

House Bill 839 (AS PASSED HOUSE AND SENATE)

By: Representatives Thomas of the 39<sup>th</sup>, Anulewicz of the 42<sup>nd</sup>, Dollar of the 45<sup>th</sup>, Ehrhart of the 36<sup>th</sup>, and Setzler of the 35<sup>th</sup>

A BILL TO BE ENTITLED

AN ACT

1 To incorporate the City of Mableton; to provide a charter for the City of Mableton; to provide  
2 for incorporation, boundaries, and powers of the city; to provide for a governing authority  
3 of such city and the powers, duties, authority, election, terms, method of filling vacancies,  
4 compensation, qualifications, prohibitions, and removal from office relative to members of  
5 such governing authority; to provide for inquiries and investigations; to provide for  
6 organization and procedures; to provide for ordinances and codes; to provide for the offices  
7 of mayor and city manager and certain duties and powers relative to those offices; to provide  
8 for administrative responsibilities; to provide for boards, commissions, and authorities; to  
9 provide for a city attorney and a city clerk; to provide for rules and regulations; to provide  
10 for a municipal court and the judge or judges thereof; to provide for practices and  
11 procedures; to provide for taxation and fees; to provide for franchises, service charges, and  
12 assessments; to provide for bonded and other indebtedness; to provide for accounting and  
13 budgeting; to provide for purchases; to provide for the sale of property; to provide for bonds  
14 for officials; to provide for definitions and construction; to provide for other matters relative  
15 to the foregoing; to provide for a referendum; to provide effective dates; to provide for  
16 transition of powers and duties; to provide for community improvement districts; to provide  
17 for directory nature of dates; to provide for related matters; to repeal conflicting laws; and  
18 for other purposes.

H. B. 839

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 ARTICLE I  
21 INCORPORATION AND POWERS

22 SECTION 1.10.

23 Name.

24 This city and the inhabitants thereof are incorporated by the enactment of this charter and are  
25 hereby constituted and declared a body politic and corporate under the name and style  
26 Mableton, Georgia, and by that name shall have perpetual succession.

27 SECTION 1.11.

28 Corporate boundaries.

29 (a) The corporate boundaries of this city shall be as described and set forth in Appendix A  
30 of this charter, and said Appendix A is incorporated into and made a part of this charter.

31 (b) The city council shall maintain a current map and written legal description of the  
32 corporate boundaries of the city, and such map and description shall incorporate any changes  
33 which may hereafter be made in such corporate boundaries.

34 SECTION 1.12.

35 Powers and construction.

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

40 (b) The powers of this city shall be construed liberally in favor of the city. The specific  
41 mention or failure to mention particular powers shall not be construed as limiting in any way  
42 the powers of this city. Such particular powers shall include those enumerated in Section  
43 1.13 of this charter.

44 **SECTION 1.13.**

45 Examples of powers.

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

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

55 (3) Building regulation. To regulate and to license the erection and construction of  
56 buildings and all other structures; to adopt building, housing, plumbing, fire safety,  
57 electrical, gas, and heating and air conditioning codes; and to regulate all housing and  
58 building trades to the extent permitted by general law;

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

- 65 (5) Condemnation. To condemn property, inside or outside the corporate limits of the  
66 city, for present or future use and for any corporate purpose deemed necessary by the  
67 governing authority for governmental uses, utilizing procedures enumerated in Title 22  
68 or 32 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted;
- 69 (6) Contracts. To enter into contracts and agreements with other governmental entities  
70 and with private persons, firms, and corporations;
- 71 (7) Emergencies. To establish procedures for determining and proclaiming that an  
72 emergency situation exists within or without the city, and to make and carry out all  
73 reasonable provisions deemed necessary to deal with or meet such an emergency for the  
74 protection, safety, health, or well-being of the citizens of the city;
- 75 (8) Environmental protection. To protect and preserve the natural resources,  
76 environment, and vital areas of the city, the region, and the state through the preservation  
77 and improvement of air quality; the restoration and maintenance of water resources; the  
78 control of erosion and sedimentation; the control, regulation, and management of  
79 stormwater and establishment of a stormwater utility; the management of solid and  
80 hazardous waste; and other necessary actions for the protection of the environment;
- 81 (9) Fire regulations. To fix and establish fire limits and from time to time to extend,  
82 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with  
83 general law, relating to both fire prevention and detection and to fire fighting; and to  
84 prescribe penalties and punishment for violations thereof;
- 85 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection  
86 and disposal, and other sanitary service charge, tax, or fee for such services as may be  
87 necessary in the operation of the city from all individuals, firms, and corporations  
88 residing in or doing business therein benefiting from such services; to enforce the  
89 payment of such charges, taxes, or fees; and to provide for the manner and method of  
90 collecting such service charges, taxes, or fees;

91 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,  
92 practice, conduct, or use of property which is detrimental to health, sanitation,  
93 cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the  
94 enforcement of such standards;

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

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

100 (14) Jail sentences. To provide that persons given jail sentences in the city's court may  
101 fulfill such sentences in any public works or on the streets, roads, drains, and other public  
102 property in the city; to provide for commitment of such persons to any jail; and to provide  
103 for the use of pretrial diversion and any alternative sentencing allowed by law, or to  
104 provide for commitment of such persons to any county work camp or county jail by  
105 agreement with the appropriate county officials;

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

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

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

- 116 (18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or  
117 otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside  
118 or outside the property limits of the city;
- 119 (19) Municipal property protection. To provide for the preservation and protection of  
120 property and equipment of the city, and the administration and use of same by the public  
121 and to prescribe penalties and punishment for violations thereof;
- 122 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose  
123 of public utilities, including, but not limited to, a system of waterworks, sewers and  
124 drains, sewage disposal, stormwater management, gas works, electric generating and light  
125 plants, cable television and other telecommunications, transportation facilities, public  
126 airports, and any other public utility; to fix the taxes, charges, rates, fares, fees,  
127 assessments, regulations, and penalties relative to such utilities, and to provide for the  
128 withdrawal of service for refusal or failure to pay the same;
- 129 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or  
130 private property;
- 131 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to  
132 the authority of this charter and the laws of the State of Georgia;
- 133 (23) Planning and zoning. To provide comprehensive city planning for land use,  
134 signage, outside advertising, and development by zoning and to provide subdivision  
135 regulation and the like as the city council deems necessary and reasonable to ensure a  
136 safe, healthy, and aesthetically pleasing community;
- 137 (24) Police and fire protection. To exercise the power of arrest through duly appointed  
138 police officers and to establish, operate, or contract for a police and a firefighting agency;
- 139 (25) Public hazards: Removal. To provide for the destruction and removal of any  
140 building or other structure which is or may become dangerous or detrimental to the  
141 public;

- 142 (26) Public improvements. To provide for the acquisition, construction, building,  
143 operation, maintenance, and abandonment of public ways, parks and playgrounds,  
144 cemeteries, markets and market houses, public buildings, libraries, public housing,  
145 airports, hospitals, terminals, docks, and charitable, cultural, educational, recreational,  
146 parking, conservation, sport, curative, corrective, detentional, penal, and medical  
147 institutions, agencies, and facilities; to provide any other public improvements, inside or  
148 outside the corporate limits of the city; to regulate the use of public improvements; and  
149 for such purposes, property may be acquired by condemnation under Title 22 or Title 32  
150 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted;
- 151 (27) Public peace. To provide for the prevention and punishment of loitering, disorderly  
152 conduct, drunkenness, riots, and public disturbances;
- 153 (28) Public transportation. To organize and operate such public transportation systems  
154 as are deemed beneficial;
- 155 (29) Public utilities and services. To grant franchises or make contracts for or impose  
156 taxes on public utilities and public service companies and to prescribe the rates, fares,  
157 regulations, and standards and conditions of service applicable to the service to be  
158 provided by the franchise grantee or contractor, insofar as not in conflict with valid  
159 regulations of the Public Service Commission;
- 160 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,  
161 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any  
162 and all other structures or obstructions upon or adjacent to the rights-of-way of streets and  
163 roads or within view thereof, within or abutting the corporate limits of the city and to  
164 prescribe penalties and punishment for violation of such ordinances;
- 165 (31) Retirement; employment benefits. To provide and maintain a retirement plan and  
166 other employee benefit plans and programs for appointed officers and employees of the  
167 city;

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

175 (33) Sewer and water fees. To assess fees, charges, or taxes as necessary to assure the  
176 acquiring, constructing, equipping, operating, maintaining, and extending of a sewerage  
177 system and one or more sewage treatment plants, on those to whom sewer systems are  
178 made available; to provide for the manner and method of collecting such fees, charges,  
179 or taxes and for enforcing payment of the same, including by lien; and to charge, impose,  
180 and collect a sewer connection fee or fees to those connecting to the system;

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

185 (35) Special areas of public regulation. To regulate or prohibit junk dealers, the  
186 manufacture and sale of intoxicating liquors; to regulate the transportation, storage, and  
187 use of combustible, explosive, and inflammable materials, the use of lighting and heating  
188 equipment, and any other business or situation which may be dangerous to persons or  
189 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical  
190 performances, exhibitions, and shows of any kind, by taxation or otherwise; to license  
191 and tax professional fortunetelling, palmistry, and massage parlors; and to restrict adult  
192 bookstores to certain areas;

193 (36) Special assessments. To levy and provide for the collection of special assessments  
194 to cover the costs for any public improvements, subject to a referendum;



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

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

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

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

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

215 **SECTION 1.14.**

216 Exercise of powers.

217 All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or  
218 employees shall be carried into execution as provided by this charter. If this charter makes

219 no provision, such shall be carried into execution as provided by ordinance or as provided  
220 by pertinent laws of the State of Georgia.

221 **ARTICLE II**  
222 **GOVERNMENT STRUCTURE**

223 **SECTION 2.10.**

224 City council creation; number; election.

225 The legislative authority of the government of this city, except as otherwise specifically  
226 provided in this charter, shall be vested in a city council to be composed of a mayor and six  
227 councilmembers. The mayor and councilmembers shall be elected in the manner provided  
228 by general law and this charter.

229 **SECTION 2.11.**

230 City council terms and qualifications for office.

231 (a) The mayor and members of the city council shall serve for terms of four years and until  
232 their respective successors are elected and qualified. No person shall be eligible to serve as  
233 mayor or councilmember unless that person is at least 21 years of age or older on the date of  
234 qualification, and shall have been a resident of the area encompassed by the corporate  
235 boundaries of the city for at least 12 months immediately prior to the date of his or her  
236 election. Additionally, no person shall be eligible to serve as councilmember unless that  
237 person shall have been a resident of the district for which he or she seeks election for a period  
238 of at least 12 months immediately prior to his or her election. The mayor and each  
239 councilmember shall continue to reside within such corporate boundaries during their  
240 respective periods of service and to be registered and qualified to vote in municipal elections

241 of the city. Additionally, councilmembers shall continue to reside in the district for which  
242 they were elected during their respective periods of service.

243 (b) Upon serving three complete consecutive terms as a member of the city council, any such  
244 member shall be ineligible to seek reelection to such office. Upon serving three complete  
245 consecutive terms as mayor, such individual shall be ineligible to seek reelection to such  
246 office. A member of the city council who becomes ineligible to serve another consecutive  
247 term in such office pursuant to this subsection shall nevertheless be eligible to seek the office  
248 of mayor, and a mayor who becomes ineligible to serve another consecutive term in such  
249 office pursuant to this subsection shall nevertheless be eligible to seek election as a member  
250 of the city council. Partial terms of office or initial terms of office of less than four years  
251 under Section 5.11 of this charter shall not be counted in determining the number of terms  
252 served.

253 **SECTION 2.12.**

254 Vacancy; filling of vacancies.

255 (a) The office of mayor or councilmember shall become vacant upon the incumbent's death,  
256 resignation, forfeiture of office, failure to maintain the residency requirements of Section  
257 2.11 of this charter, or occurrence of any event specified by the Constitution of the State of  
258 Georgia, Title 45 of the O.C.G.A., or such other applicable laws as are or may hereafter be  
259 enacted.

