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CITY OF ROBERTA - NEW CHARTER

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NO. 1433 (HOUSE BILL NO. 1909)

AN ACT TO PROVIDE A NEW CHARTER FOR THE CITY OF ROBERTA, GEORGIA, IN THE COUNTY OF CRAWFORD; TO PROVIDE FOR THE INCORPORATION AND POWERS OF SUCH CITY; TO PROVIDE FOR THE GOVERNING AUTHORITY; TO PROVIDE FOR THE EXECUTIVE BRANCH OF THE CITY GOVERNMENT; TO PROVIDE FOR THE JUDICIAL BRANCH OF THE CITY GOVERNMENT; TO PROVIDE FOR ELECTIONS; TO PROVIDE FOR THE FINANCIAL AND FISCAL AFFAIRS OF THE CITY; TO PROVIDE FOR GENERAL PROVISIONS; TO PROVIDE FOR OTHER MATTERS RELATIVE THERETO; TO PROVIDE FOR SPECIFIC REPEAL; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING LAWS; AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA.

ARTICLE I

INCORPORATION, POWERS

SECTION 1.10 - INCORPORATION:

THIS ACT SHALL CONSTITUTE THE WHOLE CHARTER OF THE CITY OF ROBERTA, REPEALING AND REPLACING THE CHARTER PROVIDED BY AN ACT OF THE GENERAL ASSEMBLY APPROVED DECEMBER 10, 1937 (GA. L. 1937-38, EX. SESS., P. 1273), AS AMENDED. THE CITY OF ROBERTA, GEORGIA, IN THE COUNTY OF CRAWFORD AND THE INHABITANTS THEREOF ARE HEREBY CONSTITUTED AND DECLARED A BODY POLITIC AND CORPORATE UNDER THE SAME NAME AND STYLE OF ROBERTA, GEORGIA, AND BY THAT NAME SHALL HAVE PERPETUAL SUCCESSION MAY SUE AND BE SUED, PLEAD AND BE IMPEADED IN ALL THE COURTS OF LAW AND EQUITY AND IN ALL ACTIONS WHATSOEVER AND MAY HAVE AND USE A COMMON SEAL AND CHANGE IT AT PLEASURE.

SECTION 1.11 - CORPORATE BOUNDARIES:

- A. THE BOUNDARIES OF THE CITY OF ROBERTA SHALL EXTEND 1,200 YARDS IN EVERY DIRECTION FROM THE BENJAMIN HAWKINS MONUMENT WHICH IS LOCATED IN THE CENTER OF SAID CITY OF ROBERTA, AND SAID CORPORATE LIMITS SHALL ALSO INCLUDE ALL THAT AREA ADJOINING THE EXISTING LIMITS OF THE CITY ON THE WEST AND SOUTHWEST KNOWN AS "LINDA PARK SUBDIVISION", AND AS SHOWN IN PLAT OF SAID SUBDIVISION MADE BY WINCHESTER ENGINEERING COMPANY, COPY OF WHICH IS OF RECORD IN PLAT BOOK 1, PAGE 45, IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF CRAWFORD COUNTY, GEORGIA. THE CURRENT BOUNDARIES OF THE CITY OF ROBERTA SHALL, WHENEVER POSSIBLE, BE SHOWN ON A MAP TO BE RETAINED PERMANENTLY IN THE OFFICE OF THE CITY CLERK AND TO BE DESIGNATED: "ROBERTA, GEORGIA." ALTERATIONS IN THESE BOUNDARIES SHALL BE INDICATED BY APPROPRIATE ENTRIES UPON OR ADDITIONS TO SUCH MAP. SUCH ENTRIES OR ADDITIONS SHALL BE MADE BY AND UNDER THE DIRECTION OF THE MAYOR. PHOTOGRAPHIC, TYPED OR OTHER COPIES OF SUCH MAP CERTIFIED BY THE MAYOR SHALL BE ADMITTED IN EVIDENCE IN ALL COURTS AND SHALL HAVE THE SAME FORCE AND EFFECT AS WITH THE ORIGINAL MAP.
- B. THE CITY COUNCIL MAY PROVIDE FOR THE REDRAWING OF ANY SUCH MAP. A REDRAWN MAP SHALL SUPERSEDE FOR ALL PURPOSES THE EARLIER MAP OR MAPS WHICH IT IS DESIGNATED TO REPLACE.

SECTION 1.12 - SPECIFIC POWERS:

THE CORPORATE POWERS OF THE GOVERNMENT OF THE CITY OF ROBERTA, TO BE EXERCISED BY THE GOVERNING AUTHORITY, MAY INCLUDE THE FOLLOWING:

- (1) TO LEVY AND TO PROVIDE FOR THE ASSESSMENT, VALUATION, REVALUATION AND COLLECTION OF TAXES ON ALL PROPERTY SUBJECT TO TAXATION;
- (2) TO LEVY AND TO PROVIDE FOR THE COLLECTION OF LICENSE FEES AND TAXES ON PRIVILEGES, OCCUPATIONS, TRADES AND PROFESSIONS; TO LICENSE AND REGULATE SUCH PRIVILEGES, OCCUPATIONS, TRADES AND PROFESSIONS; AND TO PROVIDE FOR THE MANNER AND METHOD OF PAYMENT OF SUCH LICENSES AND TAXES;
- (3) 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;
- (4) TO APPROPRIATE AND BORROW MONEY FOR THE PAYMENT OF DEBTS OF THE CITY, AND TO ISSUE BONDS TO RAISE REVENUE TO CARRY OUT ANY PROJECT, PROGRAM OR VENTURE AUTHORIZED BY THIS CHARTER OR THE LAWS OF THE STATE OF GEORGIA;
- (5) 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;
- (6) TO ACCEPT 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;
- (7) 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 UNDER SECTION 36-202 OF THE CODE OF GEORGIA, 1933, OR UNDER OTHER APPLICABLE PUBLIC ACTS, AS ARE OR MAY BE ENACTED;
- (8) 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, GAS WORKS, ELECTRIC LIGHT PLANTS, TRANSPORTATION FACILITIES, PUBLIC AIRPORTS AND OTHER PUBLIC UTILITIES; TO FIX THE TAXES, CHARGES, RATES, FEES, FARES, ASSESSMENTS, REGULATIONS, PENALTIES AND WITHDRAWAL OF SERVICE FOR REFUSAL OR FAILURE TO PAY SAME; AND TO FIX THE MANNER IN WHICH SUCH REMEDIES SHALL BE ENFORCED;

