Construction.

- 1006 (a) Section captions in this charter are informative only and are not to be considered as a part  
1007 thereof.
- 1008 (b) The word "shall" is mandatory and the word "may" is permissive.
- 1009 (c) The singular shall include the plural, the masculine shall include the feminine, and vice  
1010 versa.

1011 **SECTION 7.14.**

1012 Severability.

1013 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be  
1014 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect  
1015 or impair other parts of this charter unless it clearly appears that such other parts are wholly  
1016 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the  
1017 legislative intent in enacting this charter that each article, section, subsection, paragraph,  
1018 sentence or part thereof be enacted separately and independent of each other.

**SECTION 7.15.**

1019

1020

Repealer.

1021 An Act to establish a new charter for the City of Carlton, approved February 18, 1955  
1022 incorporating the City of Carlton (Ga. L. 1988, p. 20), is hereby repealed in its entirety and  
1023 all amendatory acts thereto are likewise repealed in their entirety. All other laws and parts  
1024 of laws in conflict with this charter are hereby repealed.

**SECTION 7.16.**

1025

1026

Effective Date.

1027 This charter shall become effective July 1, 2013.

**SECTION 7.17.**

1028

1029

Repealer.

1030 All laws and parts of laws in conflict with this Act are repealed.