260 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder of  
261 the unexpired term, if any, by appointment by the city council or those members remaining  
262 if less than 12 months remains in the unexpired term. If such vacancy occurs 12 months or  
263 more prior to the expiration of the term of that office, it shall be filled for the remainder of  
264 the unexpired term by a special election, as provided for in Section 5.14 of this charter and

265 in accordance with Titles 21 and 45 of the O.C.G.A., or other such laws as are or may  
266 hereafter be enacted.

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

269 **SECTION 2.13.**

270 Compensation and expenses.

271 (a) The initial annual salary of the mayor shall be \$30,000.00, and the initial annual salary  
272 of each councilmember shall be \$20,000.00.

273 (b) Thereafter, such salaries may be adjusted by the governing authority in accordance with  
274 Code Section 36-35-4 of the O.C.G.A.

275 (c) Such salaries shall be paid from municipal funds in equal monthly installments.

276 (d) The city council may provide for an allowance for expenses actually and necessarily  
277 incurred by the mayor and councilmembers in carrying out their official duties; provided,  
278 however, that the annual total of such allowance shall not exceed \$5,000.00 for the mayor  
279 and \$3,000.00 for any councilmember. Such allowances shall not include the costs  
280 associated with any state mandated or sponsored training which has been preapproved by the  
281 city council.

282 **SECTION 2.14.**

283 Conflicts of interest; holding other offices.

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

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

- 288 (1) Engage in any business or transaction, or have a financial or other personal interest,  
289 direct or indirect, which is incompatible with the proper discharge of that person's official  
290 duties or which would tend to impair the independence of the official's judgment or action  
291 in the performance of those official duties;
- 292 (2) Engage in or accept private employment, or render services for private interests when  
293 such employment or service is incompatible with the proper discharge of that person's  
294 official duties or would tend to impair the independence of the official's judgment or  
295 action in the performance of those official duties;
- 296 (3) Disclose confidential information, including information obtained at meetings which  
297 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,  
298 government, or affairs of the governmental body by which the official is engaged without  
299 proper legal authorization; or use such information to advance the financial or other  
300 private interest of the official or others;
- 301 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,  
302 from any person, firm, or corporation which to the official's knowledge is interested,  
303 directly or indirectly, in any manner whatsoever, in business dealings with the  
304 governmental body by which the official is engaged; provided, however, that an elected  
305 official who is a candidate for public office may accept campaign contributions and  
306 services in connection with any such campaign;
- 307 (5) Represent other private interests in any action or proceeding against this city or any  
308 portion of its government; or
- 309 (6) Vote or otherwise participate in the negotiation or in the making of any contract with  
310 any business or entity in which the official has a financial interest.
- 311 (c) Any elected official, appointed officer, or employee who shall have any financial  
312 interest, directly or indirectly, in any contract or matter pending before or within any  
313 department of the city shall disclose such interest to the city council. The mayor or any  
314 councilmember who has a financial interest in any matter pending before the city council

315 shall disclose such interest and such disclosure shall be entered on the records of the city  
316 council, and that official shall disqualify himself or herself from participating in any  
317 discussion, decision or vote relating thereto. Any elected official, appointed officer, or  
318 employee of any agency or political entity to which this charter applies who shall have any  
319 financial interest, directly or indirectly, in any contract or matter pending before or within  
320 such entity shall disclose such interest to the governing body of such agency or entity.

321 (d) No elected official, appointed officer, or employee of the city or any agency or entity to  
322 which this charter applies shall use property owned by such governmental entity for personal  
323 benefit or profit but shall use such property only in their capacity as an officer or employee  
324 of the city.

325 (e) Any violation of this section which occurs with the knowledge, express or implied, of  
326 a party to a contract or sale shall render said contract or sale voidable at the option of the city  
327 council.

328 (f) Except where authorized by law, neither the mayor nor any councilmember shall hold  
329 any other elective or appointive office in the city or otherwise be employed by such  
330 government or any agency thereof during the term for which that official was elected. No  
331 former mayor and no former councilmember shall hold any appointive office in the city until  
332 one year after the expiration of the term for which that official was elected.

333 (g) No appointive officer of the city shall continue in such employment upon qualifying as  
334 a candidate for nomination or election to any public office. No employee of the city shall  
335 continue in such employment upon qualifying for or election to any public office in this city  
336 or any other public office which is inconsistent, incompatible, or in conflict with the duties  
337 of the city employee. Such determination shall be made by the mayor and council either  
338 immediately upon election or at any time such conflict may arise.

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

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

346 **SECTION 2.15.**

347 Inquiries and investigations.

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

354 **SECTION 2.16.**

355 General power and authority of the city council.

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

358 (b) In addition to all other powers conferred upon it by law, the city council shall have the  
359 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and  
360 regulations, not inconsistent with this charter and the Constitution and the laws of the State  
361 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,  
362 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,  
363 or well-being of the inhabitants of the City of Mableton and may enforce such ordinances by  
364 imposing penalties for violation thereof.

365 (c) The city council shall have the power to discipline, suspend, and remove all appointed  
366 officials and employees of the city as set forth in this charter or in such resolutions and  
367 ordinances as may be adopted by the governing authority.

368 (d) Unless otherwise provided by law, appeals of decisions of the city council shall be by  
369 certiorari to the Superior Court of Cobb County.

370 **SECTION 2.17.**

371 Eminent domain.

372 The city council is hereby empowered to acquire, construct, operate, and maintain public  
373 ways, parks and playgrounds, public grounds, cemeteries, markets and market houses, public  
374 buildings, libraries, public housing, airports, hospitals, terminals, docks, sewers, drains,  
375 sewage treatment, waterworks, electrical systems, gas systems, and charitable, cultural,  
376 educational, recreational, parking, conservation, sport, curative, corrective, detentional,  
377 penal, and medical institutions, agencies, and facilities, and any other public improvements  
378 inside or outside the city, and to regulate the use thereof, and for such purposes, property  
379 may be condemned under procedures established under general law applicable now or as  
380 provided in the future.

381 **SECTION 2.18.**

382 Organizational meetings.

383 The city council shall hold an organizational meeting on the first Tuesday in January of each  
384 year unless otherwise prescribed by ordinance, provided that if such date falls on a legal  
385 holiday, then the organizational meeting shall be held on the next business day. The meeting  
386 shall be called to order by the city clerk and the oath of office shall be administered to the



387 newly elected members by a judicial officer authorized to administer oaths and shall, to the  
388 extent that it comports with federal and state law, be as follows:

389 "I do solemnly (swear)(affirm) that I will faithfully perform the duties of  
390 (mayor)(councilmember) of this city and that I will support and defend the charter thereof  
391 as well as the Constitution and laws of the State of Georgia and of the United States of  
392 America. I am not the holder of any unaccounted for public money due this state or any  
393 political subdivision or authority thereof. I am not the holder of any office of trust under  
394 the government of the United States, any other state, or any foreign state which I, by the  
395 laws of the State of Georgia, am prohibited from holding. I am otherwise qualified to hold  
396 said office according to the Constitution and laws of the State of Georgia. I have been a  
397 resident of my district and the City of Mableton for the time required by the Constitution  
398 and laws of this state and by the municipal charter. I will perform the duties of my office  
399 in the best interest of the City of Mableton to the best of my ability without fear, favor,  
400 affection, reward, or expectation thereof."

401 **SECTION 2.19.**

402 Regular and special meetings.

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

405 (b) Special meetings of the city council may be held on call of the mayor or four members  
406 of the city council. Notice of such special meetings shall be served on all other members  
407 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such  
408 notice to councilmembers shall not be required if the mayor and all councilmembers are  
409 present when the special meeting is called. Such notice of any special meeting may be  
410 waived by a councilmember in writing before or after such a meeting, and attendance at the  
411 meeting shall also constitute a waiver of notice on any business transacted in such

412 councilmembers presence. Only the business stated in the call may be transacted at the  
413 special meeting.

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

418 **SECTION 2.20.**

419 Rules of procedure.

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

423 (b) All committees of the city council shall be appointed in a manner determined by the city  
424 council. The city council may elect to directly appoint members of some committees while  
425 delegating appointments of other committees. The city council may also opt to allow each  
426 elected official to appoint an equal number of members to a committee.

427 **SECTION 2.21.**

428 Quorum: voting

429 (a) Four councilmembers, including the mayor, shall constitute a quorum and shall be  
430 authorized to transact business of the city council. Voting on the adoption of ordinances,  
431 resolutions, or motions shall be by roll call vote and such vote shall be recorded in the  
432 journal. Roll call vote may be obtained via electronic voting in which the votes are  
433 immediately visible to the public. Except as otherwise provided in this charter, the  
434 affirmative vote of the majority of the quorum shall be required for the adoption of any

435 ordinance, resolution, or motion. In the case of a tie vote, the item will be reconsidered at the  
436 next appropriate upcoming council meeting, unless the item is withdrawn or a substitute  
437 motion is approved.

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

445 **SECTION 2.22.**

446 Ordinance form; procedures.

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

451 (b) An ordinance may be introduced by any councilmember and be read at a regular or  
452 special meeting of the city council. Ordinances shall be considered and adopted or rejected  
453 by the city council in accordance with the rules which it shall establish; provided, however,  
454 an ordinance shall not be adopted the same day it is introduced, except for emergency  
455 ordinances provided in Section 2.24. Upon introduction of any ordinance, the clerk shall as  
456 soon as possible distribute a copy to the mayor and to each councilmember and shall file a  
457 reasonable number of copies in the office of the clerk and at such other public places as the  
458 city council may designate.

459

**SECTION 2.23.**

460

Action requiring an ordinance.

461

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

462

**SECTION 2.24.**

463

Emergencies.

464

(a) To meet a public emergency affecting life, health, property or public peace, the city

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council may convene on call of the mayor or two councilmembers and promptly adopt an

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emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a

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franchise; regulate the rate charged by any public utility for its services; or authorize the

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borrowing of money except for loans to be repaid within 30 days. An emergency ordinance

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shall be introduced in the form prescribed for ordinances generally, except that it shall be

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plainly designated as an emergency ordinance and shall contain, after the enacting clause,

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a declaration stating that an emergency exists, and describing the emergency in clear and

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specific terms. An emergency ordinance may be adopted, with or without amendment, or

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rejected at the meeting at which it is introduced, but the affirmative vote of at least three

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councilmembers shall be required for adoption. It shall become effective upon adoption or

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at such later time as it may specify. Every emergency ordinance shall automatically stand

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repealed 30 days following the date upon which it was adopted, but this shall not prevent

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reenactment of the ordinance in the manner specified in this section if the emergency still

478

exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance

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in the same manner specified in this section for adoption of emergency ordinances.

480

(b) Such meetings shall be open to the public to the extent required by law and notice to the

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public of emergency meetings shall be made as fully as is reasonably possible in accordance

482 with Code Section 50-14-1 of the O.C.G.A., or such other applicable laws as are or may  
483 hereafter be enacted.

484 **SECTION 2.25.**

485 Codes of technical regulations.

486 (a) The city council may adopt any standard code of technical regulations by reference  
487 thereto in an adopting ordinance. The procedure and requirements governing such adopting  
488 ordinance shall be as prescribed for ordinances generally except that:

489 (1) The requirements of subsection (b) of Section 2.22 of this charter for distribution and  
490 filing of copies of the ordinance shall be construed to include copies of any code of  
491 technical regulations, as well as the adopting ordinance; and

492 (2) A copy of each adopted code of technical regulations, as well as the adopting  
493 ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.26 of  
494 this charter.

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

497 **SECTION 2.26.**

498 Signing; authenticating; recording; codification; printing.

499 (a) The city clerk shall authenticate by his or her signature and record in full in a properly  
500 indexed book kept for that purpose, all ordinances adopted by the council.

501 (b) The city council shall provide for the preparation of a general codification of all the  
502 ordinances of the city having the force and effect of law. The general codification shall be  
503 adopted by the city council by ordinance and shall be published promptly, together with all  
504 amendments thereto and such codes of technical regulations and other rules and regulations

505 as the city council may specify. This compilation shall be known and cited officially as "The  
506 Code of the City of Mableton, Georgia." Copies of the code shall be furnished to all officers,  
507 departments, and agencies of the city, and made available for purchase by the public at a  
508 reasonable price as fixed by the city council.