- (9) TO GRANT FRANCHISES OR MAKE CONTRACTS FOR PUBLIC UTILITIES AND PUBLIC SERVICES NOT TO EXCEED PERIODS OF 35 YEARS; 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 SUCH REGULATIONS OF THE PUBLIC SERVICE COMMISSION;
- (10) TO LAY OUT, OPEN, EXTEND, WIDEN, NARROW, ESTABLISH, CHANGE THE GRADE OF ABANDON, CLOSE, CONSTRUCT, PAVE, CURB, GUTTER, ADORN WITH SHADE TREES OR OTHERWISE IMPROVE, MAINTAIN, REPAIR, CLEAN, PREVENT EROSION OF AND LIGHT ROADS, ALLEYS AND WALKWAYS WITHIN THE CORPORATE LIMITS OF THE CITY;
- (11) TO GRANT FRANCHISES AND RIGHTS-OF-WAY THROUGHOUT THE STREETS AND ROADS AND OVER THE BRIDGES AND VIADUCTS FOR THE USE OF PUBLIC UTILITIES;
- (12) TO PROVIDE FOR THE ACQUISITION, CONSTRUCTION, BUILDING, OPERATION AND MAINTENANCE OF PUBLIC WAYS, PARKS AND PLAYGROUNDS, PUBLIC BUILDINGS, RECREATIONAL FACILITIES, CEMETERIES, MARKETS AND MARKET HOUSES, LIBRARIES, SEWERS, DRAINS, SEWERAGE TREATMENT, AIRPORTS, HOSPITALS AND CHARITABLE, CULTURAL, EDUCATIONAL, RECREATIONAL, CONSERVATION, SPORT, CURATIVE, CORRECTIVE, DETENTIONAL, PENAL AND MEDICAL INSTITUTIONS, AGENCIES AND FACILITIES AND ANY OTHER PUBLIC IMPROVEMENTS INSIDE OR OUTSIDE THE CORPORATE LIMITS OF THE CITY; AND TO REGULATE THE USE THEREOF, AND FOR SUCH PURPOSES PROPERTY MAY BE ACQUIRED BY CONDEMNATION UNDER SECTION 36-202 OF THE CODE OF GEORGIA, 1933, OR OTHER APPLICABLE PUBLIC ACTS AS ARE OR MAY BE ENACTED;
- (13) 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 EFFECTED, INCLUDING THE PENALTIES TO BE IMPOSED FOR A FAILURE TO DO SO;

- (14) TO REGULATE THE ERECTION AND CONSTRUCTION OF BUILDINGS AND ALL OTHER STRUCTURES; TO ADOPT HOUSING, BUILDING, PLUMBING, ELECTRICAL, GAS AND HEATING AND AIR-CONDITIONING CODES; TO REGULATE ALL HOUSING, BUILDING OR BUILDING TRADES; TO LICENSE ALL BUILDING TRADES; AND TO LICENSE THE CONSTRUCTION AND ERECTION OF BUILDINGS AND ALL OTHER STRUCTURES;
- (15) TO PROVIDE FOR THE PREVENTION AND PUNISHMENT OF RIOTS AND PUBLIC DISTURBANCES;
- (16) TO REGULATE OR PROHIBIT JUNK DEALERS, PAWN SHOPS, THE MANUFACTURE, SALE OR TRANSPORTATION OF INTOXICATING LIQUORS AND LIQUIDS, THE USE AND SALE OF FIREARMS, 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;
- (17) TO REGULATE AND CONTROL THE CONDUCT OF PEDDLERS, ITINERANT TRADES, THEATRICAL PERFORMANCES, EXHIBITIONS AND SHOWS OF ANY KIND BY TAXATION OR OTHERWISE;
- (18) TO LICENSE, TAX, REGULATE OR PROHIBIT PROFESSIONAL FORTUNE TELLING OR PALMISTRY;
- (19) 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 OF ROBERTA; AND TO PRESCRIBE PENALTIES AND PUNISHMENT FOR VIOLATION OF SUCH ORDINANCES;
- (20) TO PRESCRIBE STANDARDS OF HEALTH AND SANITATION AND TO PROVIDE FOR THE ENFORCEMENT OF SUCH STANDARDS;
- (21) 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 CORPORATED LIMITS OF THE CITY;
- (22) TO FIX AND ESTABLISH FIRE LIMITS AND FROM TIME TO TIME TO EXTEND, ENLARGE OR RESTRICT SAME; TO PRESCRIBE FIRE

SAFETY REGULATIONS NOT INCONSISTENT WITH GENERAL LAW RELATING TO BOTH FIRE PREVENTION AND DETECTION AND TO FIRE FIGHTING; AND TO PRESCRIBE PENALTIES AND PUNISHMENT FOR VIOLATION THEREOF;

