

# **A NEW CHARTER FOR THE CITY OF WILLIAMSON, GEORGIA**

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**Enacted by the general assembly of  
Georgia; and**

**Signed by the Governor, Zell Miller,**

**ON THE 7TH DAY OF APRIL 1992**

**AMENDED AND REVISED BY THE GENERAL  
ASSEMBLY AND APPROVED BY THE GOVERNOR,  
NATHAN DEAL, ON THE 11TH DAY OF APRIL 2012**

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## **AN ACT**

To provide a new charter for the City of Williamson; to provide for incorporation, boundaries, and powers of the City for; to provide for the governing authority of such City and the powers, duties, authority, election, terms, the method of filling vacancies, compensation, qualifications, prohibitions, and removal from office relative to members of such governing authority; provide for inquiries and investigations; to provide for our organization and procedures; to provide for ordinances and codes; to provide for the office of Mayor and certain duties empowers relative to the office of Mayor; to provide for an administrative responsibilities; if to provide for boards, commissions, and authorities'; to provide for a City attorney, a City clerk, a City treasurer, and other personnel; to provide for rules and regulations; to provide for a Municipal court and the judge or judges thereof; to provide for practices and procedures; to provide for taxation and fees; to provide for franchises, service charges, and assessments; to provide for bonded and other indebtedness; to provide for accounting and budgeting; to provide for purchases; to provide for the sale of property; to provide for bonds for officials; to provide for eminent domain; to provide for penalties; to provide for definitions and construction; to provide for other matters relative to the foregoing; to provide for severability net income; to provide for an effective date; the repeal the specific act; to repeal conflicting laws; and for other purposes.

Be it enacted by the general assembly of Georgia; and Signed by the Governor, Zell Miller, On this 7th day of April 1992,

Amended by the General Assembly of Georgia; and Approved by the Governor, Nathan Deal, on this 11<sup>th</sup> day of April 2012

A New Charter for The City of Williamson, Georgia, as Follows:

## **ARTICLE I**

### **INCORPORATION AND POWERS**

**Section 1.10. Name.** The City of Williamson existing immediately prior to the effective date of this charter and the inhabitants thereof are constituted and declared a body politic and corporate under the name and style City of Williamson, Georgia, and by that name shall have perpetual succession.

### **Section 1.11. Corporate boundaries.**

The boundaries of this City shall be those existing on this affected date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of the City at all times shall be shown on the map, a written description, or any combination thereof, to be retained permanently and the office of the City clerk and to be designated, as the case may be: “official map or description of the corporate limits of the City of Williamson, Georgia”. Photographic, typed, or other copies of such map or description certified by the City clerk shall be admitted as evidence in all courts and shall have the same force and effect as the original map or description.

The City Council might provide for the redrawing of any such map or description by ordinance to reflect lawful changes and the corporate boundaries. A redrawn map or description shall supersede, for all purposes, the entire map or maps which is designated to replace.

### **Section 1.12. Powers and Construction.**

(a) This City shall have all powers possible for a City to have under the present or future constitution and laws of this date 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 or by the constitution of the state of Georgia.

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

**Section 1.13. Municipal powers.** Said powers shall include, but are not limited to, the following:

- (a) **Air and Water Pollution.** To regulate the emission of smoke or other exhaust which pollutes the air and to prevent the pollution of natural streams which flow within the corporate limits of the City;
- (b) **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 ordinance enacted under this paragraph;
- (c) **Appropriations and Expenditures.** For the support of the government of the City; to authorize the expenditure of money for any purpose is authorized by this charter and for any purpose for which the municipality is authorized by the laws of this type of Georgia; and to provide for the payment of expenses of this City;
- (d) **Building Regulations.** To regulate the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, yes, and heating and air conditioning codes; and to regulate all housing and building trades except as otherwise prohibited by general law; to license the construction and erection of buildings and other structures;
- (e) **Business Regulation and Taxation.** To levy and to provide for the collection of license fees and taxes on privileges, occupations, trades, and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; and to revoke such licenses after due process for the failure to play any City taxes or fees;