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

518 **SECTION 2.27.**

519 City manager; appointment; qualifications; compensation.

520 The city council may appoint a city manager to serve at the pleasure of the city council and,  
521 if so appointed, shall fix the city manager's compensation. The city manager shall be  
522 appointed solely on the basis of executive and administrative qualifications.

523 **SECTION 2.28.**

524 Removal of city manager.

525 If a city manager is appointed by the city council, then the city council may establish  
526 procedures for the removal of the manager from office.

527 **SECTION 2.29.**

528 Acting city manager.

529 When a city manager has been appointed by the city council, and in the event of absence or  
530 disability, the city manager may, by a letter filed with the city clerk, designate, subject to  
531 approval of the city council, a qualified city administrative officer to exercise the powers and  
532 perform the duties of city manager during the city manager's temporary absence or physical  
533 or mental disability. During such absence or disability, the city council may revoke such  
534 designation at any time and appoint another officer of the city to serve until the city manager  
535 shall return or the city manager's absence or disability shall cease.

536 **SECTION 2.30.**

537 Powers and duties of the city manager.

538 When a city manager has been appointed by the city council, the city manager shall be the  
539 chief executive and administrative officer of the city. The city manager shall be responsible  
540 to the city council for the administration of all city affairs placed in the city manager's charge  
541 by the city council or this charter. As the chief executive and administrative officer, the city  
542 manager shall:

543 (1) Other than appointments reserved to the mayor in this charter, suspend, discipline,  
544 or remove any city employee or administrative officer that the city manager appoints,  
545 when the city manager deems it necessary for the good of the city, except as otherwise  
546 provided by law or personnel ordinances adopted pursuant to this charter. The city  
547 manager may authorize any administrative officer who is subject to the city manager's  
548 direction and supervision to exercise these powers with respect to subordinates in that  
549 officer's department, office or agency;

- 550 (2) Direct and supervise the administration of all departments, offices, and agencies of  
551 the city, except as otherwise provided by this charter or by law;
- 552 (3) Attend all city council meetings except for closed meetings held for the purposes of  
553 deliberating on the appointment, discipline, or removal of the city manager and have the  
554 right to take part in discussion but not vote;
- 555 (4) See that all laws, provisions of this charter, and acts of the city council, subject to  
556 enforcement by the city manager or by officers subject to the city manager's direction and  
557 supervision, are faithfully executed;
- 558 (5) Prepare and submit the annual operating budget and capital budget to the city  
559 council;
- 560 (6) Submit to the city council and make available to the public a complete report on the  
561 finances and administrative activities of the city as of the end of each fiscal year;
- 562 (7) Issue such other reports as the city council may require concerning the operations of  
563 city departments, offices, and agencies subject to the city manager's direction and  
564 supervision;
- 565 (8) Keep the city council fully advised as to the financial condition and future needs of  
566 the city, and make such recommendations to the city council concerning the affairs of the  
567 city as the city manager deems desirable; and
- 568 (9) Perform other such duties as are specified in this charter or as may be required by the  
569 city council.

570 **SECTION 2.31.**

571 Council interference with administration.

572 When a city manager has been appointed by the city council, except for the purpose of  
573 inquiries and investigations under Section 2.15 of this charter, the city council or its members  
574 shall not give orders to or in any way direct or interfere with any officer or employee, either



575 publicly or privately. All orders and directives shall solely be given to the city manager. The  
576 city council or its members shall have the ability to contact any officer or employee to report  
577 an issue, obtain a status update, or seek other information. If an officer or employee deems  
578 a request to be outside purely information sharing, such officer or employee may direct that  
579 such request be made through the city manager. Neither the city council nor its members  
580 shall contact, discuss, make inquiries to, or seek to influence any officer or employee,  
581 including the city manager, with regard to a potential or pending zoning or land use permit  
582 matter prior to the staff publishing their recommendations to the public, unless such potential  
583 matter involves land wholly owned by the city.

584 **SECTION 2.32.**

585 Election of mayor; forfeiture; compensation.

586 The mayor shall be elected and serve for a term of four years and until a successor is elected  
587 and qualified. The mayor shall be a qualified elector of this city and shall have been a  
588 resident of the city for at least 12 months immediately prior to his or her election. The mayor  
589 shall continue to reside in this city during the period of service. The mayor shall forfeit the  
590 office on the same grounds and under the same procedure as for councilmembers. The  
591 compensation of the mayor shall be established in the same manner as for councilmembers.

592 **SECTION 2.33.**

593 Mayor pro tempore.

594 By a majority vote at the first meeting of the city council in January of each year, the city  
595 council shall elect a councilmember to serve as mayor pro tempore until the first regular  
596 meeting of the city council in the following calendar year. The mayor pro tempore shall  
597 assume the duties and powers of the mayor during the mayor's physical or mental disability,

598 suspension from office, or absence. Any such disability or absence shall be declared by a  
599 majority vote of the city council. The mayor pro tempore shall sign all contracts and  
600 ordinances in which the mayor has a disqualifying financial interest as provided in Section  
601 2.14 of this charter. When acting as mayor, the mayor pro tempore shall continue to have  
602 only one vote as a member of the council and shall exercise that power notwithstanding  
603 paragraph (5) of Section 2.34 of this charter. A vacancy in the position of mayor pro  
604 tempore resulting from the mayor pro tempore ceasing to serve as a councilmember, or from  
605 any other cause, shall be filled for the remainder of the unexpired term in the same manner  
606 as the original election.

607 **SECTION 2.34.**

608 Powers and duties of mayor.

609 The mayor shall:

- 610 (1) Preside at all meetings of the city council;
- 611 (2) Be the head of the city for the purpose of service of process and for ceremonial  
612 purposes, and be the official spokesperson for the city and the chief advocate of policy  
613 adopted by the city council;
- 614 (3) Have the power to administer oaths and to take affidavits;
- 615 (4) Sign as a matter of course on behalf of the city all written and approved contracts,  
616 ordinances, and other instruments executed by the city which by law are required to be  
617 in writing;
- 618 (5) Be a full member of the city council and vote on matters before the city council;
- 619 (6) If no city manager has been appointed, prepare and submit to the city council a  
620 recommended annual operating budget and recommended capital budget; and
- 621 (7) Fulfill such other executive and administrative duties as the city council shall by  
622 ordinance establish.

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624  
625  
626

ARTICLE III  
ADMINISTRATIVE AFFAIRS  
**SECTION 3.10.**

Administrative and service departments.

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

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

634 (c) All appointive officers and directors of departments shall receive such compensation as  
635 prescribed by ordinance or resolution.

636 (d) There shall be a director of each department or agency who shall be its principal officer.  
637 Each director shall, subject to the direction and supervision of the mayor or, in the case  
638 where the city council has appointed a city manager, the city manager, be responsible for the  
639 administration and direction of the affairs and operations of that director's department or  
640 agency.

641 (e) All appointive officers and directors shall be nominated by the mayor with confirmation  
642 of appointment by at least three of the other members of the city council. If the other  
643 members of the city council reject an officer or director nominated by the mayor, such other  
644 members of the city council shall then proceed to fill such appointment by majority vote of  
645 the city council. Appointments by the city council shall be subject to veto by the mayor,  
646 which may be overridden by the vote of four members of the city council. All appointive  
647 officers and directors other than the city manager and municipal court judges shall be  
648 employees at-will and subject to removal, suspension, or other discipline at any time by the

649 city council. In the case when the city council has appointed a city manager, the city  
650 manager, unless otherwise provided by law or ordinance, may remove, suspend, or discipline  
651 at any time any appointed officers, directors, or employees of the city, except for the city  
652 clerk, judges of the municipal court, and the city attorney.

653 **SECTION 3.11.**

654 **Boards, commissions, and authorities.**

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

659 (b) All members of boards, commissions, and authorities of the city shall be appointed by  
660 a majority vote of the city council, except where otherwise prescribed by this charter or by  
661 law. Except as otherwise provided by this charter or by law, each board, commission, or  
662 authority shall consist of seven members with one member being appointed by each member  
663 of the city council and the mayor. Members appointed by the mayor may reside anywhere  
664 within the corporate limits of the city, but a member appointed by a councilmember shall  
665 reside within the district of the councilmember who appointed such member.

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

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

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

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

677 (g) All board, commission, or authority members serve at-will and may be removed at any  
678 time by a vote of four members of the city council unless otherwise provided by law.

679 (h) Except as otherwise provided by this charter or by law, each board, commission, or  
680 authority of the city shall elect one of its members as chair and one member as vice-chair,  
681 and may elect as its secretary one of its own members or may appoint as secretary an  
682 employee of the city. Each board, commission, or authority of the city government may  
683 establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances  
684 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or  
685 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with  
686 the clerk of the city.

687 **SECTION 3.12.**

688 City attorney.

689 The city council shall appoint a city attorney, together with such assistant city attorneys as  
690 may be authorized, and shall provide for the payment of such attorney or attorneys for  
691 services rendered to the city. The city attorney shall be responsible for providing for the  
692 representation and defense of the city in all litigation in which the city is a party; may be the  
693 prosecuting officer in the municipal court; shall attend the meetings of the council as  
694 directed; shall advise the city council, mayor, and other officers and employees of the city  
695 concerning legal aspects of the city's affairs; and shall perform such other duties as may be  
696 required by virtue of the person's position as city attorney. The city attorney shall not be a  
697 public official of the city and shall not take an oath of office. The city attorney shall at all

698 times be an independent contractor. A law firm, rather than an individual, may be designated  
699 as the city attorney. The city attorney shall serve at the pleasure of the city council.

700 **SECTION 3.13.**

701 City clerk.

702 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk  
703 shall be custodian of the official city seal and city records; maintain city council records  
704 required by this charter; and perform such other duties as may be required by the city  
705 council. The city clerk shall serve at the pleasure of the city council.

706 **SECTION 3.14.**

707 Position classification and pay plans.

708 The mayor or, in the case where the city council has appointed a city manager, the city  
709 manager, shall be responsible for the preparation of a position classification and pay plan  
710 which shall be submitted to the city council for approval. Such plan may apply to all  
711 employees of the city and any of its agencies, departments, boards, commissions, or  
712 authorities. When a pay plan has been adopted, the city council shall not increase or decrease  
713 the salary range applicable to any position except by amendment of such pay plan. For  
714 purposes of this section, all elected and appointed city officials are not city employees.

715 **SECTION 3.15.**

716 Personnel policies.

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

719                                   ARTICLE IV  
720                                   JUDICIAL BRANCH  
721                                   **SECTION 4.10.**  
722                                   Creation; name.

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

724                                   **SECTION 4.11.**  
725                                   Chief judge; associate judge.

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

728    (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless  
729    that person shall have attained the age of 21 years and meets the qualifications provided in  
730    general law for municipal court judges. All judges shall be appointed by the city council and  
731    shall serve until a successor is appointed and qualified.

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

733    (d) Judges may be removed from office in accordance with state law.

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

738                                   **SECTION 4.12.**  
739                                   Convening.

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

741

**SECTION 4.13.**

742

Jurisdiction; powers.

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

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

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

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

754 (e) The municipal court shall have authority to establish bail and recognizances to ensure  
755 the presence of those charged with violations before such court, and shall have discretionary  
756 authority to accept cash or personal or real property as surety for the appearance of persons  
757 charged with violations. Whenever any person shall give bail for that person's appearance  
758 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge  
759 presiding at such time, and an execution issued thereon by serving the defendant and the  
760 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the  
761 event that cash or property is accepted in lieu of bond for security for the appearance of a  
762 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,  
763 the cash so deposited shall be on order of the judge declared forfeited to the city, or the  
764 property so deposited shall have a lien against it for the value forfeited which lien shall be  
765 enforceable in the same manner and to the same extent as a lien for city property taxes.