- (23) TO PROVIDE FOR THE DESTRUCTION AND REMOVAL OF ANY BUILDING OR OTHER STRUCTURE WHICH MAY OR MIGHT BECOME DANGEROUS OR DETRIMENTAL TO THE PUBLIC, BUT ONLY AFTER NOTICE HAS BEEN GIVEN TO THE OWNER OF SUCH BUILDING OR STRUCTURE AND THERE HAS BEEN NO UNDERTAKING BY THE OWNER TO REMOVE SUCH BUILDING OR STRUCTURE WITHIN A PERIOD OF 60 DAYS AFTER SUCH NOTICE. UPON THE CITY DESTROYING OR REMOVING SUCH BUILDING OR STRUCTURE, THE OWNER THEREOF SHALL BE ASSESSED AND SHALL BE LIABLE FOR THE ACTUAL COST OF SUCH DESTRUCTION OR REMOVAL;
- (24) TO PROVIDE FOR THE COLLECTION AND DISPOSAL OF GARBAGE, RUBBISH AND REFUSE; 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 THE RESALE OF SUCH ITEMS;
- (25) 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 IN THE CITY OF ROBERTA, 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;
- (26) TO LEVY A FEE OR CHARGE OF 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 THE USERS OF SEWERS AND THE SEWERAGE SYSTEM A SEWER SERVICE CHARGE OR FEE OF SEWER TAX FOR THE USE OF THE SEWERS; AND TO PROVIDE FOR THE MANNER AND METHOD OF COLLECTING SUCH SERVICE CHARGES AND FOR ENFORCING PAYMENT OF SAME;
- (27) TO CHARGE, IMPOSE AND COLLECT A SEWER CONNECTION FEE OR FEES AND TO CHANGE THE SAME FROM TIME TO TIME, SUCH FEES TO BE LEVIED ON THE USERS CONNECTING WITH THE SEWERAGE SYSTEM;
- (28) TO DEFINE, REGULATE AND PROHIBIT ANY ACT, CONDUCT,

PRACTICE OR USE OF PROPERTY WHICH IS DETRIMENTAL OR LIKELY TO BE DETRIMENTAL TO THE HEALTH, SANITATION, CLEANLINESS, WELFARE AND SAFETY OF THE INHABITANTS OF THE CITY OF ROBERTA; AND TO PROVIDE FOR THE ENFORCEMENT OF SUCH STANDARDS;

- (29) TO DEFINE A NUISANCE AND PROVIDE FOR ITS ABATEMENT WHETHER ON PUBLIC OR PRIVATE PROPERTY;
- (30) 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;
- (31) TO ESTABLISH MINIMUM STANDARDS FOR AND TO REGULATE BUILDING CONSTRUCTION AND REPAIR, ELECTRICAL WIRING AND EQUIPMENT, GAS INSTALLATION AND EQUIPMENT, PLUMBING AND HOUSING FOR THE HEALTH, SANITATION, CLEANLINESS, WELFARE AND SAFETY OF INHABITANTS OF THE CITY OF ROBERTA; AND TO PROVIDE FOR THE ENFORCEMENT OF SUCH STANDARDS;
- (32) TO PROVIDE THAT PERSONS GIVEN JAIL SENTENCES IN THE MAYOR'S COURT MAY WORK OUT SUCH SENTENCE IN ANY PUBLIC WORKS OR ON THE STREETS, ROADS, DRAINS AND SQUARES IN THE CITY OR TO PROVIDE FOR THE COMMITMENT OF SUCH PERSONS TO ANY COUNTY WORK CAMP OR JAIL BY AGREEMENT WITH THE APPROPRIATE COUNTY OFFICIALS;
- (33) TO ADOPT ORDINANCES AND REGULATIONS FOR THE PREVENTION OF LOITERING, DISORDERLY CONDUCT AND DISTURBING THE PEACE IN THE CORPORATE LIMITS OF THE CITY OF ROBERTA; AND TO PROHIBIT OR REGULATE BY ORDINANCE SUCH OTHER CONDUCT AND ACTIVITIES WITHIN THE CITY WHICH, WHILE NOT CONSTITUTING OFFENSES AGAINST THE LAWS OF THIS STATE, ARE DEEMED BY THE GOVERNING AUTHORITY TO BE DETRIMENTAL AND OFFENSIVE TO THE PEACE AND GOOD ORDER OF THE CITY OR TO THE WELFARE OF THE CITIZENS THEREOF;
- (34) TO REGULATE AND LICENSE OR PROHIBIT THE KEEPING OR RUNNING AT LARGE OF ANIMALS AND FOWL; TO PROVIDE FOR THE IMPOUNDMENT OF SAME IF IN VIOLATION OF ANY ORDINANCE OR LAWFUL ORDER; TO PROVIDE FOR THEIR DISPOSITION BY SALE, GIFT, OR HUMANE DESTRUCTION WHEN NOT REDEEMED AS PROVIDED BY ORDINANCE; AND TO PROVIDE PUNISHMENT FOR VIOLATION OF ORDINANCES ENACTED HEREUNDER;

- (35) 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;
- (36) TO REGULATE AND LICENSE VEHICLE 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 AND RENT PARKING SPACES IN PUBLIC WAYS FOR THE USE OF SUCH VEHICLES;
- (37) TO PROVIDE AND MAINTAIN A SYSTEM OF PENSIONS AND RETIREMENT FOR OFFICERS AND EMPLOYEES OF THE CITY;
- (38) TO LEVY AND PROVIDE FOR THE COLLECTION OF SPECIAL ASSESSMENTS TO COVER THE COSTS OF ANY PUBLIC IMPROVEMENTS;
- (39) TO ENTER INTO CONTRACTS AND AGREEMENTS WITH OTHER GOVERNMENTAL ENTITIES AND WITH PRIVATE PERSONS, FIRMS AND CORPORATIONS PROVIDING FOR SERVICES TO BE FURNISHED AND PAYMENTS TO BE MADE THEREFORE;
- (40) TO CREATE, ALTER OR ABOLISH DEPARTMENTS, BOARDS, OFFICES, COMMISSIONS AND AGENCIES OF THE CITY; AND TO CONFER UPON SUCH AGENCIES THE NECESSARY AUTHORITY FOR CARRYING OUT ALL THE POWERS CONFERRED UPON OR DELEGATED TO SAME;
- (41) TO MAKE, ORDAIN AND ESTABLISH SUCH BYLAWS, ORDINANCES, RULES AND REGULATIONS AS SHALL APPEAR NECESSARY FOR THE SECURITY, WELFARE, CONVENIENCE AND INTEREST OF THE CITY AND THE INHABITANTS THEREOF AND FOR PRESERVING THE HEALTH, PEACE, ORDER AND GOOD GOVERNMENT OF THE CITY;
- (42) TO PROVIDE PENALTIES FOR VIOLATIONS OF ANY ORDINANCE ADOPTED PURSUANT TO THE AUTHORITY OF THIS CHARTER AND THE LAWS OF THE STATE OF GEORGIA;
- (43) TO EXERCISE THE POWER OF ARREST THROUGH DULY APPOINTED POLICEMEN;
- (44) 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;