- (f) **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 of O.C.G.A. or such other applicable laws as are or maybe hereafter be enacted;
- (g) **Contracts**. To enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations;
- (h) **Emergencies**. To establish procedures for determining and proclaiming that an emergency situation exists inside or outside 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;
- (i) **Fire Regulations**. To fix and establish fire limits and from time to time extend, enlarge, or restrict the same; to prescribe fire safety regulations, not inconsistent with general law relating to a 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 the for such services as maybe necessary in the operation of the City from all individuals, firms, and corporations residing in or doing business within the City and 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 the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the City and to provide for the enforcement of such standards;
- (l) **Gifts**. To except or refuse gifts, donations, bequests, or grants from any source for any purpose related to the 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 within the City and to provide for the enforcement of such standards;
- (n) **Jail Sentences**. To provide that persons given jail sentences in the municipal court may work out such sentence is in any public works or on the streets, roads, drains, and squares in the City; to provide for the commitment of such persons to any jail; or to provide for the 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 cross 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, 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, police, construct, operate, maintain, sell, and dispose of public utilities, including, but not limited to, a system of water works, sewers, and drains, sewage disposal, gas works, electric light plants, transportation facilities, public airports, cable television, and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties thereof; and to provide for the withdrawal of services for refusal or failure to pay the same; and to authorize the extension of water, sewerage, and electrical distribution systems, and all necessary appurtenances by which said utilities are distributed, inside and outside the corporate limits of the City; and to provide utility services to persons, firms, and corporations inside and outside the corporate limits of the City as provided by ordinance;
- (u) **Nuisances**. To define a nuisance and provide for its abatement whether on public or private property;
- (v) **Penalties**. To provide penalties for a 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 ensure 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 and operate 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, playgrounds, recreational facilities, cemeteries, markets and market house's, public buildings, libraries, public housing, airports, hospitals, terminals, docs, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities; to provide any other public improvements inside or outside the corporate limits of the City; to regulate the use of public improvements; and, for such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A., relating to eminent domain, or such other applicable laws as are or may hereafter be enacted;
- (aa) **Public Peace**. To provide for the prevention and punishment of 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 public utilities and public services and to prescribe the rates, fees, regulations, and the standards and conditions of service applicable to the services to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the public services commission, and to own and operate its own franchises for the delivery of such services including cable television and related services;
- (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 structures or obstructions upon or adjacent to the rights of way of streets and roads or within view thereof, inside

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 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 negotiate and execute leases over, through, under, or across any City property or the right of way of any street, road, alley, and walkway or portion thereof within the corporate limits of the City, for bridges, passageways, or any other purpose or use between buildings on opposite sides of the street and for other bridges, overpasses, and underpasses for private use at such location, and to charge a rental therefore in such manner as maybe provided by ordinance; and to authorize and control the construction of bridges, overpasses, and underpasses 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 for private use; 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; to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge, or tax for the availability or use of the sewers; to provide for the manner and methods 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) **Sidewalk Maintenance**. To require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands; and to enact ordinances establishing the terms and conditions under which such repairs and maintenance shall be affected, including the penalties to be imposed for failure to do so;
- (ii) **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;
- (jj) **Special Areas of Public Regulation**. To regulate or prohibit junk dealers, pawn shops, the manufacture, sale, or transportation of intoxicating liquors, and the use and sale of firearms; to regulate the transportation, storage, and use of combustible, explosive, flammable, and environmentally hazardous 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 taxing or otherwise; and to license, tax, regulate, or prohibit professional fortunetelling, palmistry, adult bookstores, and the such parlors;
- (kk) **Special Assessments**. To levy and provide for the collection of special assessments to cover the cost of any public improvement;
- (ll) **Ad Valorem Taxes**. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;
- (mm) **Other taxes**. To levy and collect such other taxes as maybe allowed now or in the future by law;

- (nn) **Taxicabs.** To regulate and license vehicles operated for higher 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 and rent parking spaces in public ways for the use of such vehicles;
- (oo) **Urban Redevelopment.** To organize and operate an urban redevelopment program; and
- (pp) **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; to exercise all implied powers necessary to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated in this charter; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the state of Georgia; and no listing of particular powers in this charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the constitution or applicable laws of the state of Georgia.

**Section 1.14. Exercise of Powers.** All powers, functions, rights, privileges, and communities of the City, its officers, agencies, or employees shall be carried into execution as provided by this charter. If this charter makes no provision, such shall be carried into execution as provided by ordinance or as provided by pertinent laws of the state of Georgia.

## **ARTICLE II**

### **GOVERNMENT STRUCTURE**

**Section 2.10. City Council Creation; Composition; Number; Election.** The legislative authority of the government of the City, except as otherwise specifically provided in this charter, shall be vested in a City Council to be composed of a Mayor and five Council Members. The Mayor and Council Members shall be elected in the manner provided by article V of this charter.

**Section 2.11. City Council Terms and Qualifications For Office.** The members of the City Council shall serve for terms of four years and until the respective successors are elected and qualified. No person shall be eligible to serve as Councilmember unless such person meet the requirements of a qualified elector for members of the General Assembly, has been a resident of the City for three months immediately prior to the date of the election of members of the City Council, and has no delinquent debts outstanding against him or her in flavor of the City. Each Council Member shall continue to reside in the City during such Councilmember's period of service and be registered and qualified to vote in municipal elections of this City.

**Section 2.12. Vacancies In Office.**

- (a) The office of Mayor or Council Member shall become vacant upon the incumbents death, resignation, removal of residence from the City, forfeiture of office, or removal from office in any manner authorized by this charter or general law of the state of Georgia. A vacancy in the office of Mayor or Council Member shall be filled for the remainder of the unexpired term, if any, as provided for in this charter.
- (b) Upon the suspension from office of Mayor or Council Member in any manner authorized by the general laws of the state of Georgia, the City Council or those remaining in office shall appoint a successor for the duration of the suspension. If the suspension becomes permanent, then the office shall become vacant and shall be filled for the remainder of the unexpired term, if any, as provided for this charter.

**Section 2.13. Compensation and Expenses.**

The Mayor and Council Members shall receive compensation and expenses for their services as provided by ordinance, but any increase in compensation shall be subject to code Section 36-35-4 of the O.C.G.A., or any similar law hereafter enacted. The Mayor and Council Members shall be entitled to receive their actual and necessary expenses incurred in the performance of their duties of office.

**Section 2.14. Conflicts of interest; holding other offices.**

- (a) **Conflict of Interest.** No elected official, appointed officer, or employee of the City or any agency or political entity to which this charter applies shall knowingly:
  - Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of such persons official duties or which would tend to impair the independence of judgment or action in the performance of such persons official duties;
  - Engage in or except private employment or render services for private interests when such employment or service is incompatible with the proper discharge of such persons official duties or would tend to impair the independence of judgment or action in the performance of such persons official duties;
  - Disclose confidential information concerning the property, government, or affairs of the governmental body by which such person is engaged without the proper legal authorization or use such information to advance the financial or the private interest of such person or others;
  - Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to such person's knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with a governmental body of which such person is engaged; provided, however, that and elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;
  - Represent other private interest in any action or proceeding against the City or any portion of its government; and
  - Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which such person has financial interest.

- (b) **Disclosure**. Any elected official, appointed officer, or employee who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the City shall disclose such private interest to the City Council. The Mayor or any Council Member who has a private interest in any matter pending before the City Council shall disclose such private interest and such disclosure shall be entered on the records of the City Council, and the Mayor or Council Member shall be disqualified from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.
- (c) **Use of Public Property**. No elected official, appointed officer, or employee of the City or any agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit, convenience, or profit except in accordance with policies promulgated by the City Council or the governing body of such an agency or entity.
- (d) **Contracts Voidable and Rescindable**. Any violation of the Section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the City Council.
- (e) **Ineligibility of Elected Official**. Except where authorized by law, neither the Mayor nor any Council Member shall hold any other elective or compensated appointive office in the City or otherwise be employed by said government or any agency thereof during the term for which elected. No former Mayor and no former Council Member shall hold any compensated appointive office in the City until one year after the expiration of the term for which elected.
- (f) **Political Activities of Certain Officers and Employees**. No appointed officer and no employee of the City shall continue in such employment upon qualifying as a candidate for nomination or election to any public office.
- (g) **Penalties for Violation**.
  1. Any City officer or employee who knowingly conceals such financial interest or knowingly violates any of the requirements of this Section shall be guilty of malfeasance in office or position and shall be deemed to have forfeited such office or position.
  2. Any officer or employee of the City who shall forfeit such office or position as described in paragraph (1) of this subsection shall be ineligible for appointment or election to or employment in a position in the City government for a period of three years thereafter.

**Section 2.15. Inquiries and Investigations**. The City Council may make inquiries and investigations into the affairs of the City and the conduct of any department, office, or agency thereof and, for this purpose, may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the City Council shall be punished as provided by ordinance.

**Section 2.16. General Power and Authority of The City Council**. Except as otherwise provided by this charter, the City Council shall be vested with all the powers of government of this City as provided by Article I of this Charter.

**Section 2.17. General Power and Authority of the Mayor and City Council**.

Except as otherwise provided by this charter, the Mayor and City Council shall be vested with all the powers of government of the City as provided by Article I of this Charter.

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

**Session 2.18. Oath of office.** The Mayor and City Council shall meet for organization on the first Thursday following January 1 of each year. The meeting shall be called to order by the City clerk and the oath of office shall be administered by the City clerk to the newly elected members as follows: " I do solemnly (swear)/(affirm) that I will faithfully perform the duties of (Mayor)/(Council Member) of the City and that I will support and defend the charter thereof as well as the constitution and laws of the state of Georgia and of the United States of America."

### **Section 2.19. Regular and Special Meetings.**

The Mayor and City Council shall hold regular meetings at such times and places as prescribed by ordinance. Special meetings of the Mayor and 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 Council Members shall not be required if the Mayor and all Council Members are present when the special meeting is called. Such notice of any special meeting may be waived by a Council Member 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 Council Member's presence. Only the business stated in the call may be transacted at the special meeting. 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 as required by law.

### **Section 2.20. Rules of procedure.**

The Mayor and City Council shall adopt its rules of procedure and order of business consistent with the provisions of this charter and shall provide for keeping a journal of its proceedings which shall be a public record. All committees and committee chairpersons and officers of the City Council shall be appointed by the Mayor and shall serve at the pleasure of the Mayor. The Mayor shall have the power to appoint new members to any committee at any time within the Mayor's discretion.

### **Section 2.21. Quorum; voting.**

Three Council Members shall constitute a quorum and shall be authorized to transact the 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, and 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 Council Members present shall be required for the adoption of any ordinance, resolution, or motion. In the event vacancies in office result in less than a quorum of Council Members holding office, then the remaining Council Members in office shall constitute a quorum and shall be authorized to transact

business of the City Council. A vote of a majority of the remaining Council Members shall be required for the adoption of any ordinance, resolution, or motion.

### **Section 2.22. Ordinance form; procedures.**

Every 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 "The Council of the City of Williamson hereby ordains..." and every ordinance shall so begin. An ordinance may be introduced by any Council Member and be read a regular or special meeting of the City Council. Ordinances shall be considered and adopted or rejected by the City Council in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinance is as provided in Section 2.24 of this charter. Upon introduction of any ordinance, the City clerk shall, as soon as possible, distribute a copy to the Mayor and as each Council Member and shall file a reasonable number of copies in the office of the City clerk and at such other public places as the City Council may designate.

**Section 2.23. Action Requiring an Ordinance.** In addition to other acts required by general state law or by specific provisions of this charter to be done by ordinance, acts of the City Council which have the force and effect of law shall be enacted by ordinance.

**Section 2.24. Emergencies.** To meet a public emergency affecting life, health, property, or public peace, the City Council may convene on call of the Mayor or three Council Members 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, the 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 three Council Members or two Council Members and the presiding officer in the event of a tie vote 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 the Section for adoption of emergency ordinances.

### **Section 2.25. Codes of Technical Regulations.**

The City Council may adopt any standard code of technical regulations by a reference there to in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally accept that:

The requirements of subsection (b) of Section 2.22 of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the City clerk pursuant to Section 2.26 of this charter.

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

### **Section 2.26. Signing; Authenticating; Recording; Codification; Printing of Ordinances.**

The City clerk shall authenticate by signing in recording in full in a properly indexed book kept for that purpose all ordinances adopted by the City Council. The City Council shall provide for the preparation of a general codification of all the ordinances of the City having the force and effect of law. The general codification shall be adopted by the City Council by ordinance and shall be published promptly together with all amendments thereto and shall contain such codes of technical regulations and other rules and regulations as the City Council may specify. This compilation shall be known and cited officially as "Code of Ordinances, City of Williamson, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the City and shall be made available for purchase by the public at a reasonable price as fixed by the City Council. The City Council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the City Council. Following publication of the first code under this charter and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code then in effect and shall be suitable in form for incorporation within the code. The City Council shall make such further arrangements as deemed desirable with respect to reproduction and distribution of any changes in or additions to codes of technical regulations and other rules and regulations included and the code.

### **Section 2.27. Election of Mayor; forfeiture; compensation.**

- (a) The Mayor shall be elected and serve for a term of four years and until a successor is elected and qualified. The Mayor shall be a qualified elector of the City, shall have been a resident of the City for least three months immediately preceding such election, and shall have no delinquent debts outstanding against him in favor of the City. The Mayor shall continue to reside in the City during the periods of service as Mayor. The Mayor shall forfeit office on the same grounds and under the same procedures as for Council Members. The compensation of them Mayor shall be established in the same manner as for Council Members.
- (b) **Powers and Duties of Mayor.** The Mayor shall:
1. See that all laws and ordinances of the City are faithfully executed;
  2. Preside all meetings of the City Council and have the right to take part in the deliberations of counsel, but refrain from voting on any question except in the case of a tie;
  3. Be the official head of the City for the purpose of service of process and for ceremonial purposes;
  4. Sign as a matter of course on behalf of the City all written and approved contracts, ordinances, and other instruments executed by the City which by law are required to be in writing;
  5. Prepare and submit to the City Council a recommended annual operating budget and recommended capital budget;
  6. Have veto power to be exercised in the manner set out in Section 2.28 of this charter; and



7. Fulfill such other executive and administrative duties as the City Council shall by ordinance establish, or as may now or hereafter be required by general state law.

### **Section 2.28. Submission of Ordinances to The Mayor; Veto Power.**

Every ordinance adopted by the City Council shall be presented promptly by the City clerk to the Mayor. The Mayor, within 10 calendar days of receipt of an ordinance, shall return it to the City clerk with or without approval or with disapproval. If the ordinance has been approved by the Mayor, it shall become law upon its return to the City clerk; if the ordinance is neither approved nor disapproved, it shall become law at 12:00 Noon on the 10th calendar day after its adoption; if the ordinance is disapproved, the Mayor shall submit to the City Council through the City clerk a written statement of reason for the veto. The City clerk shall record upon the ordinance the date of its delivery to and receipt from the Mayor. Ordinances vetoed by the Mayor shall be presented by the City clerk to the City Council at its next meeting. If the City Council then or at its next general meeting adopts the ordinance by an affirmative vote of four of its members, it shall become law.

### **Section 2.29. Mayor Pro Tem; Selection; Duties.**

By a majority vote, the City Council shall elect a Council Member to serve as Mayor pro tem. The Mayor pro tem shall preside at all meetings of the City Council and shall assume the duties and powers of the Mayor upon the Mayor's disability or absence. In the event of the Mayor's disability or absence, the Mayor pro tem shall be compensated at the same rate as the Mayor. The City Council by majority vote shall elect a new presiding officer from among its members for any period in which the Mayor pro tem is disabled, absent, or acting as Mayor. Any such absence or disability shall be declared by majority vote of all Council Members present.

## **Article III**

### **ADMINISTRATIVE AFFAIRS**

#### **Section 3.10. Administrative and Service Departments.**

Except as otherwise provided in this charter, the City Council by ordinance shall prescribe the functions or duties and establish, abolish, or alter all non elective offices, positions of employment, departments, and agencies of the City as necessary for the proper administration of the affairs and government of this City.

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

All appointed officers and directors of departments shall receive such compensation as prescribed by ordinance.

There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the Mayor, be responsible for the administration and direction of the affairs and operations of the department or agency.

All directors under the supervision of the Mayor shall be nominated by the Mayor with confirmation of appointment by the City Council. The Mayor may suspend or remove directors under the Mayor's supervision, which suspension shall be effective 21 calendar days following the Mayor's giving written notice of such action and the reasons therefore to the director involved and to the City Council. The director involved may appeal to the City Council which, after a hearing, may override the Mayor's action by a vote of four Council Members.

### **Section 3.11. Boards, Commissions, and Authorities.**

The City Council shall create by ordinance such boards, commissions, and authorities to fulfill any investigative, quasi judicial, or quasi legislative function the City Council deems necessary and shall by ordinance establish the composition, period of existence, duties, and powers thereof.

All members of boards, commissions, and authorities of the City shall be appointed by the Mayor subject to approval by the City Council, for such terms of office and in such manner as shall be provided by ordinance, except where other appointing authority, terms of office, or manner of appointment is prescribed by this charter or by law.

The City Council, by ordinance, may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission, or authority.

No member of any board, commission, or authority shall hold elective office in the City.

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

No member of a board, commission, or authority shall assume office until the member has executed and filed with a clerk of the City an oath obligating such member to faithfully and impartially perform the duties of office, such oath to be presented by ordinance and administered by the Mayor.

Any member of a board, commission, or authority may be removed from office for cause by a vote of three members of the City Council.

Except as otherwise provided by this charter or by law, each board, commission, or authority of the City shall elect one of its members as chairman and one member as vice chairman, 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 law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and regulations 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 maybe 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 representing an

defending the City and 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 of the City attorney by virtue of the position as City attorney. The City attorney shall serve at the direction of the City Council.

**Section 3.13. City Clerk.** The City Council shall appoint a City clerk who shall not be a Council Member. The City clerk shall be custodian of the official City seal, maintain City Council records required by this charter, and perform such other duties as may be required by the Mayor and City Council.

**Section 3.14. City Treasurer.** The City Council may appoint a City treasurer to perform the duties of a treasurer and fiscal officer.

**Section 3.15. Consolidation of Functions.** The City Council may consolidate the positions of City clerk, City treasurer, or any other positions or may assign the functions of any one or more of such positions to the holder or holders of any other positions.

**Section 3.16. Personnel Policies.** The City Council shall adopt rules and regulations consistent with this charter concerning:

- (a) The method of employee selection and probationary periods of employment;
- (b) The administration of the position classification and pay plan, methods of promotion and application of service ratings thereto, and transfer of employees within the classification plan;
- (c) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and the order and manner in which layoffs shall be affected;
- (d) Such dismissal hearings as due process may require; and
- (e) Such other personnel policies as may be necessary to provide for adequate and systematic handling of personnel affairs.

## **ARTICLE IV**

### **JUDICIAL BRANCH**

**Section 4.10. Creation; Name.** The City shall be authorized to create the court such time as the City Council deems it necessary and desirable and the court as so created shall be known as the municipal court of the City of Williamson. The court, when created, shall operate pursuant to the provisions of this charter, general laws of the state of Georgia, in the procedures adopted by the City Council not in conflict with this charter in the general laws of the state of Georgia.

## ARTICLE V

### ELECTIONS AND REMOVAL

**Section 5.10. Applicable Only Of General Law.** All primaries and elections shall be held and conducted in accordance with Chapter 3 of Title 21 of the O.C.G.A., the "Georgia Municipal Election Code", as now or hereafter amended.

**Section 5.11. Regular Elections; Time for Holding.**

- (a) On the Tuesday next following the first Monday in November, 2012, there shall be an election for successors to the mayor and Councilmembers representing Posts 1,4, and 5. The persons elected at such election shall serve until December 31,2015, and until their successors have been duly elected and qualified. Their successors shall be elected at the general municipal election held in 2015 and quadrennially thereafter and shall take office in January, 2016, to serve terms of four years and until their successors are duly elected and qualified. On the Tuesday next following the first Monday in November, 2013, and on that day quadrennially thereafter, there shall be an election for successors to the Councilmembers representing Posts 2 and 3. The terms of office shall begin at the time of taking the oath of office as provided in Section 2.18 of this charter;
- (b) The Mayor and Councilmembers in office on the effective date of this section shall remain in office until their successors are duly elected and qualified."

**Section 5.12. Special Elections; Vacancies.** In the event that the office of Mayor or Council Member shall become vacant for any cause whatsoever, 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 six months of the expiration of the term of that office, the City Council or those members remaining shall appoint a successor for the remainder of the term. In all other respects, the special election shall be held in conducted in accordance with Chapter 3 of Title 21 of the O.C.G.A., the "Georgia Municipal Election Code".

**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 Chapter 3 of Title 21 of the O.C.G.A., the "Georgia Municipal Election Code".

**Section 5.14. Nonpartisan Elections.** Political parties shall not conduct primaries for City offices and all the names of candidates for City offices shall be listed without party labels.

**Section 5.15. Election By Plurality.** The person receiving the plurality of the votes cast for any City office shall be elected.

## **ARTICLE VI**

### **FINANCE**

#### **Section 6.10. Property tax.**

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, of 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 6.11. Millage Rate; Due Date; Payment Methods.**

The City Council by ordinance shall establish the Millage rate for the City property tax, due date, and the time period within which these taxes must be paid, provided that the tax rate shall not be greater than ten mills. The City Council by ordinance may provide for the payment of these taxes by installments or in one lump sum payment, as well as authorize the voluntary payment of taxes prior to the time when due.

#### **Section 6.12. Occupation and Business Taxes.**

The City Council by ordinance shall have the power to levy such occupation or business taxes as are not denied by law. Such taxes may be levied on both individuals and corporations who transact business in the City or who practice or offer to practice any profession or calling within the City to the extent such persons have a constitutionally sufficient nexus to this City to be so taxed. The City Council may classify businesses, occupations, professions, or callings for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.18 of this charter.

#### **Section 6.13. Licenses; Permits; Fees.**

The City Council by ordinance shall have the power to require any individual or corporation who transacts business in the City or who practices or offers to practice any profession or calling within the City to obtain a license or permit for such activity from the City and pay a reasonable fee for such license or permit where such activities are not now regulated by general law in such a way as to preclude City regulations. Such fees may reflect the total cost to the City of regulating the activity and, if unpaid, shall be collected as provided in Section 6.18 of this charter. The City Council by ordinance may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety, and welfare necessitate.

#### **Section 6.14. Franchises.**

The City Council shall have the power to grant franchises for the use of the City's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, cable television

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, in the consideration for such franchises; provided, however, that no franchise shall be granted unless the City receives just and adequate compensation therefore. The City Council shall provide for the registration of all franchises with the City clerk in a registration book kept by the City clerk. The City Council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

### **Section 6.15. Service Charges.**

The City Council by ordinance shall have the power to assess and collect fees, charges, and tolls for sewers, sanitary and Health Services, or any other services provided or made available inside or outside the corporate limits of the City for the total cost to the City of providing or making available such services. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

### **Section 6.16. Special Assessments.**

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

### **Section 6.17. Construction; Other Taxes.**

This City shall be empowered to levy any other tax allowed now or hereafter by 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 6.18. Collection of Delinquent Taxes and Fees.**

The City Council by ordinance may provide generally for the collection of delinquent taxes, fees, or other revenue due the City under Sections 6.10 through 6.17 of this charter by whatever reasonable means as are not precluded by law. This shall include providing for the dates when the taxes or fees are due, late penalties or interest, issuance and execution of fi.fa.s, creation and priority of liens, making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed, revoking City licenses for failure to pay any City taxes or fees, allowing exceptions for hardship, and providing for the assignment or transfer of tax executions.

### **Section 6.19. 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 laws of the state. Such bonding authority shall be exercised in accordance with the laws governing bond issuance by municipalities in effect the time City issue is undertaken.

### **Section 6.21. Short Term Loans.**

The City may obtain short term loans and must repay any short term loans not later than December 31 of the calendar year in which obtained, unless otherwise provided by law.

### **Section 6.22. Fiscal Year.**

The City Council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year in the year for Financial Accounting and reporting of each and every office, department, agency, and activity of the City government unless otherwise provided by general, state, or Federal law.

### **Section 6.20. 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. Budget and Audit.**

The City shall conform to those budget and audit requirements established pursuant to Chapter 81 of Title 36 of the O.C.G.A., relating to budgets and audits for local governments. For such purposes the Mayor shall be the budget officer of the City.

### **Section 6.24. Levy of Taxes.**

Following the adoption of the operating budget, the City Council shall levy by ordinance such taxes as are necessary. The taxes and tax rates set by such ordinance 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 expense of the general government of this City.

### **Section 6.25. Changes in Appropriations.**

The City Council by ordinance vote may make changes in the appropriations contained in the current operating budget at any regular meeting or special or emergency meeting called for such purposes, but any additional appropriations may be made only from an existing unexpended surplus in the fund to which it applies or on a revised estimate of revenue.

**Section 6.26. Contracting Procedures.** No contract with the City shall be binding on the City unless;

1. It is in writing;
2. It is drawn by or submitted and reviewed by the City attorney and, as a matter of course, is signed by him to indicate such drafting or review; and
3. 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 of this charter.

### **Section 6.27. Centralized Purchasing.**

The City Council shall by ordinance prescribe procedures for a system of centralized purchasing for the City.

### **Section 6.28. Sale Of City Property.**

The City Council may sell and convey any real or personal property, except a public utility owned or held by the City for governmental or other purposes as now or hereafter provided by Chapter 37 of Title 36 of the O.C.G.A., relating to acquisition and disposition of property. A public utility held or owned by the City may not be sold or conveyed unless the sale or conveyance is approved by a majority of the qualified voters of the City voting in a special election which shall be called for that purpose. The City Council may quitclaim any rights it may have in property not needed for public purposes upon report by the Mayor 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. Whenever in a opening, extending, or widening any street, avenue, alley, or public place of the City a small parcel or tract of land cut off or separated by such work from a larger tract or boundary of land owned by the City, the City Council may authorize the Mayor to execute and deliver in the name of the City a deed conveying said cut off or separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights of way of said street, avenue, alley, or public place or in settlement of any alleged damages sustained by said abutting or adjoining property owner. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all Title and interest the City as 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, both elected and appointed, shall execute such surety or fidelity bonds in such amounts and upon such terms and conditions as the City Council shall from time to time require by ordinance or as maybe provided by law.

#### **Section 7.11. Prior Ordinances; Rules and Regulations.**

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

#### **Section 7.12. Pending Matters.**

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

#### **Section 7.13. Penalties.**

The violation of any provisions of this charter, for which penalty is not specifically provided for in this charter, is declared to be a misdemeanor and shall be punishable by a fine of not more than \$500.00 or by imprisonment not to exceed 90 days or both such fine and imprisonment.



#### **Section 7.14. Definitions and Construction.**

Section captions in this charter are informative only and shall not be considered as a part thereof. The word "shall" is mandatory in the word "may" is permissive. The singular shall include the plural, the masculine shall include the feminine, and vice versa.

#### **Section 7.15. 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 such article, section, subsection, paragraph, sentence, or part thereof be enacted separately and independent of each other.

#### **Section 7.16. Effective Date.**

This charter shall become effective on approval by the Governor or on its becoming law without his approval.

#### **Section 7.17. Specific Repealer.**

An Act incorporating the City of Williamson in the County of Pike, approved August 17, 1908 (Ga. L. 1908, p.973), as amended, particularly by an act approved April 6, 1967 (Ga. L.1967, p. 2777), and an act approved April 17, 1973 (Ga. L. 1973, p. 3515), is repealed in its entirety.

#### **Section 7.18. Repealer.**

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