

House Bill 468

By: Representative Cooke of the 18th

A BILL TO BE ENTITLED
AN ACT

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

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

24 ARTICLE I

25 INCORPORATION AND POWERS

26 SECTION 1.10.

27 Incorporation.

28 The City of Mount Zion in Carroll County is reincorporated by the enactment of this charter
 29 and is constituted and declared a body politic and corporate under the name of the "City of
 30 Mount Zion." References in this charter to "the city" refer to the City of Mount Zion. The
 31 city shall have perpetual existence. The legal situs of the city shall be Carroll County.

32 SECTION 1.11.

33 City property.

34 Title to any property, real or personal, within or without the corporate limits of said city,
 35 heretofore acquired by the City of Mount Zion, with or without proper charter authority, is
 36 vested in the City of Mount Zion created by this Act, the acquisition thereof being ratified
 37 and made lawful. The City of Mount Zion, created by this Act, is authorized and empowered
 38 to purchase, hold, rent, lease, and receive by gift or otherwise, and to enjoy, possess and
 39 retain, temporarily or permanently, any property, real or personal, of any kind whatsoever,
 40 either within or without the corporate limits of said city, for corporate purposes.

41 SECTION 1.12.

42 Corporate boundaries.

43 (a) The boundaries of this city shall be those existing on the effective date of this charter
 44 with such alterations as may be made from time to time by local law or the manner provided
 45 by general state law. The boundaries of this city at all times shall be shown on a map, a
 46 written description, or any combination thereof, to be retained permanently in the office of
 47 the city clerk and to be designated, as the case may be: "the official map or description of the
 48 corporate limits of the City of Mount Zion, Georgia." Photographic, typed, or other copies
 49 of such map or description certified by the city clerk shall be admitted as evidence in all
 50 courts and shall have the same force and effect as the original map or description.

51 (b) The city council may provide for the redrawing of any such map by ordinance to reflect
 52 lawful changes in the corporate boundaries. A redrawn map shall supersede, for all purposes,
 53 the earlier map or maps which it is designated to replace but such earlier maps shall be
 54 retained in the office of the city clerk.

SECTION 1.13.

Examples of powers.

The powers of this city shall include, but not be limited to, the following powers:

- (1) Ad Valorem taxation. To levy, assess, and collect ad valorem taxes on all taxable property in the city;
- (2) Other taxes. To levy, assess, and collect other taxes allowed by general law;
- (3) Business regulation and taxation. To levy, assess, and collect occupational and business taxes and to license and regulate occupations and businesses;
- (4) Appropriations. To make appropriations and expend funds for the support of the city and other lawful purposes;
- (5) Municipal debts. To borrow money and issue bonds as authorized by general law;
- (6) Gifts. To accept gifts and grants for any purpose related to the powers and duties of the city on such terms as the donor may impose;
- (7) Municipal utilities. To acquire, lease, operate, and dispose of public utilities;
- (8) Public utilities. To grant franchises or make contracts for public utilities and to prescribe the conditions of such franchises and contracts;
- (9) Roadways. To open, maintain, improve, and close streets and roads and to grant franchises and right-of-way thereon;
- (10) Public facilities. To acquire, operate, and dispose of public buildings, public projects, parks, cemeteries, golf courses, and other public improvements, inside or outside the city;
- (11) Building regulation. To regulate the building trades and the construction of buildings and to adopt and enforce building, housing, plumbing, electrical, gas, heating, and air-conditioning codes;
- (12) Planning and zoning. To provide for city planning by zoning, subdivision regulations, and the like;
- (13) Police powers. To exercise the police power for the public safety, peace, order, and well-being of the city;
- (14) Roadside regulation. To prohibit or regulate signs, billboards, and other items upon or adjacent to streets and roads;
- (15) Health. To prescribe and enforce health and sanitation standards;
- (16) Pollution. To regulate and enforce standards of emissions which pollute the air, water, or soil;
- (17) Fire safety. To fix fire limits and to prescribe and enforce fire safety regulations;
- (18) Public hazards. To provide for the destruction or removal of public hazards;

- 90 (19) Waste disposal. To provide for and regulate the collection, disposal, and recycling
91 of garbage and wastes;
- 92 (20) Garbage fees. To fix and collect garbage fees;
- 93 (21) Sewer fees. To fix and collect sewer fees;
- 94 (22) Water fees. To fix and collect water-use fees;
- 95 (23) Nuisances. To define and provide for the abatement of nuisances;
- 96 (24) Property protection. To preserve and protect the property of the city and its citizens;
- 97 (25) Animal control. To regulate, enforce, or provide for the keeping of animals;
- 98 (26) Prisoners. To provide for the public work by municipal prisoners and their
99 confinement;
- 100 (27) Motor vehicles. To regulate the operation and parking of motor vehicles;
- 101 (28) Taxicabs. To regulate vehicles operated for hire in the city;
- 102 (29) Special assessments. To levy, assess, and collect special assessments to cover the
103 cost of public improvements;
- 104 (30) Contracts. To enter into lawful contracts and agreements;
- 105 (31) City agencies. To create, alter, or abolish departments, offices, boards,
106 commissions, and agencies of the city and to confer appropriate authority upon them;
- 107 (32) Penalties. To provide penalties for violations of municipal ordinances;
- 108 (33) Police and fire protection. To exercise the power of arrest through duly appointed
109 policemen and to establish, operate, and contract for a police and a fire-fighting agency;
- 110 (34) Emergencies. To provide for the determining, proclamation, and combating of
111 emergencies;
- 112 (35) Urban redevelopment. To organize and operate an urban redevelopment program;
- 113 (36) Public transportation. To organize and operate public transportation systems;
- 114 (37) General health, safety, and welfare. To define, regulate, and prohibit any act,
115 practice, conduct, or use of property which is detrimental to health, sanitation,
116 cleanliness, welfare, and safety of the inhabitants of the city;
- 117 (38) Quality of life. To develop or cause to be developed areas conducive to the
118 establishment of retail and wholesale businesses;
- 119 (39) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
120 and immunities necessary or desirable to promote and protect the safety or general
121 welfare of the city and its inhabitants; to exercise all implied powers necessary to carry
122 into execution all powers granted in this charter, and to exercise all powers now or in the
123 future authorized or exercised by other municipal governments under other laws of the
124 state of Georgia. No listing of particular powers in the charter shall be held to be
125 exclusive of others, nor restrictive of general words and phrases granting powers.

126 (40) Condemnation. To condemn property inside or outside the corporate limits of the
 127 city, for present or future use and for any corporate purpose deemed necessary by the
 128 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such
 129 other laws as are or may hereafter be enacted.

130 (41) To provide and maintain a system of pensions and retirement for officers and
 131 employees of the city.

132 **SECTION 1.14.**

133 Exercise of powers.

134 All powers, functions, rights, privileges, and immunities of the city or its officers, agencies,
 135 or employees shall be carried into execution by the Constitution of the State of Georgia, by
 136 general law, or by this charter. If general law and this charter make no provision, such shall
 137 be carried into execution as provided by ordinance.

138 **ARTICLE II**

139 **GOVERNMENT STRUCTURE, ELECTIONS, AND REMOVAL**

140 **SECTION 2.10.**

141 City council creation, composition, number, election.

142 The legislative authority of the government of this city, except as otherwise specifically
 143 provided in this charter, shall be vested in a city council to be composed of a mayor and four
 144 council members who will be elected at large. The mayor and council members shall be
 145 elected in a manner provided in Article V of this charter.

146 **SECTION 2.11.**

147 City council terms and qualifications for office.

148 The mayor of the city shall serve for a term of four years consecutive and until his or her
 149 successor is elected and qualified. The members of the city council shall serve for terms of
 150 four years consecutive and until their respective successors are elected and qualified. No
 151 person shall be eligible to serve as mayor or council member unless he or she is a qualified
 152 municipal voter and shall have been a resident of the city for one year immediately prior to
 153 the date of his or her qualifying for said position. The mayor and each council member shall
 154 continue to reside within the city limits proper during his or her period of service.

155 **SECTION 2.12.**

156 Vacancy: filling of vacancies.

157 (a) The office of mayor and council member shall become vacant upon the incumbent's
158 death, resignation, forfeiture of office, relocation of residency outside the city limits proper,
159 or removal from office in any manner authorized by this charter or the general laws of the
160 State of Georgia.

161 (b) A vacancy in the office of mayor shall be filled by the mayor pro tempore, to serve until
162 the next general election where a mayor shall be elected to serve for the remainder of the
163 unexpired term.

164 (c) A vacancy in the office of one or more council members shall be filled by the mayor and
165 city council by the election of any citizens of said city eligible to hold such office, who shall
166 serve until the next election, to be held every two years, where a council member or members
167 shall be elected to fill the remainder of the unexpired term. Should the mayor and council
168 be unable to agree upon the appointment by majority vote of the remaining council, the
169 mayor shall appoint any citizen of said city eligible to hold such office, who shall serve until
170 the earliest special election or general election, whichever could occur first, where a council
171 member or members shall be elected to fill the remainder of the unexpired term.

172 **SECTION 2.13.**

173 Compensation and expenses.

174 (a) Until changed as provided in subsection (b) of this section, the mayor and city council
175 members shall continue to receive the same compensation to which they were entitled
176 immediately prior to the effective date of this charter.

177 (b) The compensation of the mayor and city council members may be changed by ordinance;
178 but any increase shall be subject to Code Section 36-35-4 of the O.C.G.A. or any similar law
179 hereafter enacted.

180 (c) The mayor and city council members shall be entitled to receive their actual and
181 necessary expenses incurred in the performance of their duties of office in accordance with
182 the standard policies of the city as set forth by the city council.

183 **SECTION 2.14.**

184 Holding other office.

185 Except as authorized by general state law, the mayor or any city council shall not hold any
186 other city office during the term for which he or she was elected.

187 **SECTION 2.15.**

188 Conflict of office.

189 No elected official, appointed officer, or employee of the city or any agency or political
190 entity to which this charter applies shall knowingly engage in any business or transaction or
191 have a financial or other personal interest, direct or indirect, which is incompatible with the
192 proper discharge of his or her official duties or which would tend to impair his or her
193 performance of his or her official duties.

194 **SECTION 2.16.**

195 Inquiries and investigations.

196 The mayor and/or the city council may make inquiries and investigations into the affairs of
197 the city and the conduct of any department, office, or agency thereof and for this purpose
198 may subpoena witnesses, administer oaths, take testimony, and require the production of
199 evidence. Any person who fails or refuses to obey a lawful order issued in exercise of these
200 powers by the mayor and/or the city council shall be punished as provided by ordinance.

201 **SECTION 2.17.**

202 General power and authority of mayor and city council.

203 Except as otherwise provided by this charter, the mayor and city council shall be vested with
204 all powers of government as provided in Article 1 of this charter.

205 **SECTION 2.18.**

206 Oath of office.

207 Upon taking office, the mayor and each council member shall take an oath of office as
208 follows:

209 "I do solemnly swear that I will faithfully perform the duties of Mayor (or Council member
210 as the case may be) of the City of Mount Zion, Georgia, and that I will support and defend
211 the charter thereof as well as the Constitution and laws of the State of Georgia and of the
212 Constitution of the United States of America."

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SECTION 2.19.

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Regular and special meetings.

215 (a) The city council shall hold regular meetings at such times and locations as prescribed by
216 ordinance.

217 (b) Special meetings of the city shall be held on call of the mayor or three members of the
218 city council. Notice of such special meetings shall be served on all members personally, or
219 by telephone personally, at least 24 hours in advance of the meeting. Such notice of any
220 special meeting may be waived by a council member before or after such a meeting, and
221 attendance at the meeting shall also constitute a waiver of notice on any business transacted
222 in such council member's presence. Except where waived by all members, if affected by
223 their presence or in writing, only the business stated in the call may be transacted at the
224 special meeting.

225 (c) All meetings of the city council shall be public to the extent required by general state law
226 and notice to the public of all meetings shall be made as required by general state law.

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SECTION 2.20.

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Rules of procedure.

229 (a) The city council shall adopt its rules of procedures and order of business consistent with
230 the provisions of this charter and shall provide for keeping minutes of its proceedings, which
231 shall be a public record.

232 (b) All officers of the city council, committees, and committee chairpersons shall be
233 appointed by the mayor, followed by a majority vote of approval of the city council. The
234 mayor shall have the power to remove members of any committee and the power to appoint
235 new members to any committee, at any time, within the mayor's discretion, followed by a
236 majority vote of approval of the city council.

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SECTION 2.21.

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Quorum: voting.

239 Two city council members and the mayor or the mayor pro tempore shall constitute a quorum
240 and shall be authorized to transact business of the city council. Voting on the adoption of
241 ordinances shall be taken by voice vote and the "ayes" and "nays" shall be recorded in the
242 minutes, but any member of city council shall have the right to request a roll-call vote. The
243 affirmative vote of a majority of the votes cast shall be required for the adoption of any
244 ordinance, resolution, or motion except as otherwise provided in this charter.

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SECTION 2.22.

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Ordinance form: procedure.

247 (a) Every proposed ordinance shall be introduced in writing and in the form required for
 248 final adoption. The enacting clause shall be "The Council of the City of Mount Zion,
 249 Georgia hereby ordains ..." and every ordinance shall contain this enacting clause.

250 (b) An ordinance may be introduced by any city council member, the mayor, or the city
 251 manager, if any, and read at any regular or special meeting of the city council.

252 (c) Upon passage, all ordinances must be signed by the mayor, or mayor pro tempore if
 253 presiding, and the city clerk.

254 (d) Failure to comply with the technical requirements of this section shall not invalidate an
 255 ordinance if the intention of the governing authority that the ordinance be effective is
 256 evident.

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SECTION 2.23.

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Action requiring an ordinance.

259 In addition to other acts required by general law or by specific provisions of the charter to
 260 be done by ordinance, acts of the city council which have the force and effect of law shall
 261 be done by ordinance.

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SECTION 2.24.

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Emergencies.

264 To meet a public emergency affecting life, health, property, or public peace, the city council
 265 may convene on the call of the mayor or three city council members and promptly adopt an
 266 emergency ordinance, but such ordinance may not levy taxes, grant, renew, or extend a
 267 franchise, regulate the rate charged by any public utility for its service, or authorize the
 268 borrowing of moneys except for loans to be repaid within 30 days. An emergency ordinance
 269 shall be introduced in the form prescribed for ordinance generally, except that it shall be
 270 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
 271 a declaration stating that an emergency exists and describing it in clear and specific terms.
 272 It shall become effective upon adoption or at such later time as it may specify. An
 273 emergency ordinance may also be repealed by adoption of a repealing ordinance in the
 274 manner specified in this section for adoption of emergency ordinances. A state of emergency
 275 may be declared by the mayor prior to the convening of the city council providing public
 276 safety personnel the resources and authority to ensure the safety of the citizens of the city.

277 The state of emergency proclamation of the mayor shall have all the authority and power
278 provided by general and state law and the Constitution of the State of Georgia.

279 **SECTION 2.25.**

280 Codes of technical regulations.

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

284 (b) Copies of any adopted code of technical regulations shall be made available by the city
285 clerk for distribution or for purchase at a reasonable price.

286 **SECTION 2.26.**

287 Signing, authenticating, recording codification, printing.

288 (a) The city clerk shall authenticate by his or her signature and record in full in a properly
289 identified book or file kept for the purpose, all ordinances adopted by the city council.

290 (b) All ordinances of the city having the force and effect of law, together with all
291 amendments thereto and such codes of technical regulations and other rules and regulations
292 that the city council may specify, shall be compiled, known, and cited officially as "The Code
293 of Ordinances of the City of Mount Zion, Georgia." Copies of the code shall be furnished
294 to all officers, city council members, departments, and agencies of the city, and made
295 available for purchase by the public at a reasonable price as fixed by the city council.

296 (c) The city council shall cause each ordinance and each amendment to the charter to be
297 published as soon as is practical following its adoption, and the published ordinances and
298 charter amendments shall be made available for purchase by the public at reasonable prices
299 to be fixed by the city council. The ordinances and charter amendments shall be printed in
300 substantially the same style as the code currently in effect and shall be suitable in form for
301 incorporation therein.

302 **SECTION 2.27.**

303 Chief executive officer.

304 The mayor shall be the chief executive officer of the City of Mount Zion, Georgia. He or she
305 shall possess all the executive powers granted to the city under the Constitution and laws of
306 the State of Georgia and all the executive powers contained in this charter.

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SECTION 2.28.

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Powers and duties of mayor.

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(1) See that all laws and ordinances and duties of the city are faithfully executed.

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(2) Preside over all meetings of the mayor and city council and have the right to take part in the deliberations of said council, and to vote on all matters.

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(3) Sign all deeds and contracts, except deeds for property sold under execution at a public sale.

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(4) Be clothed with veto power as set out in this charter.

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(5) Keep the city council advised from time to time of the general condition of the city and recommend such measures as he or she may deem necessary or expedient for the welfare of the city.

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(6) Call the city council together at any time when deemed necessary by him or her.

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(7) Be responsible for the administration of personnel matters subject to policies and rules created by the mayor and/or the council.

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(8) Be the chief economic/operations officer of the city in all day to day activities and functions.

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SECTION 2.29.

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Mayor pro tempore.

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The mayor and city council shall elect by a majority vote from among the city council members a mayor pro tempore who shall assume the duties and powers of the mayor upon the mayor's disability or absence.

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SECTION 2.30.

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Veto power.

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Every ordinance and resolution passed and every election of an officer or employee by the mayor and city council shall be subject to the veto of the mayor and in the following manner.

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The mayor shall, within five days, write out his or her objections to such resolution, ordinance, or election and the mayor and city council shall, at the next regular or called

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meeting at which a quorum shall be present, order said objections entered on the minutes and take a vote on the question as to whether said ordinance, resolution, or other action shall

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become adopted over said veto. Should as many as three city council members vote in the affirmative, said resolution, ordinance, or other action shall stand affirmed and become

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effective without the approval of the mayor, otherwise not. The "ayes" and "nays" shall in

339 all cases be entered upon the minutes. Any resolution, ordinance, or other action failing to
 340 receive three or more affirmative votes necessary to circumvent a veto shall not be
 341 reintroduced for consideration by the council for a period of one year. The mayor may
 342 disapprove or reduce any item or items of appropriation in any ordinance. The approved part
 343 or parts of any ordinance making appropriations shall become law, and the part or parts
 344 disapproved shall not become law unless subsequently passed by the city council over the
 345 mayor's veto. The reduced part or parts shall be presented to the city council as though
 346 disapproved and shall not become law unless overridden by the council.

347 **ARTICLE III**

348 **ADMINISTRATIVE AFFAIRS**

349 **SECTION 3.10.**

350 Appointment of city manager.

351 The mayor and city council may appoint a city manager to serve subject to the pleasure of
 352 the mayor and city council and shall fix the salary of the city manager. The city manager
 353 shall be chosen on the basis of his or her character and his or her executive and
 354 administrative qualification, with special reference to his or her actual training and
 355 experience in his or her knowledge of accepted practices of his or her duties.

356 **SECTION 3.11.**

357 Removal of city manager.

358 The mayor and city council may remove the city manager by majority vote. The mayor may
 359 suspend the city manager without notice for reason prior to consideration by the city council.

360 **SECTION 3.12.**

361 Temporary city manager.

362 If, on account of the temporary absence or disability of the city manager, it should be
 363 necessary in the judgment of the mayor and city council members to designate some person
 364 to serve as acting city manager during the temporary absence or disability of the city
 365 manager, the mayor and city council may execute one of the following options:

- 366 (1) The mayor may assume the responsibilities of the duties of the city manager until the
 367 city manager returns to his or her office;
- 368 (2) The mayor and city council may appoint the city clerk to assume the responsibilities
 369 and duties of the city manager;

370 (3) The mayor and city council may appoint any qualified person to temporarily serve as
371 city manager and fix his or her compensation.

372 **SECTION 3.13.**

373 City manager: duties and powers.

374 In addition to those elsewhere in this charter provided, the following powers are conferred
375 on the city manager and the following duties are required of him or her:

376 (1) He or she shall be the chief administrative officer of the city and head of the
377 administrative branch of the city government.

378 (2) He or she shall be responsible to the mayor and city council for the proper
379 administration of the affairs committed to this charge.

380 (3) He or she shall have the right to request the counsel, advice, or opinion of the city
381 attorney and assistant city attorneys concerning any matter affecting the interest of the
382 city; and it shall be his or her duty to respond to such request to the best of his or her
383 abilities.

384 (4) He or she shall have the power, subject to the approval of the mayor and council, to
385 change, consolidate, or abolish any of the offices, departments, or functions over which
386 he or she exercises supervision and control, and create in lieu thereof, such other offices,
387 departments, and functions as he or she may deem best, which offices, department, and
388 functions when so created, shall be under his or her supervision and control.

389 (5) He or she shall have jurisdiction over, to remove when he or she deems it for the
390 good of the city, all of the employees of each and every department of the city.

391 (6) No claim against or in favor of the city shall be paid or collected without prior
392 approval of the city manager.

393 (7) All bonds required of the officers and employees shall be subject to the approval of
394 the city manager.

395 (8) He or she shall attend all meetings, stated and special, of the city council with the
396 right to take part in the discussions, but not vote.

397 (9) He or she shall have the right to recommend to the mayor and city council for its
398 adoption such measures as he or she may deem necessary or expedient.

399 (10) He or she shall see that all terms and conditions in favor of the city and its
400 inhabitants in contracts with public utilities and others are faithfully kept and performed.

401 (11) He or she shall prepare the budget of the city annually and submit it to the mayor
402 and city council and be responsible for its administration after its adoption by the city
403 council.

404 (12) He or she shall have the power to investigate the affairs, records, accounts, and
405 expenditures of the various commissions, boards, and agencies created either by
406 ordinances of the mayor and city council or by Acts of the General Assembly or the State
407 of Georgia in relation to the affairs of the city and to report thereof at least once a year
408 to the mayor and city council such matters in reference thereof as he or she deems
409 advisable.

410 (13) He or she shall keep the mayor and city council advised of the financial condition
411 of the city and make such recommendations as may seem desirable to him or her.

412 (14) He or she shall perform such other duties as may be required of him or her by the
413 mayor and city council, this charter, or by general state law.

414 **SECTION 3.14.**

415 City attorney.

416 The mayor shall appoint a city attorney, without necessity of periodic reappointment, upon
417 approval by the city council, together with such assistant city attorney as may be authorized,
418 to serve subject to the pleasure of the mayor and council and subjected to removal as
419 provided below. The mayor and council shall provide for the payment of such attorney or
420 attorneys for services rendered to the city. The city attorney shall be responsible for
421 representing and defending the city in all litigation in which the city is a party, may be the
422 prosecuting officer in the municipal court, shall attend the meetings of the city council as
423 directed, shall advise the city council, mayor, city manager, and other officers and employees
424 of the city concerning legal aspects of the city's affairs, and shall perform such other duties
425 as may be required of him or her by virtue of his or her position as city attorney. The mayor
426 may remove the city attorney or assistant city attorneys by a majority vote of the mayor and
427 city council with all members present.

428 **SECTION 3.15.**

429 City clerk.

430 The mayor shall appoint a city clerk, without the need for periodic reappointment, upon
431 approval by the city council, who shall not be a city council member. The city clerk shall be
432 the custodian of the official city seal, maintain city council records and minutes as required
433 by this charter, serve as the city treasurer, and perform other duties as may be required by the
434 mayor or city council. The city clerk should also be qualified to maintain and control the
435 city's financial records and general bookkeeping.

436 **SECTION 3.16.**

437 Police chief.

438 The mayor shall appoint a qualified person to serve as Chief of Police of the City of Mount
439 Zion, without the need for periodic reappointment, upon approval of the city council. The
440 police chief will be responsible for the enforcement of the police powers of the city and shall
441 perform the duties allocated to him or her by the mayor and city council, this charter,
442 ordinances, and general state laws. He or she shall supervise and control all employees of
443 the City of Mount Zion Police Department.

444 **SECTION 3.17.**

445 Boards, commissions, and authorities.

446 The mayor and city council shall create by ordinance such boards, commissions, and
447 authorities to fulfill any investigative, or quasi-judicial, or quasi-legislative functions as the
448 mayor and city council deems necessary and shall by ordinance establish the composition,
449 period of existence, duties, and powers thereof. All boards, commissions, and authorities
450 should be bound by the following general regulations:

451 (1) All members of boards, commissions, and authorities of the City of Mount Zion shall
452 be appointed by the mayor, upon approval of the city council, for such terms of office and
453 in such a manner as shall be provided by ordinance, except where other appointing
454 authority, term of office, or manner of appointment is prescribed by this charter or
455 general state law.

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

459 (3) Except as specifically authorized by general law, no member of any board,
460 commission, or authority shall hold any elective office in the city.

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

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

468 (6) Any member of a board, commission, or authority may be removed from office for
 469 cause by the mayor with the right to appeal to the city council for reinstatement by
 470 majority vote.

471 (7) Except as otherwise provided by this charter or by general state law, each board,
 472 commission, or authority of the city shall elect one of its members as chairperson and
 473 may elect one member as vice chairperson and one member as secretary.

474 (8) Each board, commission, or authority of the city government may establish such
 475 bylaws, rules, and regulations, not inconsistent with this charter, ordinances of the city,
 476 or general state law, as it deems appropriate and necessary for the fulfillment of its duties
 477 or the conduct of its affairs, copies of which shall be filed with the city clerk, subject to
 478 approval of the mayor and city council.

479 **SECTION 3.18.**

480 Personnel policies.

481 The mayor and city council may adopt rules and regulations consistent with this charter
 482 concerning:

483 (1) The method of employees' selection and probationary periods of employment.

484 (2) The administration of a position classification and pay plan, methods of promotion,
 485 and application of service ratings thereto, and transfer of employees within the
 486 classification plan.

487 (3) Vacation, sick leave, and other leaves of absence, overtime pay, and the order and
 488 manner of which layoff shall be affected.

489 (4) Such dismissal hearings as due process may require.

490 (5) Such other personnel policies as may be necessary to provide for adequate and
 491 systematic handling of personnel affairs.

492 **ARTICLE IV**

493 **JUDICIAL BRANCH**

494 **SECTION 4.10.**

495 Creation, name.

496 There shall be a court to be known as the Municipal Court of Mount Zion, Georgia.

497

SECTION 4.11.

498

Chief judge, associate judges.

499 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,
500 or standby associate judges as shall be provided by ordinance. The method of selection and
501 terms of such judges shall be provided by ordinance.

502 (b) No person shall be qualified or eligible to serve as a judge of the municipal court unless
503 he or she shall have obtained the age of 21 years and is a member of the State Bar of
504 Georgia.

505 (c) Compensation for the judges shall be set by the mayor and council.

506 (d) Judges shall serve at the pleasure of the mayor and council, without the need for periodic
507 reappointment, and may be removed from office by majority vote of the mayor and council
508 with all members present.

509 (e) Before entering on duties of his or her office, each judge shall take an oath given by the
510 mayor that he or she will honestly and faithfully discharge the duties of his or her office to
511 the best of his or her ability without fear, favor, or partiality. The oath shall be entered upon
512 the minutes of the city council.

513

SECTION 4.12.

514

Convening.

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

516

SECTION 4.13.

517

Jurisdiction, powers.

518 (a) The municipal court shall try and punish violations of all city ordinances and state
519 offenses as provided by state law.

520 (b) The municipal court shall have the authority to punish those in its presence for contempt,
521 provided that such punishment shall not exceed \$1,000.00 and six months in jail.

522 (c) The municipal court may fix punishment for state misdemeanor offenses within its
523 jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for 360 days or both, or any
524 part of the maximum fine or imprisonment, and a \$1,000.00 fine or imprisonment for six
525 months for city ordinance violations.

526 **SECTION 4.14.**

527 Certiorari.

528 The right of certiorari from the decision and judgment of the municipal court shall exist in
529 all criminal cases. And such certiorari shall be obtained under the sanction of a Judge of the
530 Superior Court of Carroll County under the laws of the State of Georgia regulating the
531 granting and issuance of writs of certiorari.

532 **SECTION 4.15.**

533 Rules for court.

534 With the approval of the city council, the judge shall have full power and authority to make
535 rules and regulations necessary and proper to secure the efficient and successful
536 administration of the municipal court, provided, however, that the city council may adopt in
537 part or in toto, the rules and regulations for procedure in the municipal court under the
538 general laws of the State of Georgia. The rules and regulations made or adopted shall be
539 filed with the city clerk, shall be available for public inspection, and upon request, shall be
540 furnished to all defendants in municipal court proceedings.

541 **ARTICLE V**

542 **ELECTIONS**

543 **SECTION 5.10.**

544 Applicability of general law.

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

548 **SECTION 5.11.**

549 Regular elections, time for holding.

550 (a) On the first Tuesday following the first Monday in November, 2015, and on that day
551 every two years thereafter, there shall be an election for successors to the city council
552 members and mayor, if applicable, whose terms will expire the following January. The terms
553 of office shall begin at the time of taking the oath of office as provided in Section 2.18 of the
554 charter.

555 (b) The mayor shall be elected in 2015 and every four years thereafter.

556 (c) The city council members from Post 3 and Post 4 shall be elected in 2013 and every four
557 years thereafter.

558 (d) The city council members from Post 1 and Post 2 shall be elected in 2015 and every four
559 years thereafter.

560 (e) The mayor and city council members in office on the effective date of this charter shall
561 remain in office until their successors are elected and take office as provided in this charter.

562 **SECTION 5.12.**

563 Nonpartisan election.

564 Political parties shall not conduct primaries for city offices and all names of candidates for
565 city offices shall be listed without party labels.

566 **SECTION 5.13.**

567 Election by majority.

568 (a) The person receiving a majority (50 percent plus one) of the votes cast for any city office
569 shall be elected.

570 (b) In the event that no candidate receives a majority of the votes cast, then a run-off election
571 will be held in accordance with ordinance and Chapter 2 of Title 21 of the O.C.G.A., the
572 "Georgia Municipal Election Code."

573 (c) In the event that there is a tie vote between the two candidates receiving the most votes,
574 then a special election will be held in accordance with ordinances and Chapter 2 Title 21 of
575 the O.C.G.A., the "Georgia Municipal Election Code."

576 **ARTICLE VI**

577 **FINANCE**

578 **SECTION 6.10.**

579 Property tax.

580 The city council may assess, levy, and collect an ad valorem tax on all real and personal
581 property within the corporate limits of the city that is subject to such taxation by the state and
582 county. The tax is for the purpose of raising revenues to defray the cost of operating the city
583 government, providing governmental services, for the repayment of principal and interest on
584 general obligations, and for any other public purpose as determined by the city council at its
585 discretion.

586 **SECTION 6.11.**

587 Millage rate, due dates, payment methods.

588 The city council, by ordinance, shall establish a millage rate for the city property tax, a due
589 date, and in what length of time these taxes must be paid. The city council, by ordinance,
590 may provide for the payment of these taxes by installments or in one lump sum and may
591 authorize the voluntary payment of taxes prior to the time when due.

592 **SECTION 6.12.**

593 Licenses, permits, fees.

594 The city council, by ordinance, shall have the power to require any individuals or
595 corporations who transact business in the City of Mount Zion or who practice or offer to
596 practice a calling therein to obtain a license or permit for such activity or permit where such
597 activities are not now regulated by general state law in such a way to preclude city
598 regulation. Such fee, if unpaid, shall be collected as provided in Section 6.16 of this charter.
599 The city council, by ordinance, may establish reasonable requirements for obtaining or
600 keeping such licenses as the public health, safety, and welfare necessitates.

601 **SECTION 6.13.**

602 Franchises.

603 The city council shall have the power to grant franchises for the use of the city's streets and
604 alleys for the purpose of railroads, street railways, telephone companies, electric companies,
605 cable companies, gas companies, transportation companies, and other similar organizations.
606 The city council shall determine the duration, provisions, terms, whether the same shall be
607 exclusive or nonexclusive, and the consideration for such franchises.

608 **SECTION 6.14.**

609 Service charges.

610 The city council, by ordinance, shall have the power to assess and collect fees, charges, and
611 tolls for water, sewer, sanitary, health services, or any other services rendered within and
612 without the corporate limits of the city. If unpaid, such charges shall be collected as provided
613 in Section 6.16 of this charter.

614 **SECTION 6.15.**

615 Construction, other taxes.

616 The city shall be empowered to levy any other tax allowed now or hereafter by state law and
 617 the specific mention of any right, power, or authority in this article shall not be construed as
 618 limiting in any way the general powers of the City of Mount Zion to govern its local affairs.

619 **SECTION 6.16.**

620 Collection of delinquent taxes and fees.

621 The city council, by ordinance, may provide generally for the collection of delinquent taxes,
 622 fees, or other revenue due the city by whatever reasonable means which are not precluded
 623 by general state law. This shall include providing for the dates when taxes or fees are due,
 624 late penalties or interest, issuance and execution of fi. fa's., creation and priority of liens,
 625 making delinquent taxes and fees personal debts of the persons required to pay the taxes of
 626 fees imposed, revoking city licenses and failure to pay any city taxes or fees, allowing
 627 exceptions for hardships, and providing for the assignment or transfer of tax executions.

628 **SECTION 6.17.**

629 General obligation bonds.

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

634 **SECTION 6.18.**

635 Revenue bonds.

636 Revenue bonds may be issued by the city council as state law now or hereafter provides.
 637 Such bonds are to be paid out of any revenue produced by the projects, programs, or venture
 638 for which they were issued.

639 **SECTION 6.19.**

640 Short-term loans.

641 Any short-term loan obtained by the city must be repaid by the end of the City of Mount
642 Zion's fiscal year of the year in which the loan was obtained unless otherwise provided by
643 state law.

644 **SECTION 6.20.**

645 Fiscal year.

646 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
647 budget year and the year for the financial accounting and reporting of each and every
648 department, office, agency, and activity of the city government, unless otherwise provided
649 by general state or federal law.

650 **SECTION 6.21.**

651 Action by city council on budget.

652 (a) The city council shall adopt and may thereafter amend an annual budget, except that the
653 budget as finally adopted and amended must provide for all expenditures required by state
654 law or by other provisions of this charter and for all debt service requirements for the ensuing
655 fiscal year and the total appropriations from any fund shall not exceed the estimated fund
656 balance, reserves, and revenues.

657 (b) The city council, by ordinance, shall adopt the final budget for the ensuing fiscal year
658 not later than the first day of the fiscal year. If the city council fails to adopt the budget by
659 this date, the amounts appropriated for their operation for the current fiscal year shall be
660 deemed adopted for the ensuing fiscal year on a month to month basis, with all items
661 prorated accordingly until such time as the city council adopts a budget for the ensuing year.
662 Such adoption shall take the form of an appropriations ordinance, setting out the estimated
663 revenues in detail by sources and making appropriations according to fund and by
664 organizational unit, purpose, or activity.

665 (c) The amount set out in the adopted budget for each organizational unit shall constitute the
666 annual appropriation for such; and no expenditure shall be made or encumbrance created in
667 excess of the otherwise unencumbered balance of the appropriations or allotment thereof to
668 which it is chargeable unless by a majority vote of the city council.

669 **SECTION 6.22.**

670 Tax levies.

671 As soon as possible after adoption of the budget, the city council shall levy, by ordinance,
672 such taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that
673 reasonable estimates of revenues from such levy shall at least be sufficient, together with
674 other anticipated applicable revenues, fund balances, and applicable reserves, to equal the
675 total amount appropriated for each of the several funds set forth in the annual operating
676 budget for defraying the expenses of the general government of the city.

677 **SECTION 6.23.**

678 Changes in appropriations.

679 The city council, by majority vote, may make changes in the appropriations contained in the
680 current operating budget at any regular meeting or special or emergency meeting called for
681 such purpose.

682 **SECTION 6.24.**

683 Independent audit.

684 There shall be an annual independent audit of all city accounts, funds, and financial
685 transactions by a certified public accountant selected by the city council. The audit shall be
686 conducted according to generally accepted accounting principles. Any audit of any funds by
687 the state or federal governments may be accepted as satisfying the requirements of this
688 charter. Copies of all audit reports shall be available at printing cost to the public. The city
689 council may prescribe procedures for a system of centralized purchasing for the city.

690 **SECTION 6.25.**

691 Sale of city property.

692 (a) The city council may sell and convey any real or personal property owned or held by the
693 city for governmental or other purposes as provided by general state law.

694 (b) The city council may quit claim any rights it may have in property not needed for public
695 purposes upon a report by the mayor or city manager and adoption of a resolution, both
696 finding that the property is not needed for public or other purposes and that the interest of the
697 city is of no readily ascertainable monetary value.

698 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
699 of the city, a small parcel or tract of land is cut off or separated by such work from a larger
700 tract or boundary of land owned by the city, the city council may authorize the mayor to
701 execute and deliver in the name of the city a deed conveying said cutoff or separated parcel
702 or tract of land to an abutting or adjoining property owner or owners in exchange for
703 rights-of-way of said street, avenue, alley, or public place or in settlement of any alleged
704 damages sustained by said abutting or adjoining property owner. All deeds and conveyances
705 hereafter so executed and delivered shall convey all title and interest the city has in such
706 property, notwithstanding the fact that no public sale after advertisement was or is hereafter
707 made.

708 **ARTICLE VII**

709 **MUNICIPAL SERVICES AND REGULATORY FUNCTIONS**

710 **SECTION 7.10.**

711 **Streets.**

712 The council is hereby vested with the power to lay out, open, widen, change, straighten, alter,
713 improve, vacate, abandon, and otherwise to exercise complete control over the streets, alleys,
714 squares, and sidewalks of the City of Mount Zion. The council shall provide for the removal
715 of any and all obstacles and nuisances in regard to the streets, alleys, or sidewalks or other
716 public places within the city and shall adopt appropriate ordinances to accomplish this
717 purpose.

718 **SECTION 7.11.**

719 **Municipal utilities.**

720 The city council shall have the power and authority to acquire, own, hold, build, maintain,
721 and operate a system of waterworks and sewerage, and to establish rates and charge fees for
722 services rendered in any of said systems and to finance any of said systems through
723 appropriate bond issues in accordance with the laws of the State of Georgia. The city council
724 shall have the power to exercise the power of eminent domain in regard to any of said
725 systems, both within and without the corporate limits and to contract to furnish the services
726 of any of said systems to consumers outside the corporate limits of the City of Mount Zion.

727 **SECTION 7.12.**

728 Sewers and drains.

729 The council shall have the power and authority to provide for the establishment, extension,
730 and maintenance of a system of sewers and drains, together with a sewerage disposal system.
731 This power includes the authority to extend said system beyond the corporate limits. For
732 these purposes the city is granted the power of eminent domain both within and without its
733 corporate limits. The council may provide by ordinance for reasonable connection fees for
734 tapping onto the water and sewer lines of said city, and may compel citizens to tap onto the
735 same when such service is made available.

736 **SECTION 7.13.**

737 Right-of-way.

738 The City of Mount Zion shall have the right, easement, and franchise of laying the necessary
739 mains, pipes, conduits, and drains for waterworks and sewerage system purposes along the
740 highways in the County of Carroll. The city council shall have full power and authority to
741 enact and enforce such rules, regulations, and ordinances as may be necessary to protect any
742 water basins and watersheds, which are located within its corporate limits from
743 contamination and to protect said waterworks and sewerage system, including the mains,
744 pipes, and conduits whether the same be situated within or without the corporate limits of
745 said city.

746 **SECTION 7.14.**

747 Eminent domain.

748 The city council is hereby empowered to acquire, construct, build, operate public grounds,
749 markets, market houses, and charitable, educational, sport, corrective, detentional, penal, and
750 medical institutions, agencies, and facilities, and any other public improvements inside or
751 outside the city, and to regulate the use thereof, and for such purposes, property may be taken
752 pursuant to Paragraph V of Section II of Article IX of the Georgia Constitution and any
753 applicable Georgia law.

754

SECTION 7.15.

755

Franchises.

756 The council shall have the authority to exercise control over the use of streets of the City of
757 Mount Zion. The power is hereby conferred upon the council to grant franchises for the use
758 of said city streets and alleys, for the purposes of railroads, street railways, telephone
759 companies, electric companies, gas companies, transportation companies, cable television,
760 and other communication companies. The franchise right extends to, but is not limited to,
761 the erection of poles, stringing of wire, laying of pipes, lines, or conduits both above and
762 below the ground surface. The council shall determine the duration, provisions, terms,
763 whether the same shall be exclusive or nonexclusive, and the consideration of such
764 franchises; provided, however, that no franchise shall be granted unless the city receives just
765 and adequate compensation therefor. The council shall provide for the registration of all
766 franchises with the city clerk in the registration book to be kept by said clerk. The council
767 may provide by ordinance for the registration within a reasonable time of all franchises
768 previously granted.

769

SECTION 7.16.

770

Building, housing, electrical, and plumbing regulations.

771 The council shall have the power and the authority to enact such reasonable rules and
772 regulations as it may deem necessary or expedient regarding the construction and
773 maintenance of buildings, remodeling of buildings, plumbing, and electrical wiring and
774 equipping of buildings, in order to promote the safety and welfare of its citizens, and to guard
775 against fire or other property damage. The power may, in the discretion of the council, be
776 exercised by adoption of any such standard building, housing, gas, heating and air
777 conditioning, electrical, and plumbing codes as may be deemed appropriate. The council
778 shall be empowered to engage the necessary personnel to enforce such rules and regulations
779 as adopted and to charge reasonable fees for inspections and permits, and may require the
780 obtaining of a permit as a condition precedent to any construction, building, electrical, or
781 plumbing work. The council may enact all ordinances necessary to enforce such rules and
782 regulations.

809 **SECTION 8.14.**

810 Effective dates.

811 Those provisions of Article V of this Act relating to municipal elections in November, 2015,
812 and November, 2017, shall become effective upon the Governor's approval or upon this Act
813 becoming effective without such approval. The remainder of this Act shall become effective
814 on January 1, 2018.

815 **SECTION 8.15.**

816 Specific repealer.

817 An Act approved March 24, 1978 (Ga. L. 1978, p. 4171), and all amendatory Acts thereto
818 are hereby repealed.

819 **SECTION 8.16.**

820 General repealer.

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