- (45) 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 ARE FULLY ENUMERATED 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. NO ENUMERATION 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 1.13 - GENERAL POWERS:

IN ADDITION TO ALL OTHER POWERS HEREIN GRANTED, THE CITY SHALL BE VESTED WITH ANY AND ALL POWERS WHICH MUNICIPAL CORPORATIONS ARE OR MAY HEREAFTER BE AUTHORIZED OR REQUIRED TO EXERCISE UNDER THE CONSTITUTION AND LAWS OF THE STATE OF GEORGIA, AS FULLY AND COMPLETELY AS THOUGH SUCH POWERS WERE SPECIFICALLY ENUMERATED HEREIN, AND ANY AND ALL POWERS WHICH THE CITY WAS HERETOFORE AUTHORIZED TO EXERCISE UPON THE EFFECTIVE DATE OF THIS CHARTER.

SECTION 1.14 - CONSTRUCTION:

THE POWERS OF THE CITY SHALL BE CONSTRUED LIBERALLY AND IN FAVOR OF THE CITY. THE SPECIFIC MENTION OR FAILURE TO MENTION PARTICULAR POWERS IN THIS CHARTER SHALL NOT BE CONSTRUED AS LIMITING IN ANY WAY THE GENERAL POWER OF THE CITY AS STATED IN THIS CHARTER. IT IS THE INTENTION HEREOF TO GRANT THE CITY FULL POWER AND RIGHT TO EXERCISE ALL GOVERNMENT AUTHORITY NECESSARY FOR THE EFFECTIVE OPERATING AND CONDUCT OF THE CITY AND ALL OF ITS AFFAIRS.

SECTION 1.15 - 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 - CREATION, COMPOSITION, NUMBER, ELECTION:

THE LEGISLATIVE AUTHORITY OF THE GOVERNMENT OF THE CITY OF ROBERTA, EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED IN THIS CHARTER, SHALL BE VESTED IN A CITY COUNCIL TO BE COMPOSED OF A MAYOR AND FIVE COUNCILMEN. THE MAYOR AND COUNCILMEN SHALL BE ELECTED IN THE MANNER PROVIDED BY ARTICLE V OF THIS CHARTER.

SECTION 2.11 - TERMS AND QUALIFICATION OF OFFICE:

four THE MEMBERS OF THE COUNCIL SHALL SERVE FOR TERMS OF ~~TWO~~ YEARS AND UNTIL THEIR RESPECTIVE SUCCESSORS ARE ELECTED AND QUALIFIED. NO PERSON SHALL BE ELIGIBLE TO SERVE AS MAYOR OR COUNCIL UNLESS HE IS A RESIDENT OF THE CITY OF ROBERTA AND CONTINUES TO RESIDE IN THE CITY DURING HIS PERIOD OF SERVICE. HE SHALL ALSO BE REGISTERED AND QUALIFIED TO VOTE IN MUNICIPAL ELECTIONS OF THE CITY OF ROBERTA AND SHALL MEET THE QUALIFICATION STANDARDS REQUIRED FOR MEMBERS OF THE GEORGIA HOUSE OF REPRESENTATIVES AS NOW OR MAY IN THE FUTURE BE PRESCRIBED BY THE GEORGIA CONSTITUTION.

SECTION 2.12 - VACANCY; FORFEITURE; FILLING OF SAME:

- A. THE OFFICE OF THE MAYOR OR COUNCILMAN 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 COUNCILMAN SHALL FORFEIT HIS OFFICE IF HE:
- (1) LACKS AT ANY TIME DURING HIS TERM OF OFFICE ANY QUALIFICATION OF THE OFFICE AS PRESCRIBED BY THIS CHARTER OR THE LAWS OF THE STATE OF GEORGIA;
 - (2) WILFULLY AND KNOWINGLY VIOLATE 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 COUNCILMAN SHALL BE FILLED FOR THE REMAINDER OF THE UNEXPIRED TERM, IF ANY, AS PROVIDED FOR IN ARTICLE V OF THIS CHARTER.

SECTION 2.13 - COMPENSATION AND EXPENSES:

THE MAYOR AND COUNCILMEN 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 COUNCILMEN SHALL BE ENTITLED TO RECEIVE THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES OF OFFICE;

SECTION 2.14 - PROHIBITIONS:

- A. EXCEPT AS AUTHORIZED BY LAW, NO MEMBERS OF THE COUNCIL SHALL HOLD ANY OTHER ELECTIVE CITY OFFICE OR CITY EMPLOYMENT DURING THE TERM FOR WHICH HE WAS ELECTED.
- B. NEITHER THE MAYOR NOR ANY COUNCILMAN SHALL VOTE UPON ANY QUESTION IN WHICH HE IS PERSONALLY INTERESTED.

SECTION 2.15 - INQUIRIES AND INVESTIGATIONS:

THE 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 COUNCIL SHALL BE PUNISHED AS PROVIDED BY ORDINANCE.

SECTION 2.16 - GENERAL POWER AND AUTHORITY OF THE COUNCIL:

- A. EXCEPT AS OTHERWISE PROVIDED BY LAW OR BY THIS CHARTER, THE COUNCIL SHALL BE VESTED WITH ALL THE POWERS OF GOVERNMENT OF THE CITY OF ROBERTA AS PROVIDED BY ARTICLE I OF THIS CHARTER.
- B. IN ADDITION TO ALL OTHER POWERS CONFERRED UPON IT BY LAW, THE COUNCIL SHALL HAVE THE AUTHORITY TO ADOPT AND PROVIDE FOR THE EXECUTION OF SUCH ORDINANCES, RESOLUTIONS, RULES AND REGULATIONS, NOT INCONSISTENT WITH THIS CHARTER, THE CONSTITUTION AND THE LAWS OF THE STATE OF GEORGIA, WHICH IT SHALL DEEM NECESSARY, EXPEDIENT OR HELPFUL FOR THE PEACE, GOOD ORDER, PROTECTION OF LIFE AND PROPERTY, HEALTH, WELFARE,

SANITATION, COMFORT, CONVENIENCE, PROSPERITY OR WELL-BEING OF THE INHABITANTS OF THE CITY OF ROBERTA AND MAY ENFORCE SUCH ORDINANCE BY IMPOSNG PENALTIES FOR VIOLATION THEREOF.

