

House Bill 225 (AS PASSED HOUSE AND SENATE)

By: Representative Prince of the 127<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide a new charter for the City of Wrens; to provide for incorporation, boundaries, and  
2 powers of the city; to provide for the exercise of powers and limitations on powers; to  
3 provide for a governing authority of such city and the powers, duties, authority, prohibitions,  
4 election, terms, removal from office, method of filling vacancies, compensation, expenses,  
5 and qualifications; to provide for conflict of interest and holding other offices; to provide for  
6 inquiries and investigations; to provide for organization and meeting procedures; to provide  
7 for ordinances; to provide for eminent domain; to provide for codes; to provide for the office  
8 of mayor and certain duties and powers relative to the office of mayor; to provide for a veto;  
9 to provide for a mayor pro tempore; to provide for a city manager; to provide for  
10 administrative responsibilities; to provide for boards, commissions, and authorities; to  
11 provide for a city attorney, city clerk, and other personnel; to provide for a comprehensive  
12 land use plan; to provide for the establishment of a municipal court and the judge or judges  
13 thereof; to provide for practices and procedures; to provide for taxation, permits, and fees;  
14 to provide for franchises, service charges, and assessments; to provide for bonded and other  
15 indebtedness; to provide for accounting and budgeting; to provide for contracting and  
16 purchasing; to provide for sale of city property; to provide for bonds for officials; to provide  
17 for pending matters; to provide for definitions and construction; to provide for severability;

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18 to provide for related matters; to repeal a specific Act; to repeal conflicting laws; and for  
19 other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 ARTICLE I  
22 INCORPORATION AND POWERS

23 SECTION 1.10.  
24 Incorporation.

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

28 SECTION 1.11.  
29 Corporate boundaries.

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

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

#### SECTION 1.12.

##### Powers.

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

#### SECTION 1.13.

##### Examples of powers and construction.

(a) The powers of the city shall include, but are not limited to, the power:

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

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

(3) Building Regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, fire safety,

61 electrical, gas, and heating and air conditioning codes; and to regulate all housing, and  
62 building trades;

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

69 (5) Condemnation. To condemn property, inside or outside the corporate limits of the  
70 city, for present or future use and for any corporate purpose deemed necessary by the  
71 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such  
72 other applicable laws as are now or may hereafter be enacted;

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

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

79 (8) Environmental Protection. To protect and preserve the natural resources,  
80 environment, and vital areas of the state through the preservation and improvement of air  
81 quality, the restoration and maintenance of water resources, the control of erosion and  
82 sedimentation, the management of stormwater and establishment of a stormwater utility,  
83 the management of solid and hazardous waste, and other necessary actions for the  
84 protection of the environment;

85 (9) Fire Regulations. To fix and establish fire limits and from time to time to extend,  
86 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with

87 general law, relating to both fire prevention and detection and to fire fighting; and to  
88 prescribe penalties and punishment for violations thereof;

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

95 (11) General Health, Safety, and Welfare. To define, regulate, and prohibit any act,  
96 practice, conduct or use of property which is detrimental to health, sanitation, cleanliness,  
97 welfare, and safety of the inhabitants of the city, and to provide for the enforcement of  
98 such standards;

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

102 (13) Health and Sanitation. To prescribe standards of health and sanitation and to  
103 provide for the enforcement of such standards;

104 (14) Jail Sentences. To provide that persons given jail sentences in the municipal court  
105 may work out such sentences in any public works or on the streets, roads, drains, and  
106 other public property in the city, to provide for commitment of such persons to any jail,  
107 to provide for the use of pretrial diversion and any alternative sentencing allowed by law,  
108 or to provide for commitment of such persons to any county work camp or county jail by  
109 agreement with the appropriate county officials;

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

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

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

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

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

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

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

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

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

(24) Police and Fire Protection. To exercise the power of arrest through duly appointed police officers, and to establish, operate, or contract for a police and a firefighting agency;

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

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

(27) Public Peace. To provide for the prevention and punishment of loitering, disorderly conduct, drunkenness, riots, and public disturbances;

(28) Public Transportation. To organize and operate such public transportation systems as are deemed beneficial;

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

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

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

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

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

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



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

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

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

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

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

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

(41) Other Powers. To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; and to exercise all implied powers necessary or desirable to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated in this charter; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia;

and no listing of particular powers in this charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

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

#### SECTION 1.14.

##### Exercise of powers.

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

## ARTICLE II

### GOVERNMENT STRUCTURE

#### SECTION 2.10.

##### City council creation; number; election.

The legislative authority of the government of this city, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of a mayor and five councilmembers. Councilmembers shall be elected at large by the voters of the city in accordance with the provisions of Article V of this charter. The mayor shall be elected as provided in Section 2.32 of this charter. The city council established shall in all respects be

242 successor to and continuation of the governing authority under prior law. The mayor and  
243 councilmembers shall be elected in the manner provided by general law and this charter. The  
244 mayor and city council in office on the effective date of this charter shall serve out the terms  
245 to which they were elected.

246 SECTION 2.11.

247 City councilmembers; terms and qualifications for office.

248 The members of the city council shall serve for terms of four years and until their respective  
249 successors are elected and qualified. No person shall be eligible to serve as a councilmember  
250 unless that person shall have been a resident of the city for 12 months prior to the date of  
251 election of members of the council; each shall continue to reside therein during that member's  
252 period of service and to be registered and qualified to vote in municipal elections of this city.

253 SECTION 2.12.

254 Vacancy; filling of vacancies; suspensions.

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

259 (b) Filling of Vacancies - A vacancy in the office of mayor or councilmember shall be  
260 filled for the remainder of the unexpired term, if any, by appointment by the city council  
261 or those members remaining if less than 14 months remains in the unexpired term. If such  
262 vacancy occurs 14 months or more prior to the expiration of the term of that office, it shall  
263 be filled for the remainder of the unexpired term by a special election, as provided for in  
264 Section 5.14 of this charter.

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

267 SECTION 2.13.  
268 Compensation and expenses.

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

271 SECTION 2.14.  
272 Conflicts of interest; holding other offices.

273 (a) Fiduciary Capacity - Elected and appointed officers of the city are trustees and servants  
274 of the residents of the city and shall act in a fiduciary capacity for the benefit of such  
275 residents.

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

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

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

286 (3) Disclose confidential information, including information obtained at meetings which  
287 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,

government, or affairs of the governmental body by which that person is engaged without proper legal authorization; or use such information to advance the financial or other private interest of that person or others;

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

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

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

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

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

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

(f) Ineligibility of Elected Official - Except where authorized by law, neither the mayor nor any councilmember shall hold any other elective or compensated appointive office in the city or otherwise be employed by said government or any agency thereof during the term for which that person was elected. No former councilmember and no former mayor shall hold any compensated appointive office in the city until two years after the expiration of the term for which that official was elected.

(g) Political Activities of Certain Officers and Employees - No appointed officer of the city shall continue in such employment upon qualifying as a candidate for nomination or election to any public office. No employee of the city shall continue in such employment upon qualifying for any public office in this city or upon qualifying for any other public office which is inconsistent, incompatible or in conflict with the duties of the city employee. Such determination shall be made by the mayor and council either immediately upon qualifying or at any time such conflict may arise.

(h) Penalties for Violation.

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

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

## SECTION 2.15.

## Inquiries and investigations.

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

## SECTION 2.16.

## General power and authority of the city council.

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

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

358 SECTION 2.17.

359 Eminent domain.

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

368 SECTION 2.18.

369 Organizational meetings.

370 The city council shall hold an organizational meeting on the first Tuesday in January. The  
371 meeting shall be called to order by the mayor and the oath of office shall be administered to  
372 the newly elected members by an officer authorized to administer oaths and shall, to the  
373 extent that it comports with federal and state law, be as follows:

374 "I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor)  
375 (councilmember) of this city and that I will support and defend the charter thereof as well  
376 as the Constitution and laws of the State of Georgia and of the United States of America.  
377 I am not the holder of any unaccounted for public money due this state or any political  
378 subdivision or authority thereof. I am not the holder of any office of trust under the  
379 government of the United States, any other state, or any foreign state which I by the laws  
380 of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said  
381 office according to the Constitution and laws of Georgia. I have been a resident of the City



382 of Wrens for the time required by the Constitution and laws of this state and by the  
383 municipal charter. I will perform the duties of my office in the best interest of the City of  
384 Wrens to the best of my ability without fear, favor, affection, reward, or expectation  
385 thereof."

386 SECTION 2.19.

387 Regular and special meetings.

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

390 (b) Special meetings of the city council may be held on call of the mayor or any two  
391 members of the city council. Notice of such special meetings shall be served on all other  
392 members personally, or by telephone personally, at least 48 hours in advance of the  
393 meeting. Such notice to councilmembers shall not be required if the mayor and all  
394 councilmembers are present when the special meeting is called. Such notice of any special  
395 meeting may be waived by a councilmember in writing before or after such a meeting, and  
396 attendance at the meeting shall also constitute a waiver of notice on any business transacted  
397 in such councilmember's presence. Only the business stated in the call may be transacted  
398 at the special meeting, except by unanimous consent of all members of the council.

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

## SECTION 2.20.

## Rules of procedure; committees.

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

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

## SECTION 2.21.

## Quorum; voting.

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

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

## SECTION 2.22.

Ordinance form; procedures.

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

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

## SECTION 2.23.

Action requiring an ordinance.

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

## SECTION 2.24.

Emergencies.

(a) To meet a public emergency affecting life, health, property, or public peace, the city council may convene on call of the mayor or any two councilmembers and promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend

a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists, and describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least four councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

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

#### SECTION 2.25.

##### Codes of technical regulations.

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

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

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

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

#### SECTION 2.26.

Signing; authenticating; recording; codification; printing.

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

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

(c) The city council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city council. Following publication of the first code under this charter and at all times thereafter, the ordinances and charter amendments shall be printed in substantially

496 the same style as the code currently in effect and shall be suitable in form for incorporation  
497 therein. The city council shall make such further arrangements as deemed desirable with  
498 reproduction and distribution of any current changes in or additions to codes of technical  
499 regulations and other rules and regulations included in the code.

500 SECTION 2.27.

501 City manager; appointment; qualifications; compensation.

502 The city council shall appoint a city manager, also known as "the manager," for an indefinite  
503 term and shall fix the manager's compensation. The city manager shall be appointed solely  
504 on the basis of that person's executive and administrative qualifications.

505 SECTION 2.28.

506 Removal of city manager.

507 (a) The city council may remove the manager from office in accordance with the following  
508 procedures:

509 (1) The city council shall adopt by affirmative vote of a majority of all its members a  
510 preliminary resolution which must state the reasons for removal and may suspend the  
511 manager from duty for a period not to exceed 45 days. A copy of the resolution shall be  
512 delivered promptly to the manager;

513 (2) Within five days after a copy of the resolution is delivered to the manager, the  
514 manager may file with the city council a written request for a public hearing. This  
515 hearing shall be held within 30 days after the request is filed. The manager may file with  
516 the council a written reply not later than five days before the hearing; and

517 (3) If the manager has not requested a public hearing within the time specified in  
518 paragraph (2) of this subsection, the city council may adopt a final resolution for removal,

which may be made effective immediately, by an affirmative vote of a majority of all its members. If the manager has requested a public hearing, the city council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of all its members at any time after the public hearing.

(b) The manager may continue to receive a salary until the effective date of a final resolution of removal.

#### SECTION 2.29.

##### Acting city manager.

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

#### SECTION 2.30.

##### Powers and duties of the city manager.

The city manager shall be the chief administrative officer of the city. The city manager shall be responsible to the city council for the administration of all city affairs placed in the city manager's charge by or under this charter. As the chief administrative officer, the city manager shall:

(1) Appoint and, when the city manager deems it necessary for the good of the city, suspend or remove all city employees and administrative officers the city manager appoints, except as otherwise provided by law or personnel ordinances adopted pursuant

542 to this charter. The city manager may authorize any department director or administrative  
543 officer who is subject to the city manager's direction and supervision to exercise these  
544 powers with respect to subordinates in that officer's department, office, or agency;

545 (2) Direct and supervise the administration of all departments, offices, and agencies of  
546 the city, except as otherwise provided by this charter or by law;

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

550 (4) See that all laws, provisions of this charter, and acts of the city council, subject to  
551 enforcement by the city manager or by officers subject to the city manager's direction and  
552 supervision, are faithfully executed;

553 (5) Prepare and submit the annual operating budget and capital budget to the city  
554 council;

555 (6) Submit to the city council and make available to the public a complete report on the  
556 finances and administrative activities of the city as of the end of each fiscal year;

557 (7) Make such other reports as the city council may require concerning the operations  
558 of city departments, offices, and agencies subject to the city manager's direction and  
559 supervision;

560 (8) Keep the city council fully advised as to the financial condition and future needs of  
561 the city, and make such recommendations to the city council concerning the affairs of the  
562 city as the city manager deems desirable; and

563 (9) Perform other such duties as are specified in this charter or as may be required by the  
564 mayor and city council.



565 SECTION 2.31.

566 Council interference with administration.

567 Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the  
568 city council or its members shall deal with city officers and employees who are subject to the  
569 direction and supervision of the city manager solely through the city manager, and neither  
570 the city council nor its members shall give orders to any such officer or employee, either  
571 publicly or privately. The city council shall act in all matters as a body and no member shall  
572 seek individually to influence the official acts of the city manager or any other officer or  
573 employee of the city, or direct or request the appointment of any person to, or his or her  
574 removal from, any office or position of employment, or to interfere in any way with the  
575 performance of the duties by the city manager or other officers or employees.

576 SECTION 2.32.

577 Election of mayor; forfeiture.

578 The mayor shall be elected at large by the voters of the city and serve for a term of four years  
579 and until a successor is elected and qualified. The mayor shall be a qualified elector of this  
580 city and shall have been a resident of the city for 12 months prior to the date of election. The  
581 mayor shall continue to reside in this city during the period of service. The mayor shall  
582 forfeit the office on the same grounds and under the same procedure as for councilmembers.

583 SECTION 2.33.

584 Mayor pro tem.

585 The city council at the first regular meeting after the newly elected councilmembers have  
586 taken office following each election shall elect a councilmember to serve as mayor pro tem.

587 The mayor pro tem shall be elected by a majority vote of the city council. The mayor pro  
588 tem shall serve for a term of two years. The mayor pro tem shall assume the duties and  
589 powers of the mayor during the mayor's physical or mental disability, suspension from office,  
590 or absence. Any such disability of the mayor shall be declared by a majority vote of the city  
591 council. The mayor pro tem shall sign all contracts and ordinances in which the mayor has  
592 a disqualifying financial interest as provided in Section 2.14 of this charter. When acting as  
593 mayor, the mayor pro tem shall be entitled to vote as a member of the council.

594 SECTION 2.34.

595 Powers and duties of mayor.

596 The mayor shall:

- 597 (1) Preside at all meetings of the city council;  
598 (2) Exercise supervision over all administrative work of the city;  
599 (3) Be the head of the city for the purpose of service of process and for ceremonial  
600 purposes, and be the official spokesperson for the city and the chief advocate of policy;  
601 (4) Have the power to administer oaths and to take affidavits;  
602 (5) Sign as a matter of course on behalf of the city all written and approved contracts,  
603 ordinances, resolutions, and other instruments executed by the city which by law are  
604 required to be in writing;  
605 (6) Vote on matters before the city council only in the case of a tie vote between  
606 councilmembers;  
607 (7) Approve or disapprove resolutions and ordinances as provided in Section 2.35 of this  
608 charter; and  
609 (8) Perform such other duties as may be required by law, this charter, or by ordinance.

## 610 SECTION 2.35.

611 Submission of ordinances to the mayor; veto power.

612 (a) Every resolution or ordinance adopted by the city council shall be presented by the city  
613 manager to the mayor within 96 hours after the adjournment of any council meeting.

614 (b) The mayor, within seven calendar days of receipt of a resolution or ordinance, shall  
615 return it to the city manager with or without the mayor's approval, or with his or her veto.  
616 If the resolution or ordinance has been approved by the mayor, it shall become law upon  
617 its return to the city manager; if the resolution or ordinance is neither approved nor  
618 disapproved, it shall become law at 12:00 noon on the twelfth calendar day after its  
619 adoption by the city council; if the resolution or ordinance is vetoed, the mayor shall  
620 submit to the city council through the city manager a written statement explaining the  
621 reasons for the veto. The city manager shall record upon the resolution or ordinance the  
622 date of its delivery to and receipt from the mayor.

623 (c) Resolutions or ordinances vetoed by the mayor shall be presented by the city manager  
624 to the city council at its next meeting. If the city council then or at its next meeting adopts  
625 the resolution or ordinance over the veto by an affirmative vote of four of its members, it  
626 shall become law.

627 (d) The mayor may disapprove or reduce any item or items of appropriation in any  
628 resolution or ordinance, except appropriations for auditing or investigating the office of  
629 mayor. The approved part or parts of any resolution or ordinance making appropriations  
630 shall become law, and the part or parts disapproved shall not become law unless  
631 subsequently passed by the city council over the mayor's veto as provided herein. The  
632 reduced part or parts shall be presented to the city council as though disapproved and shall  
633 not become law unless overridden by the city council as provided in subsection (c) of this  
634 section.

635 (e) The mayor shall not have the power to veto any emergency ordinance.

636

## ARTICLE III

637

## ADMINISTRATIVE AFFAIRS

638

## SECTION 3.10.

639

Administrative and service departments.

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

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

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

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

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(e) All directors of departments shall be subject to removal or suspension at any time by the city manager in the manner provided by the city's personnel policy and procedure manual.

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## SECTION 3.11.

## Boards, commissions, and authorities.

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

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

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

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

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

(f) No member of a board, commission, or authority shall assume office until that person has executed and filed with the clerk of the city an oath obligating himself or herself to faithfully and impartially perform the duties of that member's office.

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

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

682 establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances  
683 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or  
684 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with  
685 the clerk of the city.

686 SECTION 3.12.  
687 City attorney.

688 (a) The city council shall appoint a city attorney, together with such assistant city attorneys  
689 as may be authorized, and shall provide for the payment of such attorney or attorneys for  
690 services rendered to the city. The city attorney shall be responsible for providing for the  
691 representation and defense of the city in all litigation in which the city is a party; may be  
692 the prosecuting officer in the municipal court; shall attend the meetings of the council as  
693 directed; shall advise the city council, mayor, and other officers and employees of the city  
694 concerning legal aspects of the city's affairs; and shall perform such other duties as may be  
695 required by virtue of the person's position as city attorney.

696 (b) The city attorney is not a public official of the city and does not take an oath of office.  
697 The city attorney shall at all times be an independent contractor. A law firm, rather than  
698 an individual, may be designated as the city attorney.

699 SECTION 3.13.

700 City clerk.

701 The city council shall appoint a city clerk who shall not be the mayor or a councilmember.  
702 The city clerk shall be custodian of the official city seal and city records; maintain city  
703 council records required by this charter; attend meetings of the city council and keep minutes  
704 of its proceedings at such meetings; and perform such other duties as may be required by the  
705 city council. With the approval of the city council, the city manager may serve as the city  
706 clerk.

707 SECTION 3.14.

708 Position classification and pay plan.

709 The city manager shall be responsible for the preparation of a position classification and pay  
710 plan 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 city officials are not city employees.

715 SECTION 3.15.

716 Personnel policies.

717 The city council shall adopt by ordinance a personnel policy and procedure manual. All  
718 employees shall be governed by the city's personnel policy and procedure manual.

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 Wrens.

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,  
727 full-time, or stand-by judges as shall be provided by ordinance.

728 (b) No person shall be qualified or eligible to serve as a judge of the municipal court  
729 unless that person shall have attained the age of 25 years, shall be a member of the State  
730 Bar of Georgia, and shall possess all qualifications required by law. All judges shall be  
731 appointed by the city council and shall serve until a successor is appointed and qualified.

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

733 (d) Judges serve as provided in Code Section 36-32-2 of the O.C.G.A. and may be  
734 removed from office in accordance with Code Section 36-32-2.1 of the O.C.G.A., or other  
735 such applicable laws as are or may hereafter be enacted.

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



740 SECTION 4.12.  
741 Convening.

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

743 SECTION 4.13.  
744 Jurisdiction; powers.

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

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

749 (c) The municipal court may fix punishment for offenses within its jurisdiction not  
750 exceeding a fine of \$1,000.00 or imprisonment for 12 months or both such fine and  
751 imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as  
752 now or hereafter provided by law.

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

757 (e) The municipal court shall have authority to establish bail and recognizances to ensure  
758 the presence of those charged with violations before said court, and shall have discretionary  
759 authority to accept cash or personal or real property as surety for the appearance of persons  
760 charged with violations. Whenever any person shall give bail for that person's appearance  
761 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge  
762 presiding at such time, and an execution issued thereon by serving the defendant and the  
763 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In

the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the property so deposited shall have a lien against it for the value forfeited which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

#### SECTION 4.14.

##### Certiorari.

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

785 SECTION 4.15.

786 Rules for court.

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

794 ARTICLE V  
795 ELECTIONS AND REMOVAL

796 SECTION 5.10.  
797 Applicability of general law.

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

800 SECTION 5.11.  
801 Election of the city council and mayor.

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

804 (b) There shall be elected the mayor and two councilmembers at one election and at every  
805 other election thereafter. The remaining city council seats shall be filled at the election

806 alternating with the first election so that a continuing body is created. Terms shall be for  
807 four years.

808 SECTION 5.12.  
809 Nonpartisan elections.

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

812 SECTION 5.13.  
813 Election by plurality.

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

815 SECTION 5.14.  
816 Special elections; vacancies.

817 In the event that the office of mayor or councilmember shall become vacant as provided in  
818 Section 2.12 of this charter, the city council or those remaining shall order a special election  
819 to fill the balance of the unexpired term of such official; provided, however, that if such  
820 vacancy occurs within 14 months of the expiration of the term of that office, the city council  
821 or those remaining shall appoint a successor for the remainder of the term. In all other  
822 respects, the special election shall be held and conducted in accordance with Chapter 2 of  
823 Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

824 SECTION 5.15.  
825 Other provisions.

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

829 SECTION 5.16.  
830 Removal of officers.

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

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

836 (1) Following a hearing at which an impartial panel shall render a decision. In the event  
837 an elected officer is sought to be removed by the action of the city council, such officer  
838 shall be entitled to a written notice specifying the ground or grounds for removal and to  
839 a public hearing which shall be held not less than ten days after the service of such  
840 written notice. The city council shall provide by ordinance for the manner in which such  
841 hearings shall be held. Any elected officer sought to be removed from office as provided  
842 in this section shall have the right of appeal from the decision of the city council to the  
843 Superior Court of Jefferson County. Such appeal shall be governed by the same rules as  
844 govern appeals to the superior court from the probate court; or

845 (2) By an order of the Superior Court of Jefferson County following a hearing on a  
846 complaint seeking such removal brought by any resident of the City of Wrens.

847 ARTICLE VI  
848 FINANCE

849 SECTION 6.10.  
850 Property tax.

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

857 SECTION 6.11.  
858 Millage rate; due dates; payment methods.

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

863 SECTION 6.12.  
864 Occupation and business taxes.

865 The city council by ordinance shall have the power to levy such occupation or business taxes  
866 as are not denied by law. The city council may classify businesses, occupations, or

867 professions for the purpose of such taxation in any way which may be lawful and may  
868 compel the payment of such taxes as provided in Section 6.18 of this charter.

869 SECTION 6.13.

870 Regulatory fees; permits.

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

876 SECTION 6.14.

877 Franchises.

878 (a) The city council shall have the power to grant franchises for the use of this city's streets  
879 and alleys for the purposes of railroads, street railways, telephone companies, electric  
880 companies, electric membership corporations, cable television and other  
881 telecommunications companies, gas companies, transportation companies, and other  
882 similar organizations. The city council shall determine the duration, terms, whether the  
883 same shall be exclusive or nonexclusive, and the consideration for such franchises;  
884 provided, however, that no franchise shall be granted for a period in excess of 35 years and  
885 no franchise shall be granted unless the city receives just and adequate compensation  
886 therefor. The city council shall provide for the registration of all franchises with the city  
887 clerk in a registration book kept by the clerk. The city council may provide by ordinance  
888 for the registration within a reasonable time of all franchises previously granted.

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

894 SECTION 6.15.

895 Service charges.

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

901 SECTION 6.16.

902 Special assessments.

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



908 SECTION 6.17.

909 Construction; other taxes and fees.

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

913 SECTION 6.18.

914 Collection of delinquent taxes and fees.

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

922 SECTION 6.19.

923 General obligation bonds.

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

928 SECTION 6.20.

929 Revenue bonds.

930 Revenue bonds may be issued by the city council as state law now or hereafter provides.

931 Such bonds are to be paid out of any revenue produced by the project, program, or venture

932 for which they were issued.

933 SECTION 6.21.

934 Short-term loans.

935 The city may obtain short-term loans and must repay such loans not later than December 31

936 of each year, unless otherwise provided by law.

937 SECTION 6.22.

938 Lease-purchase contracts.

939 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the

940 acquisition of goods, materials, real and personal property, services, and supplies provided

941 the contract terminates without further obligation on the part of the municipality at the close

942 of the calendar year in which it was executed and at the close of each succeeding calendar

943 year for which it may be renewed. Contracts must be executed in accordance with the

944 requirements of Code Section 36-60-13 of the O.C.G.A., or other such applicable laws as are

945 or may hereafter be enacted.

946 SECTION 6.23.

947 Fiscal year.

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

952 SECTION 6.24.

953 Preparation of budgets.

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

958 SECTION 6.25.

959 Operating budget.

960 On or before a date fixed by the city council but not later than 30 days prior to the beginning  
961 of each fiscal year, the city manager shall submit to the city council a proposed operating  
962 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the  
963 city manager containing a statement of the general fiscal policies of the city, the important  
964 features of the budget, explanations of major changes recommended for the next fiscal year,  
965 a general summary of the budget, and such other pertinent comments and information. The  
966 operating budget and the capital budget hereinafter provided for, the budget message, and

967 all supporting documents shall be filed in the office of the city clerk and shall be open to  
968 public inspection.

969 SECTION 6.26.

970 Action by city council on budget.

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

976 (b) The city council by ordinance shall adopt the final operating budget for the ensuing  
977 fiscal year not later than December 31 of each year. If the city council fails to adopt the  
978 budget by this date, the amounts appropriated for operation for the current fiscal year shall  
979 be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items  
980 prorated accordingly until such time as the city council adopts a budget for the ensuing  
981 fiscal year. Adoption of the budget shall take the form of an appropriations ordinance  
982 setting out the estimated revenues in detail by sources and making appropriations according  
983 to fund and by organizational unit, purpose, or activity as set out in the budget preparation  
984 ordinance adopted pursuant to Section 6.24 of this charter.

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

989 SECTION 6.27.

990 Tax levies.

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

997 SECTION 6.28.

998 Changes in appropriations.

999 The city council by ordinance may make changes in the appropriations contained in the  
1000 current operating budget, at any regular meeting, special, or emergency meeting called for  
1001 such purpose, but any additional appropriations may be made only from an existing  
1002 unexpended surplus.

## SECTION 6.29.

## Capital budget.

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

(b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal year not later than December 31 of each year. No appropriation provided for in a prior capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided, however, that the city manager may submit amendments to the capital budget at any time during the fiscal year, accompanied by recommendations. Any such amendments to the capital budget shall become effective only upon adoption by ordinance.

## SECTION 6.30.

## Independent audit.

There shall be an annual independent audit of all city accounts, funds, and financial transactions by a certified public accountant selected by the city council. The audit shall be conducted according to generally accepted auditing principles. Any audit of funds by the

1026 state or federal governments may be accepted as satisfying the requirements of this charter.  
1027 Copies of annual audit reports shall be available at printing costs to the public.

1028 SECTION 6.31.  
1029 Contracting procedures.

1030 No contract with the city shall be binding on the city unless it is in writing and it is made or  
1031 authorized by the city council and such approval is entered in the city council minute book  
1032 pursuant to Section 2.21 of this charter.

1033 SECTION 6.32.  
1034 Centralized purchasing.

1035 The city council shall by ordinance prescribe procedures for a system of centralized  
1036 purchasing for the city.

1037 SECTION 6.33.  
1038 Sale and lease of city property.

1039 (a) The city council may sell and convey, or lease any real or personal property owned or  
1040 held by the city for governmental or other purposes as now or hereafter provided by law.  
1041 (b) The city council may quitclaim any rights it may have in property not needed for public  
1042 purposes upon report by the city manager and adoption of a resolution, both finding that  
1043 the property is not needed for public or other purposes and that the interest of the city has  
1044 no readily ascertainable monetary value.  
1045 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place  
1046 of the city, a small parcel or tract of land is cut-off or separated by such work from a larger

1047 tract or boundary of land owned by the city, the city council may authorize the city  
1048 manager to sell and convey said cut-off or separated parcel or tract of land to an abutting  
1049 or adjoining property owner or owners where such sale and conveyance facilitates the  
1050 enjoyment of the highest and best use of the abutting owner's property. Included in the  
1051 sales contract shall be a provision for the rights-of-way of said street, avenue, alley, or  
1052 public place. Each abutting property owner shall be notified of the availability of the  
1053 property and given the opportunity to purchase said property under such terms and  
1054 conditions as provided by the city council. All deeds and conveyances heretofore and  
1055 hereafter so executed and delivered shall convey all title and interest the city has in such  
1056 property, notwithstanding the fact that no public sale after advertisement was or is hereafter  
1057 made.

1058 ARTICLE VII

1059 GENERAL PROVISIONS

1060 SECTION 7.10.

1061 Bonds for officials.

1062 The officers and employees of this city, both elected and appointed, shall execute such surety  
1063 or fidelity bonds in such amounts and upon such terms and conditions as the city council  
1064 shall from time to time require by ordinance or as may be provided by law.



## SECTION 7.11.

Existing ordinances, resolutions, rules, and regulations.

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

## SECTION 7.12.

Pending matters.

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

## SECTION 7.13.

Construction.

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

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

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

## SECTION 7.14.

## Severability.

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

## SECTION 7.15.

## Specific repealer.

An Act incorporating the City of Wrens in the County of Jefferson, approved December 17, 1901 (Ga. L. 1901, p. 722), is hereby repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety.

## SECTION 7.16.

## General repealer.

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