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

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

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

776 **SECTION 4.14.**

777 Certiorari.

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

782 **SECTION 4.15.**

783 Rules for court.

784 With the approval of the city council, the judge shall have full power and authority to make  
785 reasonable rules and regulations necessary and proper to secure the efficient and successful  
786 administration of the municipal court; provided, however, that the city council may adopt in  
787 part or in toto the rules and regulations applicable to municipal courts. The rules and  
788 regulations made or adopted shall be filed with the city clerk, shall be available for public

789 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court  
790 proceedings at least 48 hours prior to said proceedings.

791 **ARTICLE V**  
792 **ELECTIONS AND REMOVAL**  
793 **SECTION 5.10.**  
794 **Applicability of general law.**

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

797 **SECTION 5.11.**  
798 **Election of the city council and mayor.**

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

801 (b) There shall be elected the mayor and councilmembers from Council Districts 1, 3, and 5  
802 at one election and at every other regular election thereafter. The remaining city council  
803 seats from Council Districts 2, 4, and 6 shall be filled at the election alternating with the first  
804 election so that a continuing body is created.

805 (c) Each councilmember shall be elected by a majority vote of the qualified electors of his  
806 or her respective council district voting at the elections of the city. For the purpose of  
807 electing members of the council, the City of Mableton shall consist of six council districts  
808 as described in Appendix B of this charter, which is attached and incorporated into this  
809 charter by reference. Each candidate for election to the council other than the mayor shall  
810 reside in the council district he or she seeks to represent.

811 (d) If the city is formed as a result of the referendum held in the 2022 general primary, the  
812 first election for mayor and councilmembers shall be a special election held in conjunction  
813 with the 2022 November general election. At such election, the mayor and councilmembers  
814 elected from Council Districts 1, 3, and 5 shall be elected for initial terms of office beginning  
815 immediately after their election and expiring upon the election and qualification of their  
816 respective successors in 2027. The councilmembers elected from Council Districts 2, 4,  
817 and 6 shall be elected for initial terms of office beginning immediately after their election  
818 and expiring upon the election and qualification of their respective successors in 2025.  
819 Thereafter, successors to the mayor and councilmembers shall be elected at the November  
820 general election immediately preceding the end of their respective terms of office, and such  
821 successors shall take office in accordance with subsection (g) of this section for terms of four  
822 years and until their respective successors are elected and qualified.

823 (e) If the city is formed as a result of a referendum held in a special election in conjunction  
824 with the 2022 November general election, then the first election for mayor and  
825 councilmembers shall be a special election to be held on the first special election date  
826 pursuant to Code Section 21-2-540 of the O.C.G.A. in 2023. At such special election, the  
827 mayor and councilmembers elected from Council Districts 1, 3, and 5 shall be elected for  
828 initial terms of office beginning immediately after their election and expiring upon the  
829 election and qualification of their respective successors in 2027. The councilmembers from  
830 Council Districts 2, 4, and 6 shall be elected for initial terms of office beginning immediately  
831 after their election and expiring upon the election and qualification of their respective  
832 successors in 2025. Thereafter, successors to the mayor and councilmembers shall be elected  
833 at the November general election immediately preceding the end of their respective terms of  
834 office, and such successors shall take office in accordance with subsection (g) of this section  
835 for terms of four years and until their respective successors are elected and qualified.

836 (f) The mayor, for the special election and each subsequent election for mayor, shall be  
837 elected by the qualified electors of the city at large voting in such elections of the city.

838 (g) Except for the initial election of the mayor and city council, the terms of office of the  
839 mayor and councilmembers shall begin on the Monday following such person's election  
840 which is at least five days following the certification of the results of such person's election  
841 to such office unless a petition to contest the results of such person's election to such office  
842 is filed pursuant to Article 13 of Chapter 2 of Title 21 of the O.C.G.A. If a petition to contest  
843 the election results is filed, such person shall not be sworn in until a judgment has been  
844 entered pursuant to Code Section 21-2-527 of the O.C.G.A. or such petition has been  
845 withdrawn or dismissed. In such case, the person's term of office shall begin on the Monday  
846 following the entry of such judgment or the withdrawal or dismissal of such petition. Such  
847 officeholder shall be sworn in at the next meeting of the governing authority, which shall be  
848 held not later than two weeks following the beginning of such person's term of office and  
849 shall hold office until his or her successor's term begins in accordance with this subsection.

850

**SECTION 5.12.**

851

Nonpartisan elections.

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

854

**SECTION 5.13.**

855

Election by majority.

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

857 **SECTION 5.14.**

858 Special elections; vacancies.

859

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

867 **SECTION 5.15.**

868 Other provisions.

869 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe  
870 such rules and regulations it deems appropriate to fulfill any options and duties under the  
871 Georgia Election Code.

872 **SECTION 5.16.**

873 Removal of officers.

874 (a) The mayor, councilmembers, or other appointed officers provided for in this charter shall  
875 be removed from office for any one or more of the causes provided in Title 45 of the  
876 O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

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

- 879 (1) Following a hearing at which an impartial panel shall render a decision. In the event  
880 an elected officer is sought to be removed by the action of the city council, such officer  
881 shall be entitled to a written notice specifying the ground or grounds for removal and to  
882 a public hearing which shall be held not less than ten days after the service of such  
883 written notice. The city council shall provide by ordinance for the manner in which such  
884 hearings shall be held. Any elected officer sought to be removed from office as herein  
885 provided shall have the right of appeal from the decision of the city council to the  
886 Superior Court of Cobb County. Such appeal shall be governed by the same rules as  
887 govern appeals to the superior court from the probate court; or
- 888 (2) By an order of the Superior Court of Cobb County following a hearing on a  
889 complaint seeking such removal brought by any resident of the City of Mableton.

890 ARTICLE VI

891 FINANCE

892 SECTION 6.10.

893 Property tax.

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

900 **SECTION 6.11.**

901 Millage rate; due dates; payment methods.

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

906 **SECTION 6.12.**

907 Occupation and business taxes.

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

912 **SECTION 6.13.**

913 Regulatory fees; permits.

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

919

**SECTION 6.14.**

920

## Franchises.

921 (a) The city council shall have the power to grant franchises for the use of this city's streets  
922 and alleys for the purposes of railroads, street railways, telephone companies, electric  
923 companies, electric membership corporations, cable television and other telecommunications  
924 companies, gas companies, transportation companies, and other similar organizations. The  
925 city council shall determine the duration, terms, whether the same shall be exclusive or  
926 nonexclusive, and the consideration for such franchises; provided, however, no franchise  
927 shall be granted for a period in excess of 35 years and no franchise shall be granted unless  
928 the city receives just and adequate compensation therefor. The city council shall provide for  
929 the registration of all franchises with the city clerk in a registration book kept by the clerk.  
930 The city council may provide by ordinance for the registration within a reasonable time of  
931 all franchises previously granted.

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

937

**SECTION 6.15.**

938

## Service charges.

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



943 **SECTION 6.16.**

944 Special assessments.

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

949 **SECTION 6.17.**

950 Construction; other taxes and fees.

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

954 **SECTION 6.18.**

955 Collection of delinquent taxes and fees.

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

963 **SECTION 6.19.**

964 General obligation bonds.

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

969 **SECTION 6.20.**

970 Revenue bonds.

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

974 **SECTION 6.21.**

975 Short-term loans.

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

978 **SECTION 6.22.**

979 Lease-purchase contracts.

980 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the  
981 acquisition of goods, materials, real and personal property, services, and supplies provided  
982 the contract terminates without further obligation on the part of the municipality at the close

983 of the calendar year in which it was executed and at the close of each succeeding calendar  
984 year for which it may be renewed. Contracts must be executed in accordance with the  
985 requirements of Code Section 36-60-13 of the O.C.G.A., or other such applicable laws as are  
986 or may hereafter be enacted.

987 **SECTION 6.23.**

988 Fiscal year.

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

993 **SECTION 6.24.**

994 Preparation of budgets.

995 The city council shall provide an ordinance on the procedures and requirements for the  
996 preparation and execution of an annual operating budget, a capital improvement plan, and  
997 a capital budget, including requirements as to the scope, content, and form of such budgets  
998 and plans.

999 **SECTION 6.25.**

1000 Submission of operating budget to city council.

1001 On or before a date fixed by the city council but not later than 30 days prior to the beginning  
1002 of each fiscal year, the mayor or, in the case where the city council has appointed a city  
1003 manager, the city manager, shall submit to the city council a proposed operating budget for

1004 the ensuing fiscal year. The budget shall be accompanied by a message from the mayor or  
1005 city manager, as the case may be, containing a statement of the general fiscal policies of the  
1006 city, the important features of the budget, explanations of major changes recommended for  
1007 the next fiscal year, a general summary of the budget, and such other pertinent comments and  
1008 information. The operating budget and the capital budget hereinafter provided for, the  
1009 budget message, and all supporting documents shall be filed in the office of the city clerk and  
1010 shall be open to public inspection.

1011 **SECTION 6.26.**

1012 Action by city council on budget.

1013 (a) The city council may amend the operating budget proposed by the mayor or the city  
1014 manager, as the case may be; except, that the budget as finally amended and adopted must  
1015 provide for all expenditures required by state law or by other provisions of this charter and  
1016 for all debt service requirements for the ensuing fiscal year, and the total appropriations from  
1017 any fund shall not exceed the estimated fund balance, reserves, and revenues.

1018 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal  
1019 year not later than 15 days prior to the beginning of such fiscal year. If the city council fails  
1020 to adopt the budget by this date, the amounts appropriated for operation for the current fiscal  
1021 year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all  
1022 items prorated accordingly until such time as the city council adopts a budget for the ensuing  
1023 fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting  
1024 out the estimated revenues in detail by sources and making appropriations according to fund  
1025 and by organizational unit, purpose, or activity as set out in the budget preparation ordinance  
1026 adopted pursuant to Section 6.24 of this charter.

1027 (c) The amount set out in the adopted operating budget for each organizational unit shall  
1028 constitute the annual appropriation for such, and no expenditure shall be made or

1029 encumbrance created in excess of the otherwise unencumbered balance of the appropriations  
1030 or allotment thereof, to which it is chargeable.

1031 **SECTION 6.27.**

1032 Tax levies.

1033 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates  
1034 set by such ordinances shall be such that reasonable estimates of revenues from such levy  
1035 shall at least be sufficient, together with other anticipated revenues, fund balances, and  
1036 applicable reserves, to equal the total amount appropriated for each of the several funds set  
1037 forth in the annual operating budget for defraying the expenses of the general government  
1038 of this city.

1039 **SECTION 6.28.**

1040 Changes in appropriations.

1041 The city council by ordinance may make changes in the appropriations contained in the  
1042 current operating budget, at any regular, special, or emergency meeting called for such  
1043 purpose, but any additional appropriations may be made only from an existing unexpended  
1044 surplus.

1045 **SECTION 6.29.**

1046 Capital budget.

1047 (a) On or before the date fixed by the city council but no later than 30 days prior to the  
1048 beginning of each fiscal year, the mayor or, in the case where the city council has appointed  
1049 a city manager, the city manager, shall submit to the city council a proposed capital

1050 improvements plan with a recommended capital budget containing the means of financing  
1051 the improvements proposed for the ensuing fiscal year. The city council shall have power  
1052 to accept, with or without amendments, or reject the proposed plan and proposed budget.  
1053 The city council shall not authorize an expenditure for the construction of any building,  
1054 structure, work, or improvement, unless the appropriations for such project are included in  
1055 the capital budget, except to meet a public emergency as provided in Section 2.24 of this  
1056 charter.

1057 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal  
1058 year not later than 15 days prior to the beginning of such fiscal year. No appropriation  
1059 provided for in a prior capital budget shall lapse until the purpose for which the appropriation  
1060 was made shall have been accomplished or abandoned; provided, however, the mayor or the  
1061 city manager, as the case may be, may submit amendments to the capital budget at any time  
1062 during the fiscal year, accompanied by recommendations. Any such amendments to the  
1063 capital budget shall become effective only upon adoption by ordinance.

1064 **SECTION 6.30.**

1065 Independent audit.

1066 There shall be an annual independent audit of all city accounts, funds, and financial  
1067 transactions by a certified public accountant selected by the city council. The audit shall be  
1068 conducted according to generally accepted auditing principles. Any audit of any funds by  
1069 the state or federal governments may be accepted as satisfying the requirements of this  
1070 charter. Copies of annual audit reports shall be available at printing costs to the public.

**SECTION 6.31.**

1071

1072

Contracting procedures.

1073 No contract with the city shall be binding on the city unless:

1074 (1) It is in writing;

1075 (2) It is drawn by or submitted to and reviewed by the city attorney, and as a matter of  
1076 course, is signed by the city attorney to indicate such drafting or review; and1077 (3) It is made or authorized by the city council and such approval is entered in the city  
1078 council journal of proceedings pursuant to Section 2.21 of this charter.**SECTION 6.32.**

1079

1080

Centralized purchasing.

1081 The city council shall by ordinance prescribe procedures for a system of centralized  
1082 purchasing for the city.**SECTION 6.33.**

1083

1084

Sale and lease of city property.

1085 The city council may sell and convey, or lease any real or personal property owned or held  
1086 by the city for governmental or other purposes as now or hereafter provided by law.





1108 electors of the City of Mableton shall be determined pursuant to the authority of Chapter 2  
1109 of Title 21 of the O.C.G.A., the "Georgia Election Code."

1110 (b) Only for the purpose of holding and conducting the referendum election provided for by  
1111 Section 7.13 of this charter and only for the purpose of holding and conducting the special  
1112 election of the City of Mableton to be held in conjunction with the 2022 general primary, the  
1113 election superintendent of Cobb County is vested with the powers and duties of the election  
1114 superintendent of the City of Mableton and the powers and duties of the governing authority  
1115 of the City of Mableton.

1116 **SECTION 7.13.**

1117 **Referendum.**

1118 The election superintendent of Cobb County shall call a special election for the purpose of  
1119 submitting this Act to the qualified voters of the proposed City of Mableton, as provided in  
1120 Section 7.12 of this charter, for approval or rejection. The superintendent shall set the date  
1121 of such election for no later than the Tuesday next following the first Monday in  
1122 November, 2022. The superintendent shall issue the call for such election at least 30 days  
1123 prior to the date thereof. The superintendent shall cause the date and purpose of the election  
1124 to be published once a week for two weeks immediately preceding the date thereof in the  
1125 official organ of Cobb County. The ballot shall have written or printed thereon the words:

1126 "( ) YES Shall the Act incorporating the City of Mableton in Cobb County, imposing  
1127 ( ) NO term limits, prohibiting conflicts of interest, and creating community  
1128 improvement districts be approved?"

1129 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons  
1130 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes  
1131 cast on such question are for approval of the Act, it shall become of full force and effect;  
1132 otherwise, it shall thereafter be void and of no force and effect. The expense of the special

1133 election set forth in this section shall be borne by Cobb County. It shall be the duty of the  
1134 superintendent to hold and conduct such election. It shall be his or her further duty to certify  
1135 the result thereof to the Secretary of State.

1136 **SECTION 7.14.**

1137 Effective dates.

1138 (a) Those provisions of this charter necessary for the special election provided for in  
1139 Section 7.13 of this charter shall become effective immediately upon this Act's approval by  
1140 the Governor or upon its becoming law without such approval.

1141 (b) Those provisions of this Act necessary for the special election to elect the initial mayor  
1142 and city council shall be effective upon the certification of the results of the referendum  
1143 election provided for by Section 7.13 of this charter, if this Act is approved at such  
1144 referendum election.

1145 (c) The remaining provisions of this Act shall become of full force and effect for all  
1146 purposes on the first day of the second month following the month in which the certification  
1147 of the results of the special election provided for by subsection (d) or (e) of Section 5.11 of  
1148 this charter occurs, if this Act is approved at the referendum election provided for in  
1149 Section 7.13 of this charter, except that the initial mayor and councilmembers shall take  
1150 office immediately following their election and by action of a quorum may, prior to such  
1151 effective date, meet and take actions binding on the city.

1152 **SECTION 7.15.**

1153 Transition.

1154 (a) A period of time will be needed for an orderly transition of various government functions  
1155 from Cobb County to the City of Mableton. Accordingly, there shall be a transition period

1156 beginning on the effective date provided for in subsection (c) of Section 7.14 of this charter,  
1157 and ending at midnight on the last day of the twenty-fourth month following such date.  
1158 During such transition period, all provisions of this charter shall be effective as law, but not  
1159 all provisions of this charter shall be implemented.

1160 (b) During such transition period, Cobb County shall provide within the territorial limits of  
1161 the City of Mableton all government services and functions which Cobb County provided  
1162 in such area which is now within the corporate limits of the City of Mableton during 2022  
1163 and at the same actual cost, except to the extent otherwise provided in this section; provided,  
1164 however, that upon at least 30 days' prior written notice to Cobb County by the City of  
1165 Mableton, responsibility for any such service or function shall be transferred to the City of  
1166 Mableton. Beginning on the effective date provided for in subsection (c) of Section 7.14 of  
1167 this charter, the City of Mableton shall collect taxes, fees, assessments, fines and forfeitures,  
1168 and other moneys within the territorial limits of the City of Mableton; provided, however,  
1169 that upon at least 30 days' prior written notice to Cobb County by the City of Mableton, the  
1170 authority to collect any tax, fee, assessment, fine or forfeiture, or other moneys shall remain  
1171 with Cobb County after the effective date provided for in subsection (c) of Section 7.14 of  
1172 this charter, until such time as Cobb County receives subsequent notice from the City of  
1173 Mableton that such authority shall be transferred to the City of Mableton.

1174 (c) During the transition period, the governing authority of the City of Mableton:

1175 (1) Shall hold regular meetings and may hold special meetings as provided in this  
1176 charter;

1177 (2) May enact ordinances and resolutions as provided in this charter;

1178 (3) May amend this charter by home rule action as provided by general law;

1179 (4) May accept gifts and grants;

1180 (5) May borrow money and incur indebtedness to the extent authorized by this charter  
1181 and general law;

1182 (6) May levy and collect an ad valorem tax for calendar years 2023 and 2024;

- 1183 (7) May establish a fiscal year and budget;
- 1184 (8) May create, alter, or abolish departments, boards, offices, commissions, and agencies  
1185 of the city; appoint and remove officers and employees; and exercise all necessary or  
1186 appropriate personnel and management functions; and
- 1187 (9) May generally exercise any power granted by this charter or general law, except to  
1188 the extent that a power is specifically and integrally related to the provision of a  
1189 governmental service, function, or responsibility not yet provided or carried out by the  
1190 city.
- 1191 (d) Except as otherwise provided in this section, during the transition period, the Municipal  
1192 Court of the City of Mableton shall not exercise its jurisdiction. During the transition period,  
1193 all ordinances of Cobb County shall be applicable within the territorial limits of the City of  
1194 Mableton and the appropriate court or courts of Cobb County shall retain jurisdiction to  
1195 enforce such ordinances. However, by appropriate agreement (and concurrent resolutions  
1196 and ordinances if needed) Cobb County and the City of Mableton may during the transition  
1197 period transfer all or part of such regulatory authority and the appropriate court jurisdiction  
1198 to the City of Mableton. Any transfer of jurisdiction to the City of Mableton during or at the  
1199 end of the transition period shall not in and of itself abate any judicial proceeding pending  
1200 in Cobb County or the pending prosecution of any violation of any ordinance of Cobb  
1201 County.
- 1202 (e) During the transition period, the governing authority of the City of Mableton may at any  
1203 time, without the necessity of any agreement by Cobb County, commence to exercise its  
1204 planning and zoning powers; provided, however, that the city shall give the county notice of  
1205 the date on which the city will assume the exercise of such powers. Upon the governing  
1206 authority of the City of Mableton commencing to exercise its planning and zoning powers,  
1207 the Municipal Court of the City of Mableton shall immediately have jurisdiction to enforce  
1208 the planning and zoning ordinances of the city. The provisions of this subsection shall  
1209 control over any conflicting provisions of any other subsection of this section.

1210 (f) During the transition period, all business licenses and permits which were previously  
1211 issued by Cobb County shall continue to be effective for the term for which such licenses and  
1212 permits were originally issued.

1213 (g) Effective upon the termination of the transition period, subsections (b) through (f) of this  
1214 section shall cease to apply except for the last sentence of subsection (d) which shall remain  
1215 effective. Effective upon the termination of the transition period, the City of Mableton shall  
1216 be a full-functioning municipal corporation and subject to all general laws of this state.

1217 (h) The City of Mableton shall be a successor in interest to all intergovernmental agreements  
1218 which affect the territory contained within the corporate limits of the city which are in  
1219 existence at the time the city is the created.

1220 (i) During the transition period, all existing zoning and land use provisions shall remain in  
1221 effect, and all valid, existing licenses issued previously to businesses operating in the  
1222 corporate limits of the City of Mableton by Cobb County shall continue in force and effect  
1223 until their expiration.

1224

### **SECTION 7.16.**

1225

Directory nature of dates.

1226 It is the intention of the General Assembly that this Act be construed as directory rather than  
1227 mandatory with respect to any date prescribed in this Act. If it is necessary to delay any  
1228 action called for in this Act for providential cause or any other reason, it is the intention of  
1229 the General Assembly that the action be delayed rather than abandoned. Any delay in  
1230 performing any action under this Act, whether for cause or otherwise, shall not operate to  
1231 frustrate the overall intent of this Act. Without limiting the generality of the foregoing it is  
1232 specifically provided that:

1233 (1) If it is not possible to hold the referendum election provided for in Section 7.13 of  
1234 this Act on the date specified in that section, then such referendum shall be held as soon  
1235 thereafter as is reasonably practicable; and

1236 (2) If it is not possible to hold the first municipal election provided for in this Act on the  
1237 date specified in that section, then there shall be a special election for the initial members  
1238 of the governing authority to be held as soon thereafter as is reasonably practicable, and  
1239 the commencement of the initial terms of office shall be delayed accordingly.

## 1240 ARTICLE VIII

### 1241 COMMUNITY IMPROVEMENT DISTRICTS

#### 1242 SECTION 8.10.

##### 1243 Purpose.

1244 The purpose of this article shall be to provide enabling legislation for the creation of one or  
1245 more community improvement districts within the City of Mableton, and such district or  
1246 districts may be created for the provision of some or all of the following governmental  
1247 services and facilities as provided and authorized by Article IX, Section VII of the  
1248 Constitution of the State of Georgia and the resolution activating each district as it now exists  
1249 or hereafter amended or supplemented as provided for by law, including, but not limited to:

1250 (1) Street and road construction and maintenance, including curbs, sidewalks, street  
1251 lights, and devices and services to control the flow of traffic on streets and roads;

1252 (2) Parks and recreational areas and facilities;

1253 (3) Public transportation;

1254 (4) Terminal and dock facilities and parking facilities; and

1255 (5) Such other services and facilities as may be provided for by general law.

**SECTION 8.11.**

## Definitions.

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As used in this article, the term:

(1) "Agricultural" means the growing of crops for sale or the raising of animals for sale or use, including the growing of field crops, fruit or nut trees, the raising of livestock or poultry, and the operation of dairies, horse boarding facilities, and riding stables.

(2) "Board" means the governing body created for the governance of a community improvement district herein authorized.

(3) "Caucus of electors" or "caucus" means the meeting of electors hereinafter provided for at which the elected board members of the district are elected. A quorum at such caucus shall consist of those electors present, and a majority of those present and voting is necessary to elect board members. No proxy votes shall be cast.

(4) "City council" means the city council of the City of Mableton.

(5) "City governing authority or body" means the city council and the mayor.

(6) "District" means the geographical area designated as such by the resolution of the governing body of the City of Mableton consenting to the creation of the community improvement district or districts or as thereafter modified by any subsequent resolution of the governing body or bodies within which the district is or is to be located, or a body corporate and politic being a community improvement district created and activated pursuant hereto, as the context requires or permits.

(7) "Electors" means the owners of real property within the given district which is subject to taxes, fees, and assessments levied by the board, as they appear on the most recent ad valorem real property tax return records of Cobb County, or one officer or director of a corporate elector, one trustee of a trust which is an elector, one partner of a partnership elector, or one designated representative of an elector whose designation is made in writing to the respective county tax commissioner and the city clerk of the City

1282 of Mableton at least ten days prior to an election. An owner of property that is subject  
1283 to taxes, fees, or assessments levied by the board shall have one vote for an election based  
1284 on numerical majority. An owner of multiple parcels shall have one vote, not one vote  
1285 per parcel, for an election based on numerical majority. Multiple owners of one parcel  
1286 shall have one vote for an election based on numerical majority which must be cast by  
1287 one of their number who is designated in writing.

1288 (8) "Equity electors" means electors who cast votes equal to each \$1,000.00 value of all  
1289 owned real property within the given district which is then subject to taxes, fees, and  
1290 assessments levied by the board. Value of real property shall be the assessed value.

1291 (9) "Forestry" means the planting and growing of trees for sale in a program which  
1292 includes reforestation of harvested trees, regular underbrush and undesirable growth  
1293 clearing, fertilizing, pruning, thinning, cruising, and marking which indicate an active tree  
1294 farming operation. The term does not include the casual growing of trees on land  
1295 otherwise idle or held for investment, even though some harvesting of trees may occur  
1296 thereon.

1297 (10) "Hereby," "herein," "hereunder," and "herewith" mean under this Act.

1298 (11) "Mayor" means the mayor of the City of Mableton.

1299 (12) "Project" means the acquisition, construction, installation, modification, renovation,  
1300 or rehabilitation of land, interests in land, buildings, structures, facilities, or other  
1301 improvements, including operation of facilities or other improvements, located or to be  
1302 located within or otherwise providing service to the district and the acquisition,  
1303 installation, modification, renovation, rehabilitation, or furnishing of fixtures, machinery,  
1304 equipment, furniture, or other property of any nature whatsoever used on, in, or in  
1305 connection with any such land, interest in land, building, structure, facility, or other  
1306 improvements for the purposes set forth in Section 8.10 of this article.

1307 (13) "Property owner" or "owner of real property" means any entity or person shown as  
1308 a taxpayer for one or more parcels of real estate on the most recent ad valorem tax



1309 records of Cobb County within the district as certified by the Cobb County Tax  
1310 Commissioner.

1311 (14) "Property used nonresidentially" means property or any portion thereof used for  
1312 neighborhood shopping, planned shopping centers, general commercial, transient lodging  
1313 facilities, tourist services, office or institutional, office services, light industry, heavy  
1314 industry, central business district, parking, or other commercial or business use or vacant  
1315 land zoned or approved for any of the aforementioned uses which do not include  
1316 residential.

1317 (15) "Residential" means a specific structure, work, or improvement undertaken  
1318 primarily to provide either single family or multifamily dwelling accommodations for  
1319 persons and families of four units or less, and for which an application for homestead  
1320 exemption has been filed and accepted.

1321 (16) "Taxpayer" means an entity or person paying ad valorem taxes on real property,  
1322 whether on one or more parcels of property within the district. Multiple owners of one  
1323 parcel shall constitute one taxpayer and shall designate in writing one of their number to  
1324 represent the whole.

1325 (17) "Value" or "assessed value" of property means the values established in the most  
1326 recent ad valorem tax reassessment of such properties certified by the Cobb County  
1327 Board of Tax Assessors.

1328 **SECTION 8.12.**

1329 **Creation.**

1330 Pursuant to Article IX, Section VII of the Constitution of the State of Georgia, there is  
1331 created one or more community improvement districts to be located in the City of Mableton,  
1332 Georgia, wholly within the incorporated area thereof, which shall be activated upon  
1333 compliance with the conditions set forth in this section. Each district, if more than one are

1334 implemented, shall be governed as directed by this article. The conditions for such activation  
1335 shall be:

1336 (1) The adoption of a resolution consenting to the creation of the community  
1337 improvement district or districts by the governing authority for the City of Mableton and  
1338 imposing such conditions on the projects and activities which may be undertaken as will  
1339 ensure their compatibility with adopted city policies and planning for the area; and

1340 (2) The written consent to the creation of the community improvement district by:

1341 (A) A majority of the owners of real property within the given district which will be  
1342 subject to taxes, fees, and assessments levied by the board of the given district; and

1343 (B) The owners of real property within the given district which constitutes at  
1344 least 75 percent by value of all real property within the district which will be subject to  
1345 taxes, fees, and assessments levied by the board. For this purpose, value shall be  
1346 determined by the most recent approved county ad valorem tax digest.

1347 The written consent provided for in this paragraph shall be submitted to the Cobb County  
1348 tax commissioner, who shall certify whether subparagraphs (A) and (B) of this paragraph  
1349 have been satisfied with respect to such proposed district. The district or districts or  
1350 respective board or boards created under this article shall not transact any business or  
1351 exercise any powers under this article until the foregoing conditions are met. A copy of  
1352 such resolutions shall be filed with the Secretary of State and with the city clerk of the  
1353 City of Mableton, who shall each maintain a record of the district activated under this  
1354 article. Nothing contained herein shall limit the ability of the governing authority of the  
1355 City of Mableton to implement more than one community improvement district so long  
1356 as the requirements hereof and of the Constitution of the State of Georgia are satisfied.  
1357 The provisions of this article shall be construed so as to provide for the independent  
1358 application and exercise of all powers for each district contained herein including the  
1359 ability to levy taxes as outlined herein as separately and independently authorizing and  
1360 empowering such separate community improvement districts created hereby. Nothing

1361 contained herein shall require the governing authority of the City of Mableton to create  
1362 more than one community improvement district, or to require the creation of a new  
1363 district if the district boundaries of an existing district are changed, added to,  
1364 supplemented, or modified.

1365 **SECTION 8.13.**

1366 Administration, appointment, and election of board members.

1367 Each district created pursuant hereto shall be administered either by the governing authority  
1368 or by a board as prescribed under this article. In the event that a district is to be governed by  
1369 such a board, the board shall be composed of a minimum of seven board members to be  
1370 appointed and elected as hereinafter provided:

1371 (1) Two board members shall be appointed by the Mayor of the City of Mableton, and  
1372 confirmed by a majority of the city council, one of whom shall be a member of the city  
1373 council, to serve in Posts 6 and 7. Two board members shall be elected by the vote of  
1374 electors, and three members shall be elected by the vote of equity electors. The members  
1375 representing the electors and equity electors shall be elected to serve in post positions 1  
1376 through 5, respectively. Each elected board member shall receive a majority of the votes  
1377 cast for the post for which he or she is a candidate. Votes for Posts 1 and 2 shall be cast  
1378 by electors, and votes for Posts 3, 4, and 5 shall be cast by the equity electors. The initial  
1379 term of office for the members representing Posts 1 and 3 shall be one year. The initial  
1380 term of office for the members representing Posts 2 and 5 shall be two years, and the  
1381 initial term of office of the members representing Post 3 shall be three years. Thereafter,  
1382 all terms of office shall be for four years, except the appointed board members who shall  
1383 serve at the pleasure of the appointing body which appointed him or her. Elected board  
1384 members shall be subject to recall in the same manner as elected.

1385 (2) The initial board members to be elected as provided in paragraph (1) of this section  
1386 shall be elected in a caucus of electors which shall be held within 120 days after the  
1387 adoption of the resolution by the City of Mableton consenting to the creation of the  
1388 district, and the obtaining of the written consents herein provided at such time and place  
1389 within the district as the City of Mableton shall designate after notice thereof shall have  
1390 been given to said electors by publishing same in the legal organ of Cobb County as  
1391 hereinafter provided. Thereafter, there shall be conducted annually, not later than 120  
1392 days following the last day for filing ad valorem real property tax returns in Cobb  
1393 County, a caucus of said electors at such time and place within the district as the board  
1394 shall designate in such notice for the purpose of electing board members to those board  
1395 member positions whose terms expire or are vacant. If a vacancy occurs in an elected  
1396 position on the board, the board shall, within 60 days thereof, call a special election to fill  
1397 the same to be held within 60 days of the call unless such vacancy occurs within 180 days  
1398 of the next regularly scheduled election, in which case a special election may, but need  
1399 not, be called. For any election held hereunder, notice thereof shall be given to said  
1400 electors by publishing notice thereof in the legal organ of Cobb County at least once each  
1401 week for four weeks prior to such election.

1402 (3) Board members shall receive no compensation for their services, but shall be  
1403 reimbursed for actual expenses reasonably incurred in the performance of their duties.  
1404 They shall elect one of their number as chairperson and another as vice chairperson.  
1405 They shall also elect a secretary and a treasurer, or a secretary/treasurer, either of whom  
1406 may, but need not, be a member of the board or an elector.

1407 (4) If the boundaries of a district are subsequently changed after creation of the district  
1408 to include land within the unincorporated area of the county or a municipality which was  
1409 not a party to the creation of the district, or if a municipality's boundaries are changed to  
1410 include land within an existing district, the governing authority of the municipality shall  
1411 acquire the right to appoint a member to the board of the district upon entering into the

1412 cooperation agreement provided for in Section 8.17 of this article. If, by municipal  
1413 annexation or by deannexation of land from a district, the district no longer includes land  
1414 within the incorporated area of the City of Mableton or within a municipality,  
1415 respectively, then the board member of the district appointed by such governing authority  
1416 in which the district is no longer located shall cease to be a board member.

1417 (5) Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," shall not apply  
1418 to the election of district board members. Should a vacancy in office of a district board  
1419 member occur, and the regular caucus of electors is more than six months in the future,  
1420 a special election shall be called to fill such vacancy, unless it is filled by appointment  
1421 as hereinabove required. The district board may adopt such bylaws not inconsistent  
1422 herewith to provide for any matter concerning such elections.

#### 1423 **SECTION 8.14.**

1424 Taxes, fees, and assessments.

1425 (a) The board may levy taxes, fees, and assessments within the district only on real property  
1426 used nonresidentially, specifically excluding all property exempt from ad valorem taxation  
1427 under the Constitution or laws of the State of Georgia; all property used for residential,  
1428 agricultural, or forestry purposes; and all tangible personal property and intangible property.  
1429 Any tax, fee, or assessment so levied shall not exceed 2.5 percent of the aggregate assessed  
1430 value of all such real property, subject to such limitations as the governing authority for the  
1431 City of Mableton may implement with the adoption of the resolution consenting to the  
1432 creation of said district. The taxes, fees, and assessments levied by the board shall be  
1433 equitably apportioned among the properties subject to such taxes, fees, and assessments  
1434 according to the need for governmental services and facilities created by the degree of  
1435 density of development of each such property. The proceeds of taxes, fees, and assessments  
1436 levied by the board shall be used only for the purpose of providing those governmental

1437 services and facilities set forth in Section 8.10 of this article which are specially required by  
1438 the degree of density of development within the district and not for the purpose of providing  
1439 those governmental services and facilities provided to the municipality as a whole. Any tax,  
1440 fee, or assessment so levied shall be collected by the City of Mableton in the same manner  
1441 as taxes, fees, and assessments are levied by the City of Mableton. Delinquent taxes shall  
1442 bear the same interest and penalties as City of Mableton ad valorem taxes and may be  
1443 enforced and collected in the same manner. The proceeds of taxes, fees, and assessments so  
1444 levied, less a fee to cover the costs of collection of 0.25 percent thereof, but not more  
1445 than \$10,000.00 in any one calendar year, shall be transmitted as soon as they are acquired  
1446 by the City of Mableton to the board, and shall be expended by the board only for the  
1447 purposes authorized hereby.

1448 (b) The board shall levy the taxes provided for in subsection (a) of this section subsequent  
1449 to the report of the assessed taxable values for the current calendar year and notify in writing  
1450 the collecting governing bodies so they may include the levy on their regular ad valorem tax  
1451 bills, if possible.

1452 (c) There shall be a segregation of all funds from the levy of taxes, fees, and assessments as  
1453 described hereunder for the district, and neither the City of Mableton nor the respective  
1454 county tax commissioner shall expend for any purpose not authorized by the board of this  
1455 district any such taxes, fees, or charges assessed and collected hereunder except for such  
1456 costs as may be attributed to the billing and collection of such fees, levies, and assessments.

1457 (d) If, but for this provision, a parcel of real property is removed from a district or otherwise  
1458 would become nontaxable, it shall continue to bear the tax millage levied by the district then  
1459 extant upon such parcel for indebtedness of the district then outstanding until said  
1460 indebtedness is paid or refunded.

**SECTION 8.15.**

1461

1462

Boundaries of the district.

1463 (a) The boundaries of the district or districts shall be as designated as such by the City of  
1464 Mableton as set forth in the resolution required in Section 8.12 of this article, or as may  
1465 thereafter be added as hereinafter provided.

1466 (b) The boundaries of the district or districts may be increased after the initial creation of a  
1467 district if:

1468 (1) Written consent of the owners of any real property sought to be annexed is first  
1469 obtained;

1470 (2) The board of the district adopts a resolution consenting to the annexation; and

1471 (3) A resolution is adopted which grants consent to the annexation by the governing  
1472 authority of such municipalities as may have area within the district before or after the  
1473 annexation.

**SECTION 8.16.**

1474

1475

Debt.

1476 Except as otherwise provided in this section, the district may incur debt without regard to the  
1477 requirements of Article IX, Section V of the Constitution of the State of Georgia, which debt  
1478 shall be backed by the full faith and credit and taxing power of the district but shall not be  
1479 an obligation of the State of Georgia or any other unit of government of the State of Georgia  
1480 other than the district; provided, however, that the board and the district may not issue bonds  
1481 validated under or in accordance with Article 3 of Chapter 82 of Title 36 of the O.C.G.A.,  
1482 known as the "Revenue Bond Law," or in accordance with such other successor provisions  
1483 governing bond validation generally or as may be provided by law.

**SECTION 8.17.**

1484

1485

Cooperation with local governments.

1486 The services and facilities provided pursuant hereto may be provided for in a cooperation  
1487 agreement executed jointly by the board, the governing body of the City of Mableton, and  
1488 any municipalities and other governmental authorities or agencies within which the district  
1489 is partially located. The provisions of this section shall in no way limit the authority of the  
1490 City of Mableton or any such municipality or any such authority to provide services or  
1491 facilities within the district; and the City of Mableton or such municipalities shall retain full  
1492 and complete authority and control over any of its facilities located within its respective areas  
1493 of any district. Said control shall include, but not be limited to, the modification of, access  
1494 to, and degree and type of services provided through or by facilities of the municipality or  
1495 county. Nothing contained in this section shall be construed to limit or preempt the  
1496 application of any governmental laws, ordinances, resolutions, or regulations to the district  
1497 or the services or facilities provided therein.

**SECTION 8.18.**

1498

1499

Powers.

1500 (a) The district and the board created pursuant hereto shall have all of the powers necessary  
1501 or convenient to carry out and effectuate the purposes and provisions hereof, including,  
1502 without limiting the generality of the foregoing, the power to:

- 1503 (1) Bring and defend actions;
- 1504 (2) Adopt and amend a corporate seal;
- 1505 (3) Make and execute contracts, agreements, and other instruments necessary or  
1506 convenient to exercise the powers of the board or to further the public purposes for which  
1507 the district is created including, but not limited to, contracts for construction of projects,



1508 leases of projects, contracts for sale of projects, agreements for loans to finance projects,  
1509 contracts with respect to the use of projects, and agreements with other jurisdictions or  
1510 community improvement districts regarding multijurisdictional projects or services or for  
1511 other cooperative endeavors to further the public purposes of the district;

1512 (4) Acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and  
1513 personal property of every kind and character, or any interest therein, in furtherance of  
1514 the public purposes of the district;

1515 (5) Finance by loan, private grant, lease, or otherwise, construct, erect, assemble,  
1516 purchase, acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend,  
1517 improve, install, sell, equip, expand, add to, operate, or manage projects and to pay the  
1518 cost of any project from the proceeds of the district or any other funds of the district, or  
1519 from any contributions or loans by persons, corporations, partnerships, whether limited  
1520 or general, or other entities, all of which the board is authorized to receive, accept, and  
1521 use;

1522 (6) Borrow money to further or carry out its public purposes and to execute bonds, notes,  
1523 other obligations, leases, trust indentures, trust agreements, agreements for the sale of its  
1524 notes, or other obligations, loan agreements, security agreements, assignments, and such  
1525 other agreements or instruments as may be necessary or desirable, in the judgment of the  
1526 board, to evidence and to provide security for such borrowing;

1527 (7) Issue notes or other obligations of the district and use the proceeds thereof for the  
1528 purpose of paying all or any part of the cost of any project and otherwise to further or  
1529 carry out the public purposes of the district and to pay all reasonably incurred costs of the  
1530 board incidental to, or necessary and appropriate to, furthering or carrying out such  
1531 purposes; provided, however, that the board and the district may not issue bonds  
1532 validated under or in accordance with Article 3 of Chapter 82 of Title 36 of the O.C.G.A.,  
1533 known as the "Revenue Bond Law," or in accordance with such other successor  
1534 provisions governing bond validation generally or as may be provided by law;

- 1535 (8) Make application directly or indirectly to any private source for loans, grants,  
1536 guarantees, or other financial assistance in furtherance of the district's public purposes  
1537 and to accept and use the same upon such terms and conditions as are prescribed by such  
1538 private source; provided, however, that the district and the board shall not have the power  
1539 to apply for, receive, administer, or utilize grants from federal, state, county, or municipal  
1540 governments or agencies or any other public sources;
- 1541 (9) Enter into agreements with the federal government or any agency thereof to use the  
1542 facilities or services of the federal government or any agency thereof in order to further  
1543 or carry out the public purposes of the district;
- 1544 (10) Contract for any period, not exceeding 50 years, with the State of Georgia, state  
1545 institutions, or any municipal corporation, county, or political subdivision of this state for  
1546 the use by the district of any facilities or services of the state or any such state institution,  
1547 municipal corporation, county, or political subdivision of this state, or for the use by any  
1548 state institution or any municipal corporation, county, or political subdivision of this state  
1549 of any facilities or services of the district, provided that such contracts shall deal with  
1550 such activities and transactions as the district and any such political subdivision with  
1551 which the district contracts are authorized by law to undertake;
- 1552 (11) Grant, mortgage, convey, assign, or pledge its property, revenues or taxes, or fees  
1553 or assessments to be received as security for its notes, or other indebtedness and  
1554 obligations;
- 1555 (12) Receive and use the proceeds of any tax levied by any county or any municipal  
1556 corporation to pay the costs of any project or for any other purpose for which the board  
1557 may use its own funds pursuant hereto;
- 1558 (13) Receive and administer gifts, private grants, and devises of money and property of  
1559 any kind and to administer trusts;
- 1560 (14) Use any real property, personal property, or fixtures or any interest therein or to rent  
1561 or lease such property to or from others or make contracts with respect to the use thereof

1562 or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or grant  
1563 options for any such property in any manner as it deems to be the best advantage of the  
1564 district and the public purposes thereof;

1565 (15) Appoint, select, and employ engineers, surveyors, architects, urban or city planners,  
1566 fiscal agents, attorneys, and others and to fix their compensation and pay their expenses;

1567 (16) Encourage and promote the improvement and development of the district and to  
1568 make, contract for, or otherwise cause to be made long range plans or proposals for the  
1569 district in cooperation with the City of Mableton and any municipal corporations in which  
1570 the district is wholly or partially located;

1571 (17) Invest its funds, whether derived from the issuance of its bonds or otherwise, in such  
1572 manner as it may deem prudent and appropriate, without further restriction;

1573 (18) Adopt bylaws governing the conduct of business by the board, the election and  
1574 duties of officers of the board, and other matters which the board determines to deal  
1575 within its bylaws;

1576 (19) Exercise any power granted by the laws of this state to public or private  
1577 corporations which is not in conflict with the public purposes of the district; and

1578 (20) Do all things necessary or convenient to carry out the powers conferred hereby.

1579 (b) The powers enumerated in subsection (a) of this section are cumulative of and in addition  
1580 to those powers enumerated herein and elsewhere in this article, and no such power limits  
1581 or restricts any other power of the board except where expressly noted.

1582 **SECTION 8.19.**

1583 Construction; notice, proceeding, publication, referendum.

1584 This article shall be liberally construed to effect the purposes hereof. No notice, proceeding,  
1585 or publication except those required hereby shall be necessary to the performance of any act  
1586 authorized hereby, nor shall any such act be subject to referendum.

**SECTION 8.20.**

1587

1588

1589

Applicability of Chapter 5 of Title 10 of the O.C.G.A.,  
the "Georgia Securities Act of 1973."

1590

1591

1592

The offer, sale, or issuance of notes or other obligations by the district shall not be subject  
to regulation under Chapter 5 of Title 10 of the O.C.G.A., the "Georgia Securities Act of  
1973."

**SECTION 8.21.**

1593

1594

Dissolution.

1595

1596

(a) A district activated under the provisions of this article may be dissolved upon the  
occurrence of any of the following:

1597

1598

1599

(1) The adoption of a resolution approving of the dissolution of the community  
improvement district by the City of Mableton and such other municipalities, as  
applicable, if partially within one or more municipalities; or

1600

1601

1602

(2) The written consent to the dissolution of the community improvement district by:

(A) A majority of the owners of real property within the district subject to taxes, fees,  
and assessments levied by the board of the district; or

1603

1604

1605

1606

(B) The owners of real property constituting at least 75 percent by value of all real  
property within the district subject to taxes, fees, and assessments levied by the board.  
For this purpose, value shall be determined by the most recent approved county ad  
valorem tax digest.

1607

1608

1609

The written consent provided for in this paragraph shall be submitted to the Cobb County  
tax commissioner, who shall certify whether subparagraphs (A) and (B) of this paragraph  
have been satisfied with respect to the proposed district dissolution.

1610 (b) In the event that successful action is taken pursuant to this section to dissolve the district,  
1611 the dissolution shall become effective at such time as all debt obligations of the district have  
1612 been satisfied. Following a successful dissolution action and until the dissolution becomes  
1613 effective, no new projects may be undertaken, obligations or debts incurred, or property  
1614 acquired.

1615 (c) Upon a successful dissolution action, all noncash assets of the district other than public  
1616 facilities or land or easements to be used for such public facilities, as described in  
1617 Section 8.10 of this article, shall be reduced to cash and, along with all other cash on hand,  
1618 shall be applied to the repayment of any debt obligation of the district. Any cash remaining  
1619 after all outstanding obligations are satisfied shall be refunded to each property owner in  
1620 direct proportion to the total amount in taxes, fees, or assessments paid by the property owner  
1621 relative to the total revenues paid by all properties in the district.

1622 (d) When a dissolution becomes effective, the municipal governing authority shall take title  
1623 to all property previously in the ownership of the district and all taxes, fees, and assessments  
1624 of the district shall cease to be levied and collected.

1625 (e) A district may be reactivated in the same manner as an original activation.

## APPENDIX A

1626

1627

## Corporate Boundaries of the City of Mableton

1628 The City of Mableton shall include all the territory embraced within the following census

1629 blocks based upon the 2020 United States decennial census:

1630 User: H039

1631 Plan Name: Mableton-Corp-2022

1632 Plan Type: Local

1633 District MABLETON

1634 County Cobb GA

1635 VTD Austell 1A

1636 Block 031306:

1637 2035

1638 Block 031323:

1639 1007

1640 Block 031417:

1641 1001

1642 VTD Birney 02

1643 Block 031117:

1644 2009 2010 2011

1645 Block 031120:

1646 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011

1647 1012 1013 1014 1015 1016 2001 2002 2003 2004 2005 2006 2007

1648 2008 2009 2010 3000 3001 3002 3003 3004 3005 3006 3007 3008

1649 VTD Bryant 01  
1650 VTD Bryant 02  
1651 VTD Cooper 01  
1652 Block 031409:  
1653 4000 4001  
1654 Block 031411:  
1655 3004 3005 3006 3007 3008 3009 3014 3015 3017  
1656 Block 031413:  
1657 1000 1001 1002 1003 1004 1005 1006 2000 2001 2002 2003 2004  
1658 2005 2006 3000 3001 3002 3003 3004  
1659 Block 031415:  
1660 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011  
1661 1012 1013  
1662 Block 031507:  
1663 2002 2003 2019  
1664 VTD Harmony-Leland 01  
1665 VTD Lindley 01  
1666 Block 031221:  
1667 1024  
1668 Block 031314:  
1669 1000 1002 1003 1004 1005 1006 1007 1008 1010 1011 1012 1013  
1670 1014 1015 1016 1017 1018 1019 1020 2010 2012 2013 2014 2016  
1671 2017 2018 2019 2020 2024 2025 2026 2028 2029 2030 2034 2041  
1672 3000 3001 3002 3003 3005 3008 3009 3010 3011 3012 3013 3014  
1673 3015 3016 3017 3018 3019 3020  
1674 Block 031315:  
1675 1008 1011 2000 2001 2002 2003 2004 2005 2006 2007 3006 3007

1676 3009 3010 3013  
1677 VTD Mableton 01  
1678 VTD Mableton 02  
1679 VTD Mableton 03  
1680 VTD Mableton 04  
1681 VTD Norton Park 01  
1682 Block 031117:  
1683 1021 1026 3010 3011  
1684 Block 031120:  
1685 2000  
1686 VTD Oregon 02  
1687 Block 031411:  
1688 3000 3001 3002 3003  
1689 VTD Pebblebrook 01  
1690 VTD Riverside 01  
1691 VTD Smyrna 7A  
1692 Block 031314:  
1693 2031  
1694 Block 031315:  
1695 1007  
1696 VTD Sweetwater 02

1697 For the purposes of this description, the term "VTD" shall mean and describe the same  
1698 geographical boundaries as provided in the report of the Bureau of the Census for the United  
1699 States decennial census of 2020 for the State of Georgia. The separate numeric designations  
1700 in the description which are underneath a VTD heading shall mean and describe individual



- 1701 blocks within a VTD as provided in the report of the Bureau of the Census for the United  
1702 States decennial census of 2020 for the State of Georgia.

1703 APPENDIX B  
 1704 City Council Districts

1705 User: H039  
 1706 Plan Name: Mableton-Dist-2022  
 1707 Plan Type: Local

1708 District 001  
 1709 County Cobb GA  
 1710 VTD Bryant 01  
 1711 VTD Bryant 02  
 1712 Block 031318:  
 1713 1007  
 1714 Block 031320:  
 1715 1000 1001 1002 1003 1004 2005 2006 2008 2009 3001 3002 3003  
 1716 Block 031321:  
 1717 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011  
 1718 1012 1013 1014 1015 1016 1017 1018 1019  
 1719 VTD Pebblebrook 01  
 1720 Block 031322:  
 1721 1002 1003 1004 2000 3000 3001 3002 3003 3004 3005 3006 3007  
 1722 3008 3009 3010 3011 3012  
 1723 Block 031323:  
 1724 2007 2008 2009 2010 2011 2012 2013 2014

1725 District 002  
 1726 County Cobb GA

1727 VTD Bryant 02  
1728 Block 031318:  
1729 1000 1001 1002 1003 1004 1005 1006 1008 2000 2001 2002 2003  
1730 2004 2005 2006 2007 2008 3000 3001 3002 3003 3004 3005 3006  
1731 Block 031319:  
1732 4008 4009 4010  
1733 Block 031320:  
1734 2000 2001 2002 2003 2004  
1735 VTD Harmony-Leland 01  
1736 Block 031316:  
1737 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1013  
1738 1014 2008 2010 2011 2015 2016 2017 2021 2022 2023 2024 2025  
1739 2026  
1740 Block 031317:  
1741 3007 3008 3009 3010  
1742 VTD Riverside 01  
1743 Block 031316:  
1744 1011 1012  
1745 Block 031317:  
1746 3011 3012 3013  
1747 Block 031319:  
1748 1000 1001 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009  
1749 2010 2011 2012 2013 4000 4001 4002 4003 4004 4005 4006 4007  
  
1750 District 003  
1751 County Cobb GA  
1752 VTD Harmony-Leland 01

1753 Block 031316:  
1754 2000 2001 2002 2003 2004 2005 2006 2007 2009 2012 2013 2014  
1755 2018 2019 2020 3000 3001 3002 3003 3004 3005 3006 3007 3008  
1756 3009 3010 3011 3012 3013 3014 3015 3016 3017 3018 3019 3020  
1757 3021 3022  
1758 Block 031317:  
1759 1000 1012 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025  
1760 1026 1027 1028 1029 2000 2001 2002 2003 2004 2005 2006 2007  
1761 2008 2009 2010 2011 2012 3000 3001 3002 3003 3004 3005 3006  
1762 3016 3017 3018 3021  
1763 VTD Mableton 02  
1764 Block 031306:  
1765 1026 1027 2015 2017  
1766 Block 031308:  
1767 1000 1001 1002 1003 1004 1005 1006 1007 1008 2000 2001 2002  
1768 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014  
1769 2015 2016 2017  
1770 Block 031317:  
1771 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1013  
1772 1014 1015  
1773 VTD Pebblebrook 01  
1774 Block 031308:  
1775 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 3000  
1776 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 4000 4001  
1777 4002 4003 4004 4005 4006 4007 4008 4009  
1778 Block 031323:  
1779 2015

1780 VTD Riverside 01  
1781 Block 031317:  
1782 1030 3014 3015 3019 3020  
  
1783 District 004  
1784 County Cobb GA  
1785 VTD Birney 02  
1786 Block 031120:  
1787 2001 2002 2003 2004 2005 2007 2008  
1788 VTD Lindley 01  
1789 Block 031221:  
1790 1024  
1791 Block 031314:  
1792 1000 1002 1003 1004 1005 1006 1007 1008 1010 1011 1012 1013  
1793 1014 1015 1016 1017 1018 1019 1020 2010 2012 2013 2014 2016  
1794 2017 2018 2019 2020 2024 2025 2026 2028 2029 2030 2034 2041  
1795 3000 3001 3002 3003 3005 3008 3009 3010 3011 3012 3013 3014  
1796 3015 3016 3017 3018 3019 3020  
1797 Block 031315:  
1798 1008 1011 2000 2001 2002 2003 2004 2005 2006 2007 3006 3007  
1799 3009 3010 3013  
1800 VTD Mableton 01  
1801 Block 031414:  
1802 1005 1006  
1803 VTD Mableton 03  
1804 VTD Mableton 04  
1805 VTD Norton Park 01

1806 Block 031120:  
1807 2000  
1808 VTD Smyrna 7A  
1809 Block 031314:  
1810 2031  
1811 Block 031315:  
1812 1007

1813 District 005  
1814 County Cobb GA  
1815 VTD Austell 1A  
1816 Block 031306:  
1817 2035  
1818 Block 031323:  
1819 1007  
1820 Block 031417:  
1821 1001  
1822 VTD Cooper 01  
1823 Block 031413:  
1824 1000 1001 1002 1003 1004 1005 1006  
1825 Block 031415:  
1826 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011  
1827 1012 1013  
1828 VTD Mableton 01  
1829 Block 031306:  
1830 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011  
1831 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023

1832 2000 2001 2002 2003 2004 2010 2011 2012 2013 2014 2019 2020  
 1833 2021  
 1834 Block 031409:  
 1835 1003  
 1836 Block 031414:  
 1837 1002 1003 1004 1007 1008 1009 1010 1011 1012 2000 2001 2002  
 1838 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014  
 1839 2015 2016 2017 2018 2020 2021 3003 3004 3005 3006 3007  
 1840 Block 031415:  
 1841 2000 2001 2002 2005 2006 2007 2008 2009 2011 2012 2017 2019  
 1842 2021 2022 2024 2029  
 1843 VTD Mableton 02  
 1844 Block 031306:  
 1845 1024 1025 2005 2006 2007 2008 2009 2016 2018 2022 2023 2024  
 1846 2027 2029 2030 2032 2033 2037 2038 2040 2044 2045  
 1847 Block 031323:  
 1848 1000 1003 1004 1005 1009 1011 1012 1013 1014 1015 1016 1017  
 1849 1018 1021 2000 2001 2002 2003 2004 2005 2006  
 1850 Block 031414:  
 1851 2025  
 1852 Block 031417:  
 1853 1002 1003 1004 1005 1006 1007 1009 1011 1013 1017 1018 1020  
 1854 1024 1049  
 1855 VTD Sweetwater 02  
 1856 Block 031414:  
 1857 3000 3001 3002

1858 District 006  
1859 County Cobb GA  
1860 VTD Birney 02  
1861 Block 031117:  
1862 2009 2010 2011  
1863 Block 031120:  
1864 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011  
1865 1012 1013 1014 1015 1016 2006 2009 2010 3000 3001 3002 3003  
1866 3004 3005 3006 3007 3008  
1867 VTD Cooper 01  
1868 Block 031409:  
1869 4000 4001  
1870 Block 031411:  
1871 3004 3005 3006 3007 3008 3009 3014 3015 3017  
1872 Block 031413:  
1873 2000 2001 2002 2003 2004 2005 2006 3000 3001 3002 3003 3004  
1874 Block 031507:  
1875 2002 2003 2019  
1876 VTD Norton Park 01  
1877 Block 031117:  
1878 1021 1026 3010 3011  
1879 VTD Oregon 02  
1880 Block 031411:  
1881 3000 3001 3002 3003  
1882 VTD Sweetwater 02  
1883 Block 031119:  
1884 2004



1885 Block 031412:  
 1886 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 2000  
 1887 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012  
 1888 2013 2014 2015 2016 2017 2018 3000 3001 3002 3003 3004 3005  
 1889 3006 3007 3008  
 1890 Block 031414:  
 1891 1000 1001

1892 For the purposes of this plan (Mableton-Dist-2022):

1893 (1) The term "VTD" shall mean and describe the same geographical boundaries as  
 1894 provided in the report of the Bureau of the Census for the United States decennial census  
 1895 of 2020 for the State of Georgia. The separate numeric designations in a district  
 1896 description which are underneath a VTD heading shall mean and describe individual  
 1897 blocks within a VTD as provided in the report of the Bureau of the Census for the United  
 1898 States decennial census of 2020 for the State of Georgia;

1899 (2) Except as otherwise provided in the description of any district, whenever the  
 1900 description of any district refers to a named city, it shall mean the geographical  
 1901 boundaries of that city as shown on the census maps for the United States decennial  
 1902 census of 2020 for the State of Georgia;

1903 (3) Any part of the City of Mableton which is not included in any district described in  
 1904 this plan (Mableton-Dist-2022) shall be included within that district contiguous to such  
 1905 part which contains the least population according to the United States decennial census  
 1906 of 2020 for the State of Georgia; and

1907 (4) Any part of the City of Mableton which is described in this plan  
 1908 (Mableton-Dist-2022) as being included in a particular district shall nevertheless not be  
 1909 included within such district if such part is not contiguous to such district. Such

1910 noncontiguous part shall instead be included within that district contiguous to such part  
1911 which contains the least population according to the United States decennial census of  
1912 2020 for the State of Georgia.

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APPENDIX C  
CERTIFICATE AS TO MINIMUM STANDARDS  
FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

1916 I, Representative Erica Thomas, Georgia State Representative from the 39th District and the  
1917 author of this bill introduced at the 2021 session of the General Assembly of Georgia, which  
1918 grants an original municipal charter to the City of Mableton, do hereby certify that this bill  
1919 is in compliance with the minimum standards required by Chapter 31 of Title 36 of the  
1920 O.C.G.A. in that the area embraced within the original incorporation in this bill is in all  
1921 respects in compliance with the minimum standards required by Chapter 31 of Title 36 of the  
1922 O.C.G.A. This certificate is executed to conform to the requirements of Code  
1923 Section 36-31-5 of the O.C.G.A.

1924 So certified, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

1925  
1926  
1927  
1928

\_\_\_\_\_  
Honorable Erica Thomas  
Representative, 39<sup>th</sup> District  
Georgia State House of Representatives