SECTION 2.20 - DUTIES OF MAYOR:

THE MAYOR SHALL:

- (1) PRESIDE AT ALL MEETINGS OF THE CITY COUNCIL;
- (2) BE THE OFFICIAL HEAD OF THE CITY FOR THE SERVICE OF PROCESS AND FOR CEREMONIAL PURPOSES;
- (3) HAVE POWER TO ADMINISTER OATHS AND TO TAKE AFFIDAVITS;
- (4) 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;
- (5) SEE THAT ALL LAWS AND ORDINANCES OF THE CITY ARE FAITHFULLY EXECUTED;
- (6) APPOINT AND REMOVE ALL OFFICERS, DEPARTMENT HEADS AND EMPLOYEES OF THE CITY EXCEPT AS OTHERWISE PROVIDED BY THIS CHARTER;
- (7) EXERCISE SUPERVISION OVER ALL EXECUTIVE ADMINISTRATIVE WORK OF THE CITY AND PROVIDE FOR THE COORDINATION OF ADMINISTRATIVE ACTIVITIES;
- (8) RECOMMEND TO THE COUNCIL SUCH MEASURES RELATIVE TO THE AFFAIRS OF THE CITY, IMPROVEMENT OF THE GOVERNMENT AND PROMOTION OF THE WELFARE OF ITS INHABITANTS AS HE MAY DEEM EXPEDIENT;
- (9) CALL SPECIAL MEETINGS OF THE COUNCIL AS PROVIDED FOR IN SECTION 2.31 OF THIS CHARTER;
- (10) APPROVE OR DISAPPROVE ORDINANCES AS PROVIDED FOR IN SECTION 2.38 OF THIS CHARTER;
- (11) REQUIRE ANY DEPARTMENT OR AGENCY OF THE CITY TO SUBMIT WRITTEN REPORTS IN CONNECTION WITH THE AFFAIRS THEREOF WHENEVER HE DEEMS IT EXPEDIENT;
- (12) PERFORM OTHER DUTIES AS MAY BE REQUIRED BY LAW, THIS CHARTER OR ORDINANCE.

SECTION 2.21 - MAYOR PRO TEM:

DURING THE ABSENCE OR DISABILITY OF THE MAYOR FOR ANY CAUSE, THE MAYOR PRO TEM., WHO SHALL BE SELECTED AS PROVIDED FOR IN THIS SECTION OF THE CHARTER, OR IN HIS ABSENCE OR DISABILITY FOR ANY REASON, ANY ONE OF THE COUNCILMEN CHOSEN BY THE COUNCIL SHALL BE CLOTHED WITH ALL THE RIGHTS AND PRIVILEGES OF THE MAYOR AND SHALL PERFORM THE DUTIES OF THE OFFICE OF MAYOR SO LONG AS SUCH ABSENCE OR DISABILITY SHALL CONTINUE. THE MAYOR SHALL ELECT ONE OF THE MEMBERS OF THE COUNCIL TO BE MAYOR PRO TEM, WHO SHALL SERVE FOR A TERM OF ONE YEAR AND UNTIL HIS SUCCESSOR IS ELECTED AND QUALIFIED.

SECTION 2.30 - ORGANIZATION MEETING:

THE COUNCIL SHALL MEET FOR ORGANIZATION ON THE FIRST MONDAY IN JANUARY. THE MEETING SHALL BE CALLED TO ORDER BY THE CITY CLERK AND THE OATH OF OFFICE SHALL BE ADMINISTERED TO THE NEWLY ELECTED MEMBERS AS FOLLOWS:

"I DO SOLEMNLY SWEAR THAT I WILL WELL AND TRULY PERFORM THE DUTIES OF (MAYOR OR COUNCILMAN AS THE CASE MAY BE) OF THE CITY OF ROBERTA 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 2.31 - REGULAR AND SPECIAL MEETINGS:

- A. THE COUNCIL SHALL HOLD REGULAR MEETINGS AT SUCH TIMES AND PLACES AS PRESCRIBED BY ORDINANCE. THE COUNCIL MAY RECESS ANY REGULAR MEETING AND CONTINUE SUCH MEETING ON ANY WEEKDAY OR HOUR IT MAY FIX AND MAY TRANSACT ANY BUSINESS AT SUCH CONTINUED MEETING AS MAY BE TRANSACTED AT ANY REGULAR MEETING.
- B. SPECIAL MEETINGS OF THE COUNCIL MAY BE HELD ON CALL OF THE MAYOR OR TWO COUNCILMEN. NOTICE OF SUCH MEETINGS SHALL BE SERVED ON ALL OTHER MEMBERS PERSONALLY, OR BY TELEPHONE PERSONALLY, OR SHALL BE LEFT AT THEIR RESIDENCES IN ADVANCE OF THE MEETING. SUCH NOTICE SHALL NOT BE REQUIRED IF THE MAYOR AND ALL COUNCILMEN ARE PRESENT WHEN THE SPECIAL MEETING IS CALLED. NOTICE OF ANY SPECIAL MEETING MAY BE WAIVED IN WRITING BEFORE OR AFTER SUCH MEETING AND ATTENDANCE AT THE MEETING SHALL ALSO CONSTITUTE WAIVER OF NOTICE OF ANY SPECIAL MEETING. ONLY THE BUSINESS STATED IN THE CALL MAY BE TRANSACTED AT THE SPECIAL MEETING EXCEPT BY

UNANIMOUS CONSENT OF ALL MEMBERS PRESENT. WITH SUCH CONSENT, ANY BUSINESS WHICH MAY BE TRANSACTED IN A REGULAR MEETING MAY BE CONDUCTED AT THE SPECIAL MEETING.

