

House Bill 597 (AS PASSED HOUSE AND SENATE)

By: Representatives Bentley of the 150<sup>th</sup> and Cheokas of the 151<sup>st</sup>

A BILL TO BE ENTITLED

AN ACT

1 To provide a new charter for the City of Andersonville; to provide for incorporation,  
2 boundaries, and powers of the city; to provide for general powers and limitations on powers;  
3 to provide for a governing authority of such city and the powers, duties, authority,  
4 prohibitions, election, election districts, terms, removal from office, method of filling  
5 vacancies, compensation, expenses, and qualifications; to provide for conflicts of interest and  
6 holding other offices; to provide for organization and meeting procedures; to provide for a  
7 mayor pro tempore; to provide for inquiries and investigations; to provide for eminent  
8 domain; to provide for rules; to provide for ordinances; to provide for codes; to provide for  
9 delineation of legislative, executive, and administrative roles; to provide for the powers and  
10 duties of the mayor; to provide for administrative responsibilities; to provide for department  
11 heads; to provide for boards, commissions, and authorities; to provide for a city attorney, city  
12 clerk, and other personnel; to provide for the establishment of a municipal court and the  
13 judge or judges thereof; to provide for practices and procedures; to provide for taxation,  
14 permits, and fees; to provide for franchises, service charges, and assessments; to provide for  
15 bonded and other indebtedness; to provide for accounting and budgeting; to provide for  
16 capital improvements; to provide for contracting and purchasing; to provide for bonds for  
17 officials; to provide for sale and lease of city property; to provide for prior ordinances; to  
18 provide for existing personnel; to provide for pending matters; to provide for construction;

H. B. 597

19 to provide for severability; to repeal specific Acts; to provide for related matters; to repeal  
20 conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 ARTICLE I  
23 INCORPORATION AND POWERS

24 SECTION 1.10.

25 Name.

26 The City of Andersonville and the inhabitants thereof are reincorporated by the enactment  
27 of this charter and are hereby constituted and declared a municipality and body politic and  
28 corporate under the name and style City of Andersonville, Georgia, and by that name shall  
29 have perpetual succession.

30 SECTION 1.11.

31 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 (or Description) of the  
37 corporate limits of the City of Andersonville, Georgia." Photographic, typed, or other copies  
38 of such map or description certified by the city clerk shall be admitted as evidence in all  
39 courts and shall have the same force and effect as with the original map or description.

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

44 **SECTION 1.12.**

45 Powers and construction.

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

53 **SECTION 1.13.**

54 Examples of powers.

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

60 (b) Appropriations and expenditures. To make appropriations for the support of the  
61 government of the city; to authorize the expenditure of money for any purposes authorized

62 by this charter and for any purpose for which a municipality is authorized by the laws of the  
63 State of Georgia; and to provide for the payment of expenses of the city;

64 (c) Building regulation. To regulate and to license the erection and construction of buildings  
65 and all other structures; to adopt building, housing, plumbing, fire safety, electrical, gas, and  
66 heating and air conditioning codes; and to regulate all housing, and building trades;

67 (d) Business regulation and taxation. To levy and to provide for the collection of regulatory  
68 fees and taxes on privileges, occupations, trades and professions as authorized by Title 48  
69 of the Official Code of Georgia Annotated, the "Georgia Public Revenue Code," or other  
70 such applicable laws as are or may hereafter be enacted; to permit and regulate the same; to  
71 provide for the manner and method of payment of such regulatory fees and taxes; and to  
72 revoke such permits after due process for failure to pay any city taxes or fees;

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

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

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

83 (h) Environmental protection. To protect and preserve the natural resources, environment,  
84 and vital areas of the city, the region, and the state through the preservation and improvement  
85 of air quality, the restoration and maintenance of water resources, the control of erosion and  
86 sedimentation, the management of storm water and establishment of a storm water utility,  
87 the management of solid and hazardous waste, and other necessary actions for the protection  
88 of the environment;

- 89 (i) Fire regulations. To fix and establish fire limits and, from time to time, to extend, enlarge  
90 or restrict the same; to prescribe fire safety regulations not inconsistent with general law,  
91 relating to both fire prevention and detection and to firefighting; and to prescribe penalties  
92 and punishment for violations thereof;
- 93 (j) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and  
94 disposal, and other sanitary service charge, tax, or fee for such services as may be necessary  
95 in the operation of the city from all individuals, firms, and corporations residing in or doing  
96 business therein benefiting from such services; to enforce the payment of such charges, taxes  
97 or fees; and to provide for the manner and method of collecting such service charges;
- 98 (k) General health, safety, and welfare. To define, regulate and prohibit any act, practice,  
99 conduct or use of property which is detrimental to health, sanitation, cleanliness, welfare, and  
100 safety of the inhabitants of the city, and to provide for the enforcement of such standards;
- 101 (l) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any  
102 purpose related to powers and duties of the city and the general welfare of its citizens, on  
103 such terms and conditions as the donor or grantor may impose;
- 104 (m) Health and sanitation. To prescribe standards of health and sanitation and to provide  
105 for the enforcement of such standards;
- 106 (n) Jail sentences. To provide that persons given jail sentences in the city's court may work  
107 out such sentences in any public works or on the streets, roads, drains and other public  
108 property in the city, to provide for commitment of such persons to any jail, to provide for the  
109 use of pretrial diversion and any alternative sentencing allowed by law, or to provide for  
110 commitment of such persons to any county work camp or county jail by agreement with the  
111 appropriate county officials;
- 112 (o) 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 (p) 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 (q) 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 (r) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or  
123 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or  
124 outside the property limits of the city;
- 125 (s) 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 (t) 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, storm water management, gas works, electric light plants, cable television,  
131 and other telecommunications, transportation facilities, public airports, and any other public  
132 utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties,  
133 and to provide for the withdrawal of service for refusal or failure to pay the same;
- 134 (u) Nuisance. To define a nuisance and provide for its abatement whether on public or  
135 private property;
- 136 (v) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the  
137 authority of this charter and the laws of the State of Georgia;
- 138 (w) Planning and zoning. To provide comprehensive city planning for development by  
139 zoning; and to provide subdivision regulation and the like as the city council deems  
140 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;

- 141 (x) Police and fire protection. To exercise the power of arrest through duly appointed police  
142 officers, and to establish, operate, or contract for a police and a firefighting agency;
- 143 (y) Public hazards: removal. To provide for the destruction and removal of any building or  
144 other structure which is or may become dangerous or detrimental to the public;
- 145 (z) Public improvements. To provide for the acquisition, construction, building, operation  
146 and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries,  
147 markets and market houses, public buildings, libraries, public housing, airports, hospitals,  
148 terminals, docks, parking facilities, or charitable, cultural, educational, recreational,  
149 conservation, sport, curative, corrective, detentional, penal and medical institutions, agencies  
150 and facilities; and to provide any other public improvements, inside or outside the corporate  
151 limits of the city; to regulate the use of public improvements; and for such purposes, property  
152 may be acquired by condemnation under Title 22 of the Official Code of Georgia Annotated,  
153 or such other applicable laws as are or may hereafter be enacted;
- 154 (aa) Public peace. To provide for the prevention and punishment of loitering, disorderly  
155 conduct, public drunkenness, riots, and public disturbances;
- 156 (bb) Public transportation. To organize and operate such public transportation systems as  
157 are deemed beneficial;
- 158 (cc) Public utilities and services. To grant franchises or make contracts for, or impose taxes  
159 on, public utilities and public service companies; and to prescribe the rates, fares, regulations,  
160 and standards and conditions of service applicable to the service to be provided by the  
161 franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public  
162 Service Commission;
- 163 (dd) Regulation of roadside areas. To prohibit or regulate and control the erection, removal,  
164 and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other  
165 structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within  
166 view thereof, within or abutting the corporate limits of the city; and to prescribe penalties and  
167 punishment for violation of such ordinances;

168 (ee) Retirement. To provide and maintain a retirement plan and other employee benefit  
169 plans and programs for officers and employees of the city;

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

177 (gg) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,  
178 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant  
179 and sewerage system, and to levy on those to whom sewers and sewerage systems are made  
180 available a sewer service fee, charge, or sewer tax for the availability or use of the sewers;  
181 to provide for the manner and method of collecting such service charges and for enforcing  
182 payment of the same; and to charge, impose and collect a sewer connection fee or fees to  
183 those connected with the system;

184 (hh) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,  
185 and refuse, and to regulate the collection and disposal of garbage, rubbish, and refuse by  
186 others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper,  
187 and other recyclable materials, and to provide for the sale of such items;

188 (ii) Special areas of public regulation. To regulate or prohibit junk dealers; to regulate or  
189 prohibit the manufacture and sale of intoxicating liquors; to regulate the transportation,  
190 storage, and use of combustible, explosive, and inflammable materials, the use of lighting  
191 and heating equipment, and any other business or situation which may be dangerous to  
192 persons or property; to regulate and control the conduct of peddlers and itinerant traders,  
193 theatrical performances, exhibitions, and shows of any kind, by taxation or otherwise; to



194 license and tax professional fortunetelling, palmistry, and massage parlors; and to restrict  
195 adult bookstores to certain areas;

196 (jj) Special assessments. To levy and provide for the collection of special assessments to  
197 cover the costs for any public improvements;

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

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

202 (mm) Urban redevelopment. To organize and operate an urban redevelopment program; and

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

213

**SECTION 1.14.**

214

**Exercise of powers.**

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



239

**SECTION 2.12.**

240

Vacancy; filling of vacancies.

241 (a) Vacancies - The office of mayor or councilmember shall become vacant upon the  
242 incumbent's death, resignation, forfeiture of office, or occurrence of any event specified by  
243 the Constitution of the State of Georgia, Title 45 of the Official Code of Georgia Annotated,  
244 or such other applicable laws as are or may hereafter be enacted.

245 (b) Filling of Vacancies - A vacancy in the office of mayor or councilmember may be filled  
246 for the remainder of the unexpired term, if any, by appointment by the city council or those  
247 members remaining if fewer than 12 months remain in the unexpired term. If such vacancy  
248 occurs 12 months or more prior to the expiration of the term of that office, it shall be filled  
249 for the remainder of the unexpired term by a special election, as provided for in Section 5.14  
250 of this charter and in accordance with Titles 21 and 45 of the Official Code of Georgia  
251 Annotated, or other such laws as are or may hereafter be enacted.

252 (c) This provision shall also apply to a temporary vacancy created by the suspension from  
253 office of the mayor or any councilmember.

254

**SECTION 2.13.**

255

Compensation and expenses.

256 The mayor and councilmembers shall receive compensation and expenses for their services  
257 as provided by ordinance.

258 **SECTION 2.14.**

259 Holding other office; voting when financially interested.

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

262 (b) Except as authorized by law, the mayor or any councilmember shall not hold any other  
263 city office or city employment during the term for which that person was elected.

264 (c) Neither the mayor nor any member of the city council shall vote upon or sign any  
265 ordinance, resolution, contract, or other matter in which that person is financially interested.

266 **SECTION 2.15.**

267 Inquiries and investigations.

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

274 **SECTION 2.16.**

275 General power and authority of the city council.

276 (a) Except as otherwise provided by law or this charter, the city council shall be vested with  
277 all the powers of government of this city.

278 (b) In addition to all other powers conferred upon it by law, the city council shall have the  
279 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and

280 regulations, not inconsistent with this charter and the Constitution and the laws of the State  
281 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,  
282 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,  
283 or well-being of the inhabitants of the City of Andersonville and may enforce such  
284 ordinances by imposing penalties for violation thereof.

285 **SECTION 2.17.**

286 Eminent domain.

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

295 **SECTION 2.18.**

296 Organizational meetings.

297 The city council shall hold an organizational meeting on the first Monday following the  
298 enactment of this charter by the General Assembly. The meeting shall be called to order by  
299 the city clerk and the oath of office shall be administered to the newly elected members by  
300 a judicial officer authorized to administer oaths or by the mayor if a judicial officer is being  
301 sworn in and shall, to the extent that it comports with federal and state law, be as follows: "I  
302 do solemnly (swear)(affirm) that I will faithfully perform the duties of

303 (mayor)(councilmember)(judge) of this city and that I will support and defend the charter  
304 thereof as well as the Constitution and laws of the State of Georgia and of the United States  
305 of America. I am not the holder of any unaccounted for public money due this state or any  
306 political subdivision or authority thereof. I am not the holder of any office of trust under the  
307 government of the United States, any other state, or any foreign state which I by the laws of  
308 the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office  
309 according to the Constitution and laws of the State of Georgia. I have been a resident of the  
310 City of Andersonville for the time required by the Constitution and laws of this state and by  
311 the municipal charter. I will perform the duties of my office in the best interest of the City  
312 of Andersonville to the best of my ability without fear, favor, affection, reward, or  
313 expectation thereof."

314

**SECTION 2.19.**

315

## Regular and special meetings.

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

318 (b) Special meetings of the city council may be held on call of the mayor or three members  
319 of the city council. Notice of such special meetings shall be served on all other members  
320 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such  
321 notice to councilmembers shall not be required if the mayor and all councilmembers are  
322 present when the special meeting is called. Such notice of any special meeting may be  
323 waived by a councilmember in writing before or after such a meeting, and attendance at the  
324 meeting shall also constitute a waiver of notice on any business transacted in such  
325 councilmember's presence. Only the business stated in the call may be transacted at the  
326 special meeting.

327 (c) All meetings of the city council shall be public to the extent required by law and notice  
328 to the public of special meetings shall be made fully as is reasonably possible as provided by  
329 Code Section 50-14-1 of the Official Code of Georgia Annotated, or other such applicable  
330 laws as are or may hereafter be enacted.

331 **SECTION 2.20.**

332 Rules of procedure.

333 (a) The city council shall adopt its rules of procedure and order of business consistent with  
334 the provisions of this charter and shall provide for keeping a minute book of its proceedings,  
335 which shall be a public record.

336 (b) All committees and committee chairs and officers of the city council shall be appointed  
337 by the mayor and city council and shall serve at the pleasure of such. The mayor and city  
338 council shall have the power to appoint new members to any committee at any time.

339 **SECTION 2.21.**

340 Quorum: voting.

341 (a) Three councilmembers shall constitute a quorum and shall be authorized to transact  
342 business of the city council. Voting on the adoption of ordinances shall be by voice vote and  
343 the vote shall be recorded in the minutes, but any member of the city council shall have the  
344 right to request a roll call vote and such vote shall be recorded in the minutes. Except as  
345 otherwise provided in this charter, the affirmative vote of three councilmembers shall be  
346 required for the adoption of any ordinance, resolution, or motion.

347 (b) No member of the city council shall abstain from voting on any matter properly brought  
348 before the city council for official action except when such councilmember has a conflict of  
349 interest which is disclosed in writing prior to or at the meeting and made a part of the

350 minutes. Any member of the city council present and eligible to vote on a matter and  
351 refusing to do so for any reason other than a properly disclosed and recorded conflict of  
352 interest shall be deemed to have acquiesced or concurred with the members of the majority  
353 who did vote on the question involved.

354 **SECTION 2.22.**

355 Ordinance form; procedures.

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

360 (b) An ordinance may be introduced by any councilmember and be read at a regular or  
361 special meeting of the city council. Ordinances shall be considered and adopted or rejected  
362 by the city council in accordance with the rules which it shall establish; provided, however,  
363 that an ordinance shall not be adopted the same day it is introduced, except for emergency  
364 ordinances provided in Section 2.24 of this charter. Upon introduction of any ordinance, the  
365 city clerk shall as soon as possible distribute a copy to the mayor and to each councilmember  
366 and shall file a reasonable number of copies in the office of the city clerk and at such other  
367 public places as the city council may designate.

368 **SECTION 2.23.**

369 Action requiring an ordinance.

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



371 **SECTION 2.24.**  
372 Emergencies.

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

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

393

**SECTION 2.25.**

394

Codes of technical regulations.

395 (a) The city council may adopt any standard code of technical regulations by reference  
396 thereto in an adopting ordinance. The procedure and requirements governing such adopting  
397 ordinance shall be as prescribed for ordinances generally, except that: (1) the requirements  
398 of Section 2.22(b) of this charter for distribution and filing of copies of the ordinance shall  
399 be construed to include copies of any code of technical regulations, as well as the adopting  
400 ordinance; and (2) a copy of each adopted code of technical regulations, as well as the  
401 adopting ordinance, shall be authenticated and recorded by the city clerk pursuant to Section  
402 2.26 of this charter.

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

405

**SECTION 2.26.**

406

Signing; authenticating; recording; codification; printing.

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

409 (b) The city council shall provide for the preparation of a general codification of all the  
410 ordinances of the city having the force and effect of law. The general codification shall be  
411 adopted by the city council by ordinance and shall be published promptly, together with all  
412 amendments thereto and such codes of technical regulations and other rules and regulations  
413 as the city council may specify. This compilation shall be known and cited officially as "The  
414 Code of the City of Andersonville, Georgia." Copies of the code shall be furnished to all  
415 officers, departments, and agencies of the city, and made available for purchase by the public  
416 at a reasonable price as fixed by the city council.

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

426 **SECTION 2.27.**

427 Election of mayor; forfeiture; compensation.

428 The mayor shall be elected by the voters of the city and serve for a term of four years and  
429 until a successor is elected and qualified. The mayor shall be a qualified elector of this city  
430 and shall have been a resident of the city for 12 months prior to the election. The mayor shall  
431 continue to reside in this city during the period of service. The mayor shall forfeit the office  
432 on the same grounds and under the same procedure as for councilmembers. The  
433 compensation of the mayor shall be established in the same manner as for councilmembers.

434 **SECTION 2.28.**

435 Mayor pro tem.

436 By a majority vote, the city council shall elect a councilmember to serve as mayor pro tem.  
437 The mayor pro tem shall assume the duties and powers of the mayor during the mayor's  
438 physical or mental disability, suspension from office, or absence. Any such disability or  
439 absence shall be declared by a majority vote of the city council. The mayor pro tem shall

440 sign all contracts and ordinances in which the mayor has a disqualifying financial interest as  
441 provided in Section 2.14 of this charter. When acting as mayor, the mayor pro tem shall  
442 continue to have only one vote as a member of the city council.

443 **SECTION 2.29.**

444 Powers and duties of mayor.

445 The mayor shall:

- 446 (a) Preside at all meetings of the city council;
- 447 (b) Be the head of the city for the purpose of service of process and for ceremonial purposes,  
448 and be the official spokesperson for the city and the chief advocate of policy;
- 449 (c) Have the power to administer oaths and to take affidavits;
- 450 (d) Sign as a matter of course on behalf of the city all written and approved contracts,  
451 ordinances, and other instruments executed by the city which by law are required to be in  
452 writing;
- 453 (e) Vote on matters before the city council only in the event of a tie;
- 454 (f) Prepare and submit to the city council a recommended annual operating budget and  
455 recommended capital budget; and
- 456 (g) Fulfill such other executive and administrative duties as the city council shall by  
457 ordinance establish.

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ARTICLE III  
ADMINISTRATIVE AFFAIRS  
**SECTION 3.10.**

Administrative and service departments.

462 (a) Except as otherwise provided in this charter, the city council, by ordinance, shall  
463 prescribe the functions or duties, and establish, abolish, alter, consolidate, or leave vacant all  
464 nonelective offices, positions of employment, departments, and agencies of the city as  
465 necessary for the proper administration of the affairs and government of this city.

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

469 (c) All appointed officers and directors of departments shall receive such compensation as  
470 prescribed by ordinance or resolution.

471 (d) There shall be a director of each department or agency who shall be its principal officer.  
472 Each director shall, subject to the direction and supervision of the mayor, be responsible for  
473 the administration and direction of the affairs and operations of that director's department or  
474 agency.

475 (e) All appointed officers and directors under the supervision of the mayor shall be  
476 nominated by the mayor with confirmation of appointment by the city council. All appointed  
477 officers and directors shall be employees at-will and subject to removal or suspension at any  
478 time by the mayor and city council unless otherwise provided by law or ordinance.

479

**SECTION 3.11.**

480

## Boards, commissions, and authorities.

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

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

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

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

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

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

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

502 (h) Except as otherwise provided by this charter or by law, each board, commission, or  
503 authority of the city shall elect one of its members as chair and one member as vice-chair,  
504 and may elect as its secretary one of its own members or may appoint as secretary an

505 employee of the city. Each board, commission, or authority of the city government may  
506 establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances  
507 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or  
508 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with  
509 the clerk of the city.

510 **SECTION 3.12.**

511 City attorney.

512 The city council shall appoint a city attorney, together with such assistant city attorneys as  
513 may be authorized, and shall provide for the payment of such attorney or attorneys for  
514 services rendered to the city. The city attorney shall be responsible for providing for the  
515 representation and defense of the city in all litigation in which the city is a party; may be the  
516 prosecuting officer in the municipal court; shall attend the meetings of the city council as  
517 directed; shall advise the city council, mayor, and other officers and employees of the city  
518 concerning legal aspects of the city's affairs; and shall perform such other duties as may be  
519 required by virtue of the person's position as city attorney. The city attorney is not a public  
520 official of the city and does not take an oath of office. The city attorney shall at all times be  
521 an independent contractor. A law firm, rather than an individual, may be designated as the  
522 city attorney.

523 **SECTION 3.13.**

524 City clerk.

525 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk  
526 shall be custodian of the official city seal and city records; maintain city council records

527 required by this charter; and perform such other duties as may be required by the city  
528 council.

529 **SECTION 3.14.**

530 Position classification and pay plans.

531 The mayor shall be responsible for the preparation of a position classification and pay plan  
532 which shall be submitted to the city council for approval. Such plan may apply to all  
533 employees of the city and any of its agencies, departments, boards, commissions, or  
534 authorities. When a pay plan has been adopted, the city council shall not increase or decrease  
535 the salary range applicable to any position except by amendment of such pay plan. For  
536 purposes of this section, all elected and appointed city officials are not city employees.

537 **SECTION 3.15.**

538 Personnel policies.

539 All employees serve at-will and may be removed from office at any time unless otherwise  
540 provided by ordinance.

541 **ARTICLE IV**

542 **JUDICIAL BRANCH**

543 **SECTION 4.10.**

544 Creation; name.

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



546

**SECTION 4.11.**

547

Chief judge; associate judge.

548 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,  
549 or stand-by judges as shall be provided by ordinance. The method of selection and terms of  
550 such judges shall be provided by Chapter 32 of Title 36 of the O.C.G.A. or ordinance.

551 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless  
552 he or she is a member of the State Bar of Georgia. All judges shall be appointed by the  
553 mayor with the approval of a majority of the city council.

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

555 (d) Judges may be removed as provided by general law.

556 (e) Before assuming office, each judge shall take an oath, given by the mayor, in accordance  
557 with Section 2.18 of this charter. The oath shall be entered upon the minutes of the city  
558 council journal as required in Section 2.20 of this charter.

559

**SECTION 4.12.**

560

Convening.

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

562

**SECTION 4.13.**

563

Jurisdiction; powers.

564 (a) The municipal court shall have jurisdiction and authority to try and punish violations of  
565 this charter, all city ordinances, and such other violations as provided by law.

566 (b) The municipal court shall have authority to punish those in its presence for contempt,  
567 provided that such punishment shall neither exceed \$1,000.00 nor 20 days in jail.

568 (c) The municipal court may fix punishment for offenses within its jurisdiction not  
569 exceeding a fine of \$1,000.00 or imprisonment for 180 days or both such fine and  
570 imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as now  
571 or hereafter provided by law.

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

575 (e) The municipal court shall have authority to establish bail and recognizances to ensure  
576 the presence of those charged with violations before said court, and shall have discretionary  
577 authority to accept cash or personal or real property as surety for the appearance of persons  
578 charged with violations. Whenever any person shall give bail for that person's appearance  
579 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge  
580 presiding at such time, and an execution issued thereon by serving the defendant and the  
581 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the  
582 event that cash or property is accepted in lieu of bond for security for the appearance of a  
583 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,  
584 the cash so deposited shall be on order of the judge declared forfeited to the city, or the  
585 property so deposited shall have a lien against it for the value forfeited which lien shall be  
586 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

593 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of  
594 persons charged with offenses against any ordinance of the city, and each judge of the

595 municipal court shall have the same authority as a magistrate of the state to issue warrants  
596 for offenses against state laws committed within the city.

597 **SECTION 4.14.**

598 Appeals.

599 The orders, verdicts, judgments, and sentences of the municipal court shall be subject to  
600 appellate review by the Superior Court of Sumter County.

601 **SECTION 4.15.**

602 Rules for court.

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



631 **SECTION 5.13.**

632 Election by majority vote.

633 The person receiving a majority of the votes cast for any city office shall be elected.

634 **SECTION 5.14.**

635 Special elections; vacancies.

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

644 **SECTION 5.15.**

645 Other provisions.

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

650  
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**SECTION 5.16.**

Removal of officers.

652 (a) The mayor and councilmembers shall be removed from office for any one or more of the  
653 causes provided in Title 45 of the Official Code of Georgia Annotated, or such other  
654 applicable laws as are or may hereafter be enacted.

655 (b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished  
656 by one of the following methods:

657 (1) Following a hearing at which an impartial panel shall render a decision. In the event  
658 an elected officer is sought to be removed by the action of the city council, such officer  
659 shall be entitled to a written notice specifying the ground or grounds for removal and to  
660 a public hearing which shall be held not less than ten days after the service of such  
661 written notice. The city council shall provide by ordinance for the manner in which such  
662 hearings shall be held. Any elected officer sought to be removed from office as herein  
663 provided shall have the right of appeal from the decision of the city council to the  
664 Superior Court of Sumter County. Such appeal shall be governed by the same rules as  
665 govern appeals to the superior court from the probate court; or

666 (2) By an order of the Superior Court of Sumter County following a hearing on  
667 complaint seeking such removal brought by any resident of the city of Andersonville.

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**ARTICLE VI**

**FINANCE**

**SECTION 6.10.**

Property tax.

672 The city council may assess, levy, and collect an ad valorem tax on all real and personal  
673 property within the corporate limits of the city that is subject to such taxation by the state and

674 county. This tax is for the purpose of raising revenues to defray the costs of operating the  
675 city government, of providing governmental services, for the repayment of principal and  
676 interest on general obligations, and for any other public purpose as determined by the city  
677 council in its discretion.

678 **SECTION 6.11.**

679 Millage rate; due dates; payment methods.

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

684 **SECTION 6.12.**

685 Occupation and business taxes.

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

690 **SECTION 6.13.**

691 Regulatory fees; permits.

692 The city council, by ordinance, shall have the power to require businesses or practitioners  
693 doing business within this city to obtain a permit for such activity from the city and pay a  
694 reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect

695 the total cost to the city of regulating the activity and, if unpaid, shall be collected as  
696 provided in Section 6.18 of this charter.

697 **SECTION 6.14.**

698 Franchises.

699 (a) The city council shall have the power to grant franchises for the use of this city's streets  
700 and alleys for the purposes of railroads, street railways, telephone companies, electric  
701 companies, electric membership corporations, cable television and other telecommunications  
702 companies, gas companies, transportation companies, and other similar organizations. The  
703 city council shall determine the duration, terms, whether the same shall be exclusive or  
704 nonexclusive, and the consideration for such franchises; provided, however, that no franchise  
705 shall be granted for a period in excess of 35 years and no franchise shall be granted unless  
706 the city receives just and adequate compensation therefor. The city council shall provide for  
707 the registration of all franchises with the city clerk in a registration book kept by such clerk.  
708 The city council may provide by ordinance for the registration within a reasonable time of  
709 all franchises previously granted.

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



715 **SECTION 6.15.**

716 Service charges.

717 The city council, by ordinance, shall have the power to assess and collect fees, charges,  
718 assessments, and tolls for sewers, sanitary and health services, or any other services provided  
719 or made available within and without the corporate limits of the city. If unpaid, such charges  
720 shall be collected as provided in Section 6.18 of this charter.

721 **SECTION 6.16.**

722 Special assessments.

723 The city council, by ordinance, shall have the power to assess and collect the cost of  
724 constructing, reconstructing, widening, or improving any public way, street, sidewalk,  
725 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property  
726 owners. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

727 **SECTION 6.17.**

728 Construction; other taxes and fees.

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

732 **SECTION 6.18.**

733 Collection of delinquent taxes and fees.

734 The city council, by ordinance, may provide generally for the collection of delinquent taxes,  
735 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by  
736 whatever reasonable means as are not precluded by law. This shall include providing for the  
737 dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi.  
738 fa.; creation and priority of liens; making delinquent taxes and fees personal debts of the  
739 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any  
740 city taxes or fees; and providing for the assignment or transfer of tax executions.

741 **SECTION 6.19.**

742 General obligation bonds.

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

747 **SECTION 6.20.**

748 Revenue bonds.

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

752 **SECTION 6.21.**

753 Short-term loans.

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

756 **SECTION 6.22.**

757 Lease-purchase contracts.

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

765 **SECTION 6.23.**

766 Fiscal year.

767 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the  
768 budget year and the year for financial accounting and reporting of each and every office,  
769 department, agency, and activity of the city government unless otherwise provided by state  
770 or federal law.

771 **SECTION 6.24.**

772 Preparation of budgets.

773 The city council shall provide an ordinance on the procedures and requirements for the  
774 preparation and execution of an annual operating budget, a capital improvements plan, and  
775 a capital budget, including requirements as to the scope, content, and form of such budgets  
776 and plans.

777 **SECTION 6.25.**

778 Submission of operating budget to city council.

779 On or before a date fixed by the city council but not later than 60 days prior to the beginning  
780 of each fiscal year, the mayor shall submit to the city council a proposed operating budget  
781 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor  
782 containing a statement of the general fiscal policies of the city, the important features of the  
783 budget, explanations of major changes recommended for the next fiscal year, a general  
784 summary of the budget, and such other pertinent comments and information. The operating  
785 budget and the capital budget hereinafter provided for, the budget message, and all  
786 supporting documents shall be filed in the office of the city clerk and shall be open to public  
787 inspection.

788 **SECTION 6.26.**

789 Action by city council on budget.

790 (a) The city council may amend the operating budget proposed by the mayor, except that the  
791 budget as finally amended and adopted must provide for all expenditures required by state  
792 law or by other provisions of this charter and for all debt service requirements for the ensuing

793 fiscal year, and the total appropriations from any fund shall not exceed the estimated fund  
794 balance, reserves, and revenues.

795 (b) The city council, by ordinance, shall adopt the final operating budget for the ensuing  
796 fiscal year not later than (15) days before the beginning of the fiscal year. If the city council  
797 fails to adopt the budget by this date, the amounts appropriated for operation for the current  
798 fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis,  
799 with all items prorated accordingly until such time as the city council adopts a budget for the  
800 ensuing fiscal year. Adoption of the budget shall take the form of an appropriations  
801 ordinance setting out the estimated revenues in detail by sources and making appropriations  
802 according to fund and by organizational unit, purpose, or activity as set out in the budget  
803 preparation ordinance adopted pursuant to Section 6.24 of this charter.

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

808 **SECTION 6.27.**

809 Tax levies.

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

816

**SECTION 6.28.**

817

Changes in appropriations.

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

822

**SECTION 6.29.**

823

Capital budget.

824 (a) On or before the date fixed by the city council but no later than 60 days prior to the  
825 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital  
826 improvements plan with a recommended capital budget containing the means of financing  
827 the improvements proposed for the ensuing fiscal year. The city council shall have power  
828 to accept, with or without amendments, or reject the proposed plan and proposed budget.  
829 The city council shall not authorize an expenditure for the construction of any building,  
830 structure, work, or improvement unless the appropriations for such project are included in  
831 the capital budget, except to meet a public emergency as provided in Section 2.24 of this  
832 charter.

833 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal  
834 year not later than 15 days before the beginning of the fiscal year. No appropriation provided  
835 for in a prior capital budget shall lapse until the purpose for which the appropriation was  
836 made shall have been accomplished or abandoned; provided, however, that the mayor may  
837 submit amendments to the capital budget at any time during the fiscal year, accompanied by  
838 recommendations. Any such amendments to the capital budget shall become effective only  
839 upon adoption by ordinance.

840 **SECTION 6.30.**

841 Independent audit.

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

847 **SECTION 6.31.**

848 Contracting procedures.

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

850 (a) It is in writing;

851 (b) It is drawn by or submitted to and reviewed by the city attorney, and as a matter of  
852 course, is signed by the city attorney to indicate such drafting or review; and

853 (c) It is made or authorized by the city council and such approval is entered in the city  
854 council minutes of proceedings pursuant to Section 2.21 of this charter.

855 **SECTION 6.32.**

856 Sale and lease of city property.

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

859 (b) The city council may quitclaim any rights it may have in property not needed for public  
860 purposes upon report by the mayor and adoption of a resolution, both finding that the

861 property is not needed for public or other purposes and that the interest of the city has no  
862 readily ascertainable monetary value.

863 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place  
864 of the city, a small parcel or tract of land is cut off or separated by such work from a larger  
865 tract or boundary of land owned by the city, the city council may authorize the mayor to sell  
866 and convey said cut-off or separated parcel or tract of land to an abutting or adjoining  
867 property owner or owners where such sale and conveyance facilitates the enjoyment of the  
868 highest and best use of the abutting owner's property. Included in the sales contract shall be  
869 a provision for the rights-of-way of said street, avenue, alley, or public place. Each abutting  
870 property owner shall be notified of the availability of the property and given the opportunity  
871 to purchase said property under such terms and conditions as set out by ordinance. All deeds  
872 and conveyances heretofore and hereafter so executed and delivered shall convey all title and  
873 interest the city has in such property, notwithstanding the fact that no public sale after  
874 advertisement was or is hereafter made.

875 **ARTICLE VII**  
876 **GENERAL PROVISIONS**  
877 **SECTION 7.10.**  
878 **Bonds for officials.**

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



882 **SECTION 7.11.**

883 Prior ordinances.

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

887 **SECTION 7.12.**

888 Existing personnel and officers.

889 Except as specifically provided otherwise by this charter, all personnel and officers of the  
890 city and their rights, privileges, and powers shall continue beyond the time this charter takes  
891 effect for a period of 90 days before or during which the existing city council shall pass a  
892 transition ordinance detailing the changes in personnel and appointed officers required or  
893 desired and arranging such titles, rights, privileges, and powers as may be required or desired  
894 to allow a reasonable transition.

895 **SECTION 7.13.**

896 Pending matters.

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

901 **SECTION 7.14.**

902 Construction.

903 (a) Section captions in this charter are informative only and are not to be considered as a part  
904 thereof.

905 (b) The word "shall" is mandatory and the word "may" is permissive.

906 (c) The singular shall include the plural, the masculine shall include the feminine, and vice  
907 versa.

908 **SECTION 7.15.**

909 Severability.

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

916 **SECTION 7.16.**

917 Repealer.

918 An Act to create a new charter for the City of Andersonville in the County of Sumter,  
919 approved March 27, 1941 (Ga. L. 1941, p. 1013), is hereby repealed in its entirety and all  
920 amendatory acts thereto are likewise repealed in their entirety. All other laws and parts of  
921 laws in conflict with this charter are hereby repealed.

