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*Editor's note - Printed herein is the city's Charter as set forth in 1981 Ga. Laws, page 4562. Amendments to the act are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original act. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catch lines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

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CHARTER

ARTICLE I. INCORPORATION AND POWERS

Section 1.10. Incorporation.

This Act shall constitute the whole charter of the City of Clarkesville, in the County of Habersham, repealing and replacing the charter provided by an Act of the General Assembly, approved February 13, 1956 (Ga. Laws 1956, p. 2298), and amended on _____ all Acts amendatory thereto. The City of Clarkesville, Georgia, in the County of Habersham and the inhabitants thereof shall continue to be a body politic and corporate under the same name and style of the City of Clarkesville, Georgia. Under that name, said city shall continue to be vested with all of the property and rights of property which now belong to the corporation; shall have perpetual succession; may sue and be sued; may contract and be contracted with; may acquire and hold such property real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to or otherwise acquired by it and from time to time may hold or invest, sell or dispose of the same; may have a common seal and alter and renew the same at will; and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever.

Section 1.11. Corporate Boundaries.

- (a) The corporate boundaries of the City of Clarkesville shall be described and set forth in Appendix A attached hereto;
- (b) The city council may provide for changes in Appendix A by ordinance to reflect lawful changes in the corporate boundaries.

Section 1.12. Powers and Construction.

The corporate powers of the government of the City of Clarkesville to be exercised by the governing authority shall include the following:

- (a) This city shall have all powers possible for a city 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.
- (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 1.13. Examples of Powers

(a) 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 hereunder;

(b) 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;

(c) Building Regulation.

To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, fire safety, electrical, gas, and heating and air conditioning codes; and to regulate all housing, and building trades;

(d) Business Regulation and Taxation.

To levy and to provide for the collection of regulatory fees and taxes on privileges, occupations, trades and professions as authorized by Title 48 of the Official Code of Georgia Annotated, or other such applicable laws as are or may hereafter be enacted; to permit and regulate the same; to provide for the manner and method of payment of such regulatory fees and taxes; and to revoke such permits after due process for failure to pay any city taxes or fees;

(e) Condemnation.

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

(f) Contracts.

To enter into contracts and agreements with other governmental entities and with private persons, firms and corporations;

(g) Emergencies.

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

(h) Environmental Protection.

To protect and preserve the natural resources, environment and vital areas of the city, the region, and the state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of stormwater and establishment of a stormwater utility, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;

(i) Fire Regulations.

To fix and establish fire limits and from time to time to extend, enlarge or restrict the same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to firefighting; and to prescribe penalties and punishment for violations thereof;

(j) Garbage Fees.

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

(k) General Health, Safety and Welfare.

To define, regulate and prohibit any act, practice, conduct or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the enforcement of such standards;

(l) Gifts.

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

- (m) Health and Sanitation.
To prescribe standards of health and sanitation and to provide for the enforcement of such standards;
- (n) Jail Sentences.
To provide that persons given jail sentences in the city's court may work out such sentences in any public works or on the streets, roads, drains and other public property in the city, to provide for commitment of such persons to any jail, to provide for the use of pretrial diversion and any alternative sentencing allowed by law, or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;
- (o) Motor Vehicles.
To regulate the operation of motor vehicles and exercise control over all traffic, including parking upon or across the streets, roads, alleys and walkways of the city;
- (p) 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;
- (q) 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;
- (r) 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;
- (s) 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;
- (t) 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;

(u) Nuisance.

To define a nuisance and provide for its abatement whether on public or private property;

(v) 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;

(w) 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;

(x) 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;

(y) 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;

(z) Public Improvements.

To provide for the acquisition, construction, building, operation and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentive, 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 Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;

(aa) Public Peace.

To provide for the prevention and punishment of loitering, disorderly conduct, drunkenness, riots, and public disturbances;

(bb) Public Transportation.

To organize and operate such public transportation systems as are deemed beneficial;

(cc) 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 Public Service Commission;

(dd) 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;

(ee) Retirement.

To provide and maintain a retirement plan and other employee benefit plans and programs for officers and employees of the city;

(ff) 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;

(gg) 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;

(hh) 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;

(ii) Special Areas of Public Regulation.

To regulate or prohibit junk dealers, 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; to license and tax professional fortunetelling, palmistry, and massage parlors; and to restrict adult bookstores to certain areas;

(jj) Special Assessments.

To levy and provide for the collection of special assessments to cover the costs for any public improvements;

(kk) Taxes: Ad Valorem.

To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;

(ll) Taxes: Other.

To levy and collect such other taxes as may be allowed now or in the future by law;

(mm) 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;

(nn) Urban Redevelopment.

To organize and operate an urban redevelopment program;

(oo) 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 herein; 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.

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 powers, functions, rights, privileges and immunities shall be carried into execution as provided by ordinance of the governing authority and as provided by pertinent laws of the State of Georgia.

ARTICLE II. GOVERNING BODY

Section 2.10. Form of Government.

The government of the City of Clarkesville shall be vested in a mayor and city council, said council to be composed of five councilmembers chosen as hereinafter provided.

Section 2.11. Terms and Qualifications of Office.

The Mayor and members of the city council shall serve for terms of 4 years and until their respective successors are elected and qualified. No person shall be eligible to serve as Mayor or councilmember unless that person shall have been a resident of the city for 12 months prior to the date of election of Mayor or members of the council; each shall continue to reside therein during that member's period of service and to be registered and qualified to vote in municipal elections of this city and meet the qualification standards required for members of the Georgia House of Representatives as are now or may in the future be prescribed by the Georgia Constitution.

Section 2.12. Vacancy; Forfeiture of Office; Filling of Vacancies.

- (a) The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office or removal from office in any manner authorized by this Charter or the laws of the State of Georgia.
- (b) The mayor or any councilmember shall forfeit their office if he or she: (1) lacks at any time during the term of office any qualifications of the office as prescribed by this Charter or the laws of the State of Georgia; (2) willfully and knowingly violates any

express prohibition of this Charter; or (3) is convicted of a crime involving moral turpitude.

- (c) A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, by appointment by the city council or those members remaining if less than 12 months remains in the unexpired term. If such vacancy occurs 12 months or more prior to the expiration of the term of that office, it shall be filled for the remainder of the unexpired term by a special election, as provided for in Section 5.14 of this charter and in accordance with Titles 21 and 45 of the Official Code of Georgia Annotated, or other such laws as are or may hereafter be enacted.
- (d) This provision shall also apply to a temporary vacancy created by the suspension from office of the mayor or any councilmember.

Section 2.13. Compensation and Expenses.

The mayor and councilmembers shall receive as compensation for their services an amount prescribed by ordinance passed by the council in conformity with the laws of the State of Georgia. The mayor and councilmembers shall be entitled to receive their actual and necessary expenses incurred in the performance of their duties of office.

Section 2.14. Prohibitions.

- (a) Elected and appointed officers of the city are trustees and servants of the residents of the city and shall act in a fiduciary capacity for the benefit of such residents.
- (b) Except as authorized by law, no member of the council shall hold any other elective municipal office or municipal employment in the City of Clarkesville during the term for which he or she was elected.
- (c) Neither the mayor nor any councilmember shall vote upon, sign or veto any ordinance, resolution, contract or other matter in which he or she is personally interested.

Section 2.15. Inquiries and Investigations.

Following the adoption of an authorizing resolution, the city council may make inquiries and investigations into 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 by this Charter, the city council shall be vested with all the powers of government of the City of Clarkesville provided in Article I.

- (b) In addition to all other powers conferred on it by law, the city council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules and regulations, not inconsistent with this Charter, 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 and welfare, sanitation, comfort, convenience, prosperity or well-being of the inhabitants of the City of Clarkesville and may enforce such ordinances, resolutions, rules and regulations by imposing penalties for violation thereof.
- (c) The city council may, by ordinance create, change, alter, abolish, or consolidate offices, agencies and departments of the city and may assign additional functions to any of the offices, agencies and departments expressly provided for by this Charter.

Section 2.17. Eminent Domain.

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

Section 2.18. Organization meeting.

The city council shall meet for organization on the date and at the time of the first regular meeting in January following each regular election. The meeting shall be called to order by the incumbent mayor or the city clerk and the oath of office shall be administered to all newly elected officials of the city as follows:

"I, _____ do solemnly swear that I will well and truly perform the duties of mayor (or member of the council, as the case may be) of the City of Clarkesville to The best of my skill and ability, without favor or affection; that I will adopt such measures, rules and regulations as in my judgment shall be best calculated to promote the welfare of the inhabitants of said city, so help me God."

Each newly elected official shall subscribe the oath and file it with the city clerk who shall record it in the minutes of the meeting.

Section 2.19. Regular and Special Meetings.

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

- (b) Special meetings of the city council may be held on call of the mayor or three members of the city council. Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least 48 hours in advance of the meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmembers presence. Only the business stated in the call may be transacted at the special meeting.
- (c) All meetings of the city council shall be public to the extent required by law and notice to the public of special meetings shall be made fully as is reasonably possible as provided by section 50-14-1 of the Official Code of Georgia Annotated, or other such applicable laws as are or may hereafter be enacted.

Section 2.20. Rules of Procedure.

- (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 the keeping of a journal of its proceedings, which shall be a public record.

Section 2.21. Quorum; Voting.

- (a) The Mayor or Mayor Pro Tem and 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 journal, 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 journal. Except as otherwise provided in this charter, the affirmative vote of three (3) 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. Enactment of Ordinances.

- (a) Except as herein provided, every official action of the city council which is to become law shall be by ordinance. Each proposed ordinance shall 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: "Be it ordained by the city council of Clarkesville....." Any ordinance which repeals or amends an existing ordinance shall set forth the ordinance sections or subsections to be repealed or amended.

- (b) An ordinance may be introduced by any city councilmember and 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. Every ordinance which becomes law shall be signed by the mayor.

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 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 the majority of 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 section 50-14-1 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

Section 2.25. Codes of Technical Regulation.

- (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 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 2.22.

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

Section 2.26. Authentication, Recording and Codification of Ordinances.

- (a) The city clerk shall authenticate by his or her signature and record in full in a properly indexed book kept for that purpose all ordinances adopted by the city council.
- (b) The city council may provide for the preparation of a general codification of all ordinances of the city having the force and effect of law. The general codification may be adopted by the council by ordinance, and if so adopted, shall be known as "The Code of the City of Clarkesville, Georgia." All ordinances enacted subsequent to the adoption of the code shall be incorporated therein.

Section 2.27. City Manager; Appointment; Qualifications; Compensation.

The city council shall appoint a city manager for an indefinite term and shall fix the manager's compensation. The manager shall be appointed solely on the basis of executive and administrative qualifications. He or she need not be a resident of the city or state at the time of his or her appointment, but shall reside within Habersham County while in office

Section 2.28. Removal of City Manager.

- (a) The city council may remove the manager from office in accordance with the following procedures:
 - (1) The city council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the manager.
 - (2) Within five (5) days after a copy of the resolution is delivered to the manager, the manager may file with the city council a written request for a public hearing. This hearing shall be held within 30 days after the request is filed. The manager may file with the council a written reply not later than five (5) days before the hearing. At the hearing, the manager shall have the right to be represented by counsel, to present evidence, and to cross-examine any witnesses against him or her.
 - (3) If the manager has not requested a public hearing within the time specified in paragraph (2) above, 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 city manager may be removed from office with cause. If removed without cause, he or she shall be entitled to receive his or her regular salary for a period of 30 days from the effective date of the final resolution of removal.
- (c) The city manager shall give 30 days written notice of resignation or forfeit accumulated vacation payout.

Section 2.29. Acting City Manager.

By letter filed with the city clerk, the manager shall designate, subject to approval of the city council, a qualified city administrative officer to exercise the powers and perform the duties of manager during the 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 manager shall return or the manager's disability shall cease.

Section 2.30. Powers and Duties of the City Manager.

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

- (a) appoint and, when the manager deems it necessary for the good of the city, suspend or remove all city employees and administrative officers the manager appoints, except as otherwise provided by law or personnel ordinances adopted pursuant to this charter. The manager may authorize any administrative officer who is subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;
- (b) direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law;
- (c) attend all city council meetings and shall have the right to take part in discussion but may not vote;
- (d) see that all laws, provisions of this charter, and acts of the city council, subject to enforcement by the manager or by officers subject to the manager's direction and supervision, are faithfully executed;
- (e) prepare and submit the annual operating budget and capital budget to the city council;
- (f) submit to the city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;

- (g) make such other reports as the city council may require concerning the operations of city departments, offices and agencies subject to the manager's direction and supervision;
- (h) keep the city council fully advised as to the financial condition and future needs of the city, and make such recommendations to the city council concerning the affairs of the city as the manager deems desirable; and
- (i) perform other such duties as are specified in this charter or as may be required by the city council.

Section 2.31. Council Interference with Administration.

Except for the purpose of inquiries and investigations under Section 2.15, the mayor and city council or its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the mayor or city council nor its members shall give orders to any such officer or employee, either publicly or privately.

Section 2.32. Powers and Duties of Mayor.

The mayor shall be the chief executive officer of the City of Clarkesville. He or she shall possess all of the executive and administrative powers granted to the city under the Constitution and laws of the State of Georgia, and all the executive and administrative powers contained in this Charter. The mayor shall:

- (a) Preside at all meetings of the city council;
- (b) Vote as a member of the council only at such times as are necessarily to break a tie or deadlock of the city council;
- (c) Be the official head of the city for the service of process and for ceremonial purposes;
- (d) Have power to administer oaths and to take affidavits;
- (e) Sign all written contracts entered into by the council on behalf of the city and all other contracts and instruments executed by the city which by law are required to be in writing;
- (f) See that all laws and ordinances of the city are faithfully executed;
- (g) Perform other duties as may be required by law, this Charter or ordinance.

Section 2.33. Submission of Ordinance to the Mayor; Veto Power.

- 1) Every ordinance adopted by the city council shall be presented promptly by the clerk to the mayor.

- 2) The mayor, within four calendar days of receipt of an ordinance, shall return it to the clerk with or without his or her approval, or with his or her disapproval. If the ordinance has been approved by the mayor, it shall become law upon its return to the clerk; if the ordinance is neither approved nor disapproved, it shall become law at twelve o'clock noon on the tenth calendar day after its adoption; if the ordinance is disapproved, the mayor shall submit to the city council through the clerk a written statement of his or her reasons for his or her veto. The clerk shall record upon the ordinance the date of its delivery to and receipt from the mayor.
- 3) Ordinances vetoed by the mayor shall be presented by the clerk to the city council at its next meeting and should the city council then or at its next general meeting adopt the ordinance by an affirmative vote of three members, it shall become law.

Section 2.34. Position of Mayor Pro Tem.

During the absence or physical or mental disability of the mayor for any cause, the mayor pro tem, or in the mayor pro tem's absence or disability for any reason, any one of the councilmembers chosen by a majority vote of the city council, shall be clothed with all the rights and privileges of the mayor and shall perform the duties of the office of the mayor so long as such absence or disability shall continue. Any such absence or disability shall be declared by majority vote of all councilmembers. The mayor pro tem or selected councilmember shall sign all contracts and ordinances in which the mayor has a disqualifying financial interest as provided in Section 2.14. When acting as mayor, the mayor pro tem shall continue to have only one vote as a member of the council.

Section 2.35. Election of Mayor; Forfeiture; Compensation.

The mayor shall be elected and serve for a term of 4 years and until a successor is elected and qualified. The mayor shall be a qualified elector of this city and shall have been a resident of the city for 12 months prior to the election. The mayor shall continue to reside in this city during the period of service. The mayor shall forfeit the office on the same grounds and under the same procedure as for councilmembers. The compensation of the mayor shall be established in the same manner as for councilmembers.

ARTICLE III. ORGANIZATIONAL AND GENERAL PROVISIONS

Section 3.10. Administrative and Service Departments.

- (a) Except as otherwise provided herein, the city council, by ordinance, may establish, abolish, merge, consolidate offices, or leave vacant positions of employment, departments and agencies of the city, as they shall deem necessary, for the proper administration of the affairs and government of the city; shall prescribe the functions and duties of existing departments offices, and agencies or of any departments, offices and agencies hereinafter created or established; may provide that the same person

shall fill any number of offices and positions of employment; and may transfer or change the function or duties of offices, positions of employment, departments and agencies of the city.

- (b) The operations and responsibilities of each department now or hereafter established in the city shall be distributed among such divisions or bureaus as may be provided by ordinances of the city council. Each department shall consist of such officers, employees, and positions as may be provided by this Charter or by ordinance, and shall be subject to the general supervision and guidance of the city council.
- (c) Except as otherwise provided by this Charter, the directors of departments and other appointed officers of the city shall serve at the pleasure of the appointing authority. Vacancies occurring in an appointive office shall be filled in the same manner as prescribed by this Charter for an original appointment.
- (d) Except as otherwise provided 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.
- (e) All appointive officers and directors of departments shall receive such compensation as prescribed by ordinance of the city council.

Section 3.11. Boards, Commissions and Authorities.

- (a) All members of boards, commissions and authorities of the city shall be appointed by the city council for such terms of office and such manner of appointment as provided by ordinance, except where other appointing authority, term of office or manner of appointment is prescribed by this Charter or by applicable State law. The city manager shall be an ex officio member of all such boards, commissions and authorities and shall act as liaison officer between them and the Mayor and the council.
- (b) Any vacancy in office of any member of 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 any applicable State law.
- (c) No member of any board, commission or authority shall assume office until he or she shall have executed and filed with the clerk of the city an oath obligating himself or herself to faithfully and impartially perform the duties of his or her office, such oath to be prescribed by ordinance of the council and administered by the mayor.
- (d) Any member of any board, commission or authority may be removed from office, for cause by a two-thirds vote of the members of the council.
- (e) Members of boards, commissions and authorities may receive such compensation and expenses in the performance of their official duties as prescribed by ordinance.

- (f) The qualifications required of members of boards, commissions and authorities shall be as prescribed by ordinance.
- (g) Except as otherwise provided by this Charter or by applicable State law, each board, commission or authority of the city government shall elect one of its members as chairman and one member as vice-chairman for terms of one year 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 establish such bylaws, rules and regulations, not inconsistent with this Charter, ordinances of the city, or applicable State law, as it deems appropriate and necessary for the conduct of its affairs, copies of which shall be filed with the clerk of the city.

Section 3.12. City Attorney.

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

Section 3.13. Personnel Administration.

The city council may adopt ordinances, rules and regulations consistent with this Charter dealing with: (1) the method of employment selection and probationary periods of employment; (2) adoption and administration of a position classification and pay plan including methods of promotion and application of service ratings thereto, and transfer of employees within the classification plan; (3) hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and the order and manner in which layoff shall be effected; and (4) such other personnel policies and procedures as may be necessary to provide for adequate and systematic handling of the personnel affairs of the city.

Section 3.14. Personnel Policies.

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

Section 3.15. City Clerk.

The city council shall appoint a city clerk who shall not be a councilmember. The city clerk shall keep a journal of the proceedings of the city council, maintain in a safe place all records and documents pertaining to the affairs of the city and perform such other duties as may be required by law or as the council or city manager may direct.

ARTICLE IV. JUDICIAL BRANCH

Section 4.10. Municipal Court.

There is hereby created a court to be known as the Municipal Court of the City of Clarkesville which shall have jurisdiction and authority to try offenses against the laws and ordinances of said city and to punish for a violation of the same. Such court shall have the power and authority to enforce its judgments by the imposition of such penalties as may be provided by law.

Section 4.11. Chief Judge; Associate Judge.

- (a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or stand-by judges as shall be provided by ordinance.
- (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall have attained the age of 21 years, shall be a member of the State Bar of Georgia and shall possess all qualifications required by law. All judges shall be appointed by the city council and shall serve until a successor is appointed and qualified.
- (c) Compensation of the judges shall be fixed by city council.
- (d) Judges serve at-will and may be removed from office at any time by the city council unless otherwise provided by ordinance.
- (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge will honestly and faithfully discharge the duties of the office to the best of that person's ability and without fear, favor or partiality. The oath shall be entered upon the minutes of the city council journal required in Section 2.18.

Section 4.12. Convening.

Said court shall be convened at such times as designated by ordinance or at such times as deemed necessary to keep current the dockets thereof.

Section 4.13. Jurisdiction; Powers.

- (a) The municipal court is specifically vested with all of the jurisdiction and powers throughout the entire area of the City of Clarkesville granted by State laws generally to mayor's, recorder's and police courts, and particularly by such laws as authorize abatement of nuisances.
- (b) The municipal court shall have authority to punish those in its presence for contempt, by a fine not to exceed two hundred dollars (\$200.00) or imprisonment not to exceed ten (10) days. The municipal court may fix punishment for any offense within its jurisdiction not exceeding the maximum allowed by state law.

- (c) The municipal court shall have authority to establish a schedule of fees to defray the cost of operation and shall be entitled reimbursement of the cost of meals, transportation and caretaking of prisoners bound over to superior courts for violation of State law.
- (d) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court, and shall have discretionary authority to accept cash or personal or real property as surety for appearance of persons charged with violations. Whenever any person shall give bail for their appearance and shall fail to appear at the time fixed for trial, their bond shall be forfeited by the judge presiding at such time, and an execution issued thereon by serving the defendant and their sureties with a rule nisi, at least two (2) 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 of Clarkesville, 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.
- (e) The municipal court shall have the authority to bind prisoners over to the appropriate court when it appears by probable cause that a State law has been violated.
- (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 summons, subpoena and warrants which may be served as executed by any officer as authorized by this Charter or by State 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 Habersham County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

Section 4.15. Rules for Court.

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

Section 4.16. Appeal.

Any person convicted of an offense in the municipal court shall have the right to appeal to the Superior Court of Habersham County. The right of appeal and procedures pertaining to appeal bonds to the superior court from the municipal court shall be in the same manner and under the same procedure as generally prescribed for appeals and appeal bonds from the probate court.

ARTICLE V. ELECTIONS AND REMOVAL

Section 5.10. Regular Elections.

- (a) An election shall be held on the first Tuesday in November of each year to elect councilmembers to fill the terms of those councilmembers whose terms expire at the end of that year and to fill the office of mayor in those years in which his or her term of office expires.
- (b) Nothing contained herein shall affect the offices of those persons presently serving as mayor and councilmembers at the date of approval of this Act, but said officers shall serve out the remainder of their offices as hereinbefore may have been provided by law. (1985 Ga. Laws, page 4562)

Section 5.11. Applicability of General Laws.

The procedures and requirements for election of all elected officials of the City of Clarkesville as to primary, special and general elections shall be held and conducted in accordance with the Georgia Election Code (Title 21, Chapter 2 of the Official Code of Georgia Annotated) as now or hereafter amended.

Section 5.12. Special Elections; Vacancies.

In the event that the office of [mayor or] councilmember shall become vacant as provided in Section 2.12 of this charter, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, if such vacancy occurs within 12 months of the expiration of the term of that office, the city council or those remaining shall appoint a successor for the remainder of the term. In all other respects, the special election shall be held and conducted in

accordance with the Georgia Election Code, Chapter 2 of Title 21 of the Official Code of Georgia Annotated, as now or hereafter amended.

Section 5.13. Other Provisions.

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

Section 5.14. Grounds for Removal.

The mayor or any councilmember shall be subject to removal from office for any one or more of the following causes:

- (a) Misfeasance or malfeasance in office;
- (b) Conviction of a crime involving moral turpitude;
- (c) Failure at any time to possess any of the qualifications of office as provided by this Charter or by law;
- (d) Willful violation of any express prohibition of this Charter;
- (e) Abandonment of office or neglect to perform the duties thereof; or;
- (f) Failure for any other cause to perform the duties of office as required by this Charter or by law.

Section 5.15. Procedures for Removal.

Removal of an elected officer from office may be accomplished by one of the following methods:

- (a) By action of two-thirds vote of the entire membership of the city council. In the event an elected officer sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the grounds for removal and to a public hearing which shall be held not less than ten (10) days from the service of such written notice. Any elected officer sought to be removed from office as herein provided shall have the right of appeal from the decision of the council to the Superior Court of Habersham County such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court.
- (b) By information filed in the Superior Court of Habersham County as provided by law.
- (c) By recall as now or hereafter provided by Georgia law.
 - 1) Following a hearing at which an impartial panel shall render a decision. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to

a public hearing which shall be held not less than ten (10) days after the service of such written notice. The city council shall provide by ordinance for the manner in which such hearings shall be held. Any elected officer sought to be removed from office as herein provided shall have the right of appeal from the decision of the city council to the Superior Court of Habersham County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court.

2) By an order of the Superior Court of Habersham County following a hearing on a complaint seeking such removal brought by any resident of the City of Clarkesville.

ARTICLE VI. FINANCIAL AND FISCAL MATTERS

Section 6.10. Property Taxes.

All property subject to taxation for State or county purposes, assessed as of January 1 in each year, shall be subject to the property tax levied by the City of Clarkesville.

Section 6.11. Tax Levy.

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

Section 6.12. Millage Rates; Due Dates; Payment Methods.

The city council by ordinance shall establish a millage rate not in excess of 10 mills for general operating funds, for the city property tax; a due date; and in what length of time those taxes must be paid. The city council, by ordinance, shall establish a millage rate for the city property tax, a due date, and the time period within which these taxes must be paid. The city council, by ordinance, may provide for the payment of these taxes by two installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

Section 6.13. Collection of Delinquent Taxes.

The city council may provide by ordinance for the collection of delinquent taxes by fi.fa. issued by the city clerk and executed by any police officer of the city under the same procedure provided by the laws governing execution of such process from the superior court, or by the use of any other available legal processes and remedies. A lien shall exist against all property upon which city property taxes are levied, as of the assessment date of each year which lien shall be superior to all other liens, except that it shall have equal dignity with those of Federal, State or county taxes. In cases of hardship, the council

shall have discretionary authority to waive any and all penalties imposed by this Charter on delinquent taxes, fees, assessments or on other amounts due to the city.

Section 6.14. License Fees, Occupational Taxes, Excise Taxes.

The city council by ordinance shall have full power to levy such license fees and specific or occupation taxes upon the residents of the City of Clarkesville, both individual and corporate, and on all those who transact or offer to transact business therein, or who practice or offer to practice any profession or calling therein, as the city council may deem expedient for the public health, safety, benefit, convenience or advantage of the city; to classify businesses, occupations, professions or callings for the purpose of such taxation in any way which may be lawful; to require such persons to procure licenses; to compel the payment of such licenses by execution or any other lawful manner; and to make laws and regulations necessary or proper to carry out the powers herein conferred, and to prescribe penalties for the violation thereof. The city council shall have full power and authority to levy an excise tax not prohibited by general law.

Section 6.15. Franchises.

- (a) The city council shall have the power to grant franchises for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies and other similar organizations. The city council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city receives just and adequate compensation therefor. The city council shall provide for the registration of all franchises with the city clerk in a registration book kept by the clerk. The city council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.
- (b) If no franchise agreement is in effect, the city council has the authority to impose a tax on gross receipts for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies and other similar organizations.

Section 6.16. Sewer Service Charges.

The city council by ordinance shall have the right, power and authority to assess and collect fees, charges, and tolls for sewer services rendered both within and without the corporate limits of the City of Clarkesville, to provide for the cost and expense of providing for the collection and disposal of sewage through the sewerage facilities of the city. If unpaid, said sewer service charge shall constitute a lien against any property of persons served, which lien shall be second in priority only to

liens for county and city property taxes and shall be enforceable in the same manner and under the same remedies as a lien for city property taxes.

Section 6.17. Sanitary and Health Service Charges.

The city council shall have authority by ordinance to provide for, to enforce, to levy and to collect the cost of sanitary and health services necessary in the operation of the city from all individuals, firms and corporations, residing in or doing business in the city benefiting from such service. Such authority shall include the power to assess, levy and collect annual or monthly sanitary taxes or fees in such amount or amounts, and based upon and in accordance with such classification of property and sanitary service or service provided, as may be fixed by ordinance. Said sanitary taxes and the assessment thereof shall be a charge and lien against the real estate in respect to which said taxes are so assessed, and the owner or owners thereof, superior to all other liens, except liens for county and city property taxes, and shall be enforceable in the same manner and under the same remedies as a lien for city property taxes.

Section 6.18. Special Assessments.

The city council shall have power and authority to assess all or part of the cost of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances against the abutting property owners, under such terms and conditions as may be prescribed by ordinance. Such special assessments shall become thirty days after their due dates, shall thereupon be subject, in addition to fi.fa. charges to a penalty of ten percent and shall thereafter be subject to interest at the rate of nine percent per annum from date due until paid. A lien shall exist against the abutting property superior to all other liens, except that it shall be of equal dignity with liens for county and city property taxes, and said lien shall be enforceable by the same procedures and under the same remedies as provided for in this article for city property taxes.

Section 6.19. Construction; Other Taxes and Fees.

The City of Clarkesville shall be empowered to levy any other tax or fee allowed now or thereafter by State law and the specific mention of any right, power or authority in this Article shall not be construed as limiting in any way the general powers of the city to govern its local affairs.

Section 6.20. Transfer of Executions.

The city clerk shall be authorized to assign or transfer any fi.fa. or execution issued for any tax or for any street, sewer, or other assessment in the same manner and to the same extent as provided by Georgia law regarding sales and transfers of fi.fas. Such transfer or assignment, when made, shall vest the purchaser or transferee with all right, title and interest as provided by Georgia law governing sales and transfer of fi.fas. Provided that, upon levy of execution and sale of property pursuant to such tax fi.fa. whether assigned, transferred or executed by the city, the owner of such property, in fee simple or lesser interest, shall not lose his or her right to redeem the property in accord with the requirements of

redemption of property sold under State or county ad valorem tax fi.fas., as said requirements now exist or as may be hereinafter provided by law.

Section 6.21. General Obligation Bonds.

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

Section 6.22. Revenue Bonds.

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

Section 6.23. Short-Term Loans.

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

Section 6.24. Lease-Purchase Contracts.

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

Section 6.25. Fiscal Year; Preparation and Adoption of Operating Budget.

- (a) The council shall set the fiscal year by ordinance. Said fiscal year shall constitute the budget year and the year for financial accounting and reporting unless otherwise provided by State or Federal law.
- (b) On or before a date fixed by the council prior to the beginning of each fiscal year, the council shall adopt a budget for the ensuing fiscal year. The council shall provide by ordinance the procedures and requirements for the preparation and execution of said annual budget. The budget and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

Section 6.26. Action by City Council on Budget.

- (a) The city council may amend the operating budget proposed by the city manager; except, that the budget as finally amended and adopted must provide for all expenditures

required by state law or by other provisions of this charter and for all debt service requirements for the ensuing fiscal year, and the total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.

- (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal year not later than the 31st day of October of each year. If the city council fails to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.24.
- (c) The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for such, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriations or allotment thereof, to which it is chargeable.

Section 6.27. Tax Levies.

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

Section 6.28. Changes in Appropriations.

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

Section 6.29. Capital Budget.

- (a) On or before the date fixed by the city council but no later than the 31st day of October 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.

- (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal year not later than the 31st day of October 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, the [mayor][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 any funds by the state or federal governments may be accepted as satisfying the requirements of this charter. Copies of annual audit reports shall be available at printing costs to the public.

Section 6.31. Contracting Procedures.

No contract with the city shall be binding on the city unless: (a) it is in writing; (b) it is drawn by or submitted to and reviewed by the city attorney, and as a matter of course, is signed by the city attorney to indicate such drafting or review; and (c) it is made or authorized by the city council and such approval is entered in the city council journal of proceedings pursuant to Section 2.21.

Section 6.32. Centralized Purchasing.

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

Section 6.33. Sale and Lease of City Property.

- (a) The city council may sell and convey, or lease any real or personal property owned or held by the city for governmental or other purposes as now or hereafter provided by law.
- (b) The city council may quitclaim any rights it may have in property not needed for public purposes upon report by the city manager and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the city has no readily ascertainable monetary value.
- (c) Whenever in opening, extending or widening any street, avenue, alley or public place of the city, a small parcel or tract of land is cutoff or separated by such work from a larger tract or boundary of land owned by the city, the city council may authorize the city manager to sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners where such sale and conveyance facilitates the enjoyment of the highest and best use of the abutting owner's property.

Included in the sales contract shall be a provision for the rights-of-way of said street, avenue, alley or public place. Each abutting property owner shall be notified of the availability of the property and given the opportunity to purchase said property under such terms and conditions as set out by ordinance. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

ARTICLE VII. GENERAL PROVISIONS

Section 7.10. Bonds for Officials.

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

Section 7.11. Existing Ordinances and Regulations.

Existing ordinances and regulations of the City of Clarkesville not inconsistent with the provisions of this Charter shall continue in effect until they have been repealed, modified, or amended by the council. The existing rules and regulations of departments or agencies of the City of Clarkesville not inconsistent with the provisions of this Charter shall continue in effect until they have been repealed, modified, or amended.

Section 7.12. Section Captions.

The captions to the several sections of this Charter are informative only and are not to be considered as a part thereof.

Section 7.13. Penalties.

The violation of any provision of this Charter, for which penalty is not specifically provided for herein, is hereby declared to be a misdemeanor and shall be punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment not to exceed 12 months, or both such fine and imprisonment.

Section 7.14. Existing Personnel and Officers.

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

Section 7.15. 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 7.16. 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 7.17. 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 7.18. Repealer.

An Act incorporating the City of Clarkesville in the County of Habersham, approved _____, 20__ (Ga.L. __, p. __), is hereby repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety. All other laws and parts of laws in conflict with this charter are hereby repealed.

Section 7.19. Effective Date.

This charter shall become effective on _____.

Appendix A

Commencing at the southeast end of Soque River bridge next to said city; thence up said river to a point opposite the original northwest corner, between lots two and twenty-three to where the river intersects the original land lot line between lots one and twenty-four, in the 12th land district of said county; thence to said corner between lots two and twenty-three and along the line between said lots Nos. two and twenty-three and three and twenty-two in said district and continuing in the same direction along the original land lot line between land lots two and twenty-three, three and twenty-two and four and twenty-one of said district until it intersects the southeast side of the right-of-way of the Tallulah Falls Railway; thence along the southeast side of said right-of-way until the southeast side of said right-of-way intersects the original land lot line between lots forty and forty-one, in the 10th land district of said county; thence north 30 west along said original lot line by the northwest corner thereof and continuing in the same direction along the original land lots lines twenty-one, and eighteen and nineteen in the 10th district of said county until the point is reached where the original land lot line between lots eighteen and nineteen in the 10th district as aforesaid intersects the eastern Soque River; thence up said river along the eastern bank thereof to the Southerly side of the right-of-way of Georgia Highway No. 115; thence along said right-of-way in a Northwesterly direction to the center of said river; thence North 82' 0' 41" West 623.4 feet along said right-of-way to concrete monument corner; thence South 00 21' East 199.9 feet to a concrete monument corner; thence South 37'18' East 323 feet to a concrete monument; thence continuing South 37'18' East 56.1feet to corner in the center of Soque River; thence North 39'56' East 190.4 feet up Soque River; thence North 67'15' East 151.3 feet up Soque River; thence North 30' East 251.2 feet up Soque River to the right-of-way of Georgia Highway No. 115; thence in a Southeasterly direction along said right-of-way to the Easterly bank of said river; thence up the Easterly bank of said river to the place of Beginning.