C. ALL MEETINGS OF THE COUNCIL SHALL BE PUBLIC.

SECTION 2.32 - RULES OF PROCEDURE:

THE 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 JOURNAL SHALL BE A PUBLIC RECORD.

SECTION 2.33 - QUORUM VOTING:

THREE COUNCILMEN SHALL CONSTITUTE A QUORUM AND SHALL BE AUTHORIZED TO TRANSACT BUSINESS OF THE COUNCIL. VOTING ON THE ADOPTION OF ORDINANCES SHALL BE TAKEN BY VOICE VOTE AND THE AYES AND NAYS SHALL BE RECORDED IN THE JOURNAL BUT ANY MEMBER OF THE COUNCIL SHALL HAVE THE RIGHT TO REQUEST A ROLL CALL VOTE. THE AFFIRMATIVE VOTE OF THE THREE COUNCILMEN SHALL BE REQUIRED FOR THE ADOPTION OF ANY ORDINANCE, RESOLUTION OR MOTION EXCEPT AS OTHERWISE PROVIDED IN THIS CHARTER. IN ALL MATTERS OF BUSINESS, THE MAYOR SHALL HAVE NO VOTE EXCEPT IN THE EVENT OF A TIE VOTE BETWEEN THE COUNCILMEN PRESENT AND VOTING.

SECTION 2.34 - ACTION REQUIRING AN ORDINANCE:

AN ORDINANCE MAY BE INTRODUCED BY ANY MEMBER OF THE COUNCIL AND READ AT A REGULAR OR SPECIAL MEETING OF THE COUNCIL. ORDINANCES SHALL BE CONSIDERED AND ADOPTED OR REJECTED BY THE COUNCIL IN ACCORDANCE WITH THE RULES WHICH IT SHALL ESTABLISH.

SECTION 2.35 - EMERGENCY ORDINANCE:

TO MEET A PUBLIC EMERGENCY AFFECTING LIFE, HEALTH, PROPERTY OR PUBLIC PEACE, THE COUNCIL MAY ADOPT ONE OR MORE EMERGENCY ORDINANCES, BUT SUCH ORDINANCES 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 AS PROVIDED BY LAW. AN EMERGENCY ORDINANCE SHALL BE INTRODUCED IN THE FORM AND MANNER PRESCRIBED FOR ORDINANCES GENERALLY EXCEPT THAT IT 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 THREE COUNCILMEN 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 OF ADOPTION OF EMERGENCY ORDINANCES.

SECTION 2.36 - CODES OF TECHNICAL REGULATIONS:

- A. THE 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 CITY CLERK PURSUANT TO SECTION 2.37.
- B. COPIES OF ANY ADOPTED CODE OF TECHNICAL REGULATIONS MAY BE MADE AVAILABLE BY THE CITY CLERK FOR DISTRIBUTION OR FOR PURCHASE AT A REASONABLE PRICE.

SECTION 2.37 - SIGNING, AUTHENTICATING, RECORDING; CODIFICATION:

- A. THE CITY CLERK SHALL AUTHENTICATE BY HIS SIGNATURE AND RECORD IN FULL IN A PROPERLY INDEXED BOOK KEPT FOR THAT PURPOSE ALL ORDINANCES ADOPTED BY THE COUNCIL. EVERY ORDINANCE SHALL BE SIGNED BY THE MAYOR AS A MATTER OF COURSE AFTER ADOPTION.
- B. THE COUNCIL SHALL PROVIDE FOR THE PREPARATION OF A GENERAL CODIFICATION OF ALL OF THE ORDINANCES OF THE CITY HAVING THE FORCE AND EFFECT OF LAW. THE GENERAL CODIFICATION SHALL BE ADOPTED BY THE COUNCIL BY ORDINANCE AND SHALL BE PUBLISHED PROMPTLY, TOGETHER WITH ALL AMENDMENTS THERETO, WITH THIS CHARTER AND ANY AMENDMENT THERETO, AND 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 "THE CODE OF THE CITY OF ROBERTA, 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 COUNCIL.

- C. THE COUNCIL SHALL CAUSE EACH ORDINANCE AND EACH AMENDMENT TO THIS CHARTER TO BE TYPED PROMPTLY FOLLOWING ITS ADOPTION. FOLLOWING PUBLICATION OF THE FIRST CODE OF THE CITY OF ROBERTA AND AT ALL TIMES THEREAFTER, THE ORDINANCES AND CHARTER AMENDMENTS SHALL BE TYPED IN SUBSTANTIALLY THE SAME STYLE AS THE CODE CURRENTLY IN EFFECT AND SHALL BE SUITABLE IN FORM FOR INCORPORATION THEREIN. THE COUNCIL SHALL MAKE SUCH FURTHER ARRANGEMENTS AS DEEMED DESIRABLE WITH RESPECT TO REPRODUCTION AND DISTRIBUTION OF ANY CURRENT CHANGES IN OR ADDITIONS TO CODES OF TECHNICAL REGULATIONS AND OTHER RULES AND REGULATIONS INCLUDED IN THE CODE.

SECTION 2.38 - SUBMISSION OF ORDINANCE TO THE MAYOR

- A. EVERY ORDINANCE ADOPTED BY THE COUNCIL SHALL BE PRESENTED PROMPTLY BY THE CITY CLERK TO THE MAYOR.
- B. THE MAYOR, WITHIN TEN CALENDAR DAYS OF RECEIPT OF AN ORDINANCE, SHALL RETURN IT TO THE CITY CLERK WITH OR WITHOUT HIS APPROVAL OR WITH HIS 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 TWELVE O'CLOCK NOON ON THE TENTH CALENDAR DAY AFTER ITS ADOPTION. IF THE ORDINANCE IS DISAPPROVED, THE MAYOR SHALL SUBMIT TO THE COUNCIL THROUGH THE CITY CLERK A WRITTEN STATEMENT OF HIS REASONS FOR HIS VETO. THE CITY CLERK SHALL RECORD UPON THE ORDINANCE THE DATE OF ITS DELIVERY TO AND RECEIPT FROM THE MAYOR.
- C. ORDINANCES VETOED BY THE MAYOR SHALL BE PRESENTED BY THE CITY CLERK TO THE COUNCIL AT ITS NEXT REGULAR MEETING AND SHOULD THE COUNCIL THEN OR AT ITS NEXT REGULAR MEETING ADOPT THE ORDINANCE BY AN AFFIRMATIVE VOTE OF THREE MEMBERS, IT SHALL BE LAW.

ARTICLE III

EXECUTIVE BRANCH

SECTION 3.10 - ADMINISTRATIVE AND SERVICE DEPARTMENTS:

- A. THE COUNCIL BY ORDINANCE MAY ESTABLISH, ABOLISH, MERGE OR CONSOLIDATE OFFICES, POSITIONS OF EMPLOYMENT, DEPARTMENTS AND AGENCIES OF THE CITY AS IT SHALL DEEM NECESSARY FOR THE PROPER ADMINISTRATION OF THE AFFAIRS AND GOVERNMENT OF THE CITY. THE COUNCIL 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, ADD TO OR DETRACT FROM THE FUNCTIONS 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 DIVISION OR BUREAUS AS MAY BE PROVIDED BY ORDINANCE OF THE 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 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 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, COMMITTEES AND AUTHORITIES SHALL BE APPOINTED BY THE MAYOR FOR SUCH TERMS OF OFFICE AND SUCH MANNER OF APPOINTMENT AS PROVIDED BY ORDINANCE EXCEPT WHERE OTHER APPOINTING AUTHORITY, TERMS OF OFFICE OR MANNER OF APPOINTMENT IS PRESCRIBED BY THE CHARTER OR BY APPLICABLE STATE LAW.
- B. ANY VACANCY IN OFFICE OF ANY MEMBER OF A BOARD, COMMISSION, COMMITTEE 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, COMMITTEE OR AUTHORITY SHALL ASSUME OFFICE UNTIL HE SHALL HAVE EXECUTED AND FILED WITH THE CITY CLERK THE OATH AS FOLLOWS:
- "I DO SOLEMNLY SWEAR THAT I WILL WELL AND TRULY PERFORM THE DUTIES OF (NAME OFFICE) OF THE CITY OF ROBERTA AND THAT I WILL SUPPORT AND DEFEND THE CHARTER THEREOF."
- D. ANY MEMBER OF A BOARD, COMMISSION, COMMITTEE OR AUTHORITY MAY BE REMOVED FROM OFFICE FOR CAUSE BY THE MAYOR OR BY A VOTE OF THREE MEMBERS OF THE COUNCIL.
- E. MEMBERS OF BOARDS, COMMISSIONS, COMMITTEES OR 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, COMMITTEES AND AUTHORITIES SHALL BE AS PRESCRIBED BY THE MAYOR AND COUNCIL.
- G. EXCEPT AS OTHERWISE PROVIDED BY THIS CHARTER OR BY APPLICABLE STATE LAW, EACH BOARD, COMMISSION, COMMITTEE OR AUTHORITY OF 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, COMMITTEE 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 CITY CLERK.

SECTION 3.20 - CITY ATTORNEY:

THE COUNCIL SHALL APPOINT A CITY ATTORNEY TOGETHER WITH SUCH ASSISTANT CITY ATTORNEYS AS MAY BE AUTHORIZED BY ORDINANCE 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 AND DEFENDING THE CITY IN ALL LITIGATION IN WHICH THE CITY IS A PARTY; MAY BE THE PROSECUTING OFFICER IN THE MAYOR'S COURT; SHALL ATTEND THE MEETINGS OF THE COUNCIL AS DIRECTED; SHALL ADVISE THE COUNCILMEN, MAYOR AND OTHER OFFICERS AND EMPLOYEES OF THE CITY CONCERNING LEGAL ASPECTS OF THE CITY'S AFFAIRS; AND SHALL PERFORM SUCH DUTIES AS MAY BE REQUIRED OF HIM BY VIRTUE OF HIS POSITION AS CITY ATTORNEY.

SECTION 3.30 - CITY CLERK:

THE COUNCIL MAY APPOINT A CITY CLERK TO KEEP A JOURNAL OF THE PROCEEDINGS OF THE CITY COUNCIL, TO MAINTAIN IN A SAFE PLACE ALL RECORDS AND DOCUMENTS PERTAINING TO THE AFFAIRS OF THE CITY AND TO PERFORM SUCH OTHER DUTIES AS MAY BE REQUIRED BY LAW OR AS THE COUNCIL MAY DIRECT.

SECTION 3.31 - CITY TAX COLLECTOR:

THE COUNCIL MAY APPOINT A CITY TAX COLLECTOR TO COLLECT ALL TAXES, LICENSES, FEES AND OTHER MONIES BELONGING TO THE CITY SUBJECT TO THE PROVISIONS OF THIS CHARTER AND THE ORDINANCES OF THE CITY. THE CITY TAX COLLECTOR SHALL DILIGENTLY COMPLY WITH AND ENFORCE ALL GENERAL LAWS OF GEORGIA RELATING TO THE COLLECTION, SALE OR FORECLOSURE OF TAXES BY MUNICIPALITIES.

SECTION 3.32 - CITY ACCOUNTANT:

THE COUNCIL MAY APPOINT A CITY ACCOUNTANT TO PERFORM THE DUTIES OF AN ACCOUNTANT.

SECTION 3.33 - CONSOLIDATION OF FUNCTIONS:

THE COUNCIL MAY CONSOLIDATE ANY TWO OR MORE OF THE POSITIONS OF CITY CLERK, CITY TAX COLLECTOR AND CITY ACCOUNTANT, OR ANY OTHER POSITIONS OR MAY ASSIGN THE FUNCTIONS OF ANY ONE OR MORE OF SUCH POSITIONS TO THE HOLDER OR HOLDERS OF ANY SUCH OTHER POSITIONS.

SECTION 3.40 - POSITION CLASSIFICATION AND PAY PLAN:

THE COUNCIL MAY PREPARE A POSITION CLASSIFICATION AND PAY PLAN WHICH SHALL BE ADOPTED BY ORDINANCE. SAID PLANS MAY APPLY TO ALL EMPLOYEES OF THE CITY OF ROBERTA AND EMPLOYEES OF ANY OF ITS AGENCIES AND OFFICES. WHEN A PAY PLAN HAS BEEN ADOPTED, THE COUNCIL SHALL NOT INCREASE OR DECREASE THE SALARIES OF INDIVIDUAL EMPLOYEES EXCEPT BY AMENDMENT OF SAID PAY PLAN.

SECTION 3.41 - PERSONNEL POLICIES:

THE COUNCIL MAY ADOPT RULES AND REGULATIONS CONSISTENT WITH THIS CHARTER CONCERNING:

- (1) THE METHOD OF EMPLOYEE SELECTION AND PROBATIONARY PERIODS OF EMPLOYMENT;
- (2) 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;
- (3) HOURS OF WORK, VACATION, SICK LEAVE AND OTHER LEAVE OF ABSENCE, OVERTIME PAY AND THE ORDER AND MANNER IN WHICH LAYOFF SHALL BE EFFECTED; AND
- (4) SUCH OTHER PERSONNEL POLICIES AS MAY BE NECESSARY TO PROVIDE FOR ADEQUATE AND SYSTEMATIC HANDLING OF THE PERSONNEL AFFAIRS OF THE CITY OF ROBERTA.

ACTICLE IV

JUDICIAL BRANCH

SECTION 4.10 - CREATION OF A MAYOR'S COURT

THERE IS HEREBY ESTABLISHED A COURT TO BE KNOWN AS THE MAYOR'S COURT OF THE CITY OF ROBERTA 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 JUDGEMENTS BY THE IMPOSITION OF SUCH PENALTIES AS MAY BE PROVIDED BY LAW; TO PUNISH WITNESSES FOR NONATTENDANCE; TO PUNISH ANY PERSON WHO MAY COUNSEL, ADVISE, AID, ENCOURAGE OR PERSUADE ANOTHER WHOSE TESTIMONY IS DESIRED OR MATERIAL IN ANY PROCEEDING BEFORE SAID COURT TO GO OR MOVE BEYOND THE REACH OF THE PROCESS OF THE COURT; TO TRY ALL OFFENSES WITHIN THE TERRITORIAL LIMITS OF THE CITY CONSTITUTING TRAFFIC CASES WHICH UNDER THE LAWS OF GEORGIA ARE PLACED WITHIN THE JURISDICTION OF MUNICIPAL OR POLICE COURTS TO THE EXTENT OF AND IN ACCORDANCE WITH THE PROVISIONS OF SUCH LAWS AND ALL LAWS SUBSEQUENTLY ENACTED AMENDATORY THEREOF. SAID COURT SHALL BE PRESIDED OVER BY THE MAYOR, OR IN THE ABSENCE OF THE MAYOR, THE MAYOR MAY APPOINT THE MAYOR PRO TEM. OR ANOTHER MEMBER OF THE COUNCIL TO SO PRESIDE.

SECTION 4.11 - 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 4.12 - JURISDICTION; POWERS:

- A. THE MAYOR'S COURT SHALL TRY AND PUNISH FOR CRIMES AGAINST THE CITY OF ROBERTA AND FOR VIOLATION OF ITS ORDINANCES. THE MAYOR'S COURT SHALL HAVE AUTHORITY TO PUNISH THOSE IN ITS PRESENCE FOR CONTEMPT, PROVIDED THAT SUCH PUNISHMENT SHALL NOT EXCEED \$100.00 OR TEN DAYS IN JAIL. THE MAYOR'S COURT MAY FIX PUNISHMENT FOR OFFENSES WITHIN ITS JURISDICTION; PROVIDED, HOWEVER, THAT SUCH PUNISHMENT SHALL NOT EXCEED A FINE OF \$500.00 OR IMPRISONMENT FOR 90 DAYS, OR BOTH. AS AN ALTERNATIVE TO FINE OR IMPRISONMENT, THE MAYOR'S COURT MAY SENTENCE ANY OFFENDER UPON CONVICTION TO LABOR IN A CITY WORK GANG OR ON THE STREETS, SIDEWALKS, SQUARES OR OTHER PUBLIC WORKS FOR A PERIOD NOT EXCEEDING 30 DAYS.

- B. THE MAYOR'S COURT SHALL HAVE THE AUTHORITY TO ESTABLISH BAIL AND RECOGNIZANCES TO INSURE THE PRESENCE OF THOSE CHARGED WITH VIOLATIONS BEFORE SAID COURT AND SHALL HAVE DISCRETIONARY AUTHORITY TO ACCEPT CASH, PERSONAL PROPERTY OR REAL PROPERTY AS SURETY FOR APPEARANCE OF PERSONS CHARGED WITH VIOLATIONS. WHENEVER ANY PERSON SHALL GIVE BAIL FOR HIS APPEARANCE AND SHALL FAIL TO APPEAR AT THE TIME FIXED FOR TRIAL, HIS BOND SHALL BE FORFEITED BY THE JUDGE PRESIDING AT SUCH TIME AND AN EXECUTION SHALL BE ISSUED THEREON BY SERVING THE DEFENDANT AND HIS SURETIES WITH A RULE NISI AT LEAST TWO DAYS BEFORE A HEARING ON THE RULE NISI. IN THE EVENT THAT CASH OR PROPERTY IS ACCEPTED IN LIEU OF BOND FOR SECURITY FOR THE APPEARANCE OF A DEFENDANT AT TRIAL AND 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 ROBERTA 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.
- C. THE MAYOR'S 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.
- D. THE MAYOR'S COURT SHALL HAVE THE AUTHORITY TO ADMINISTER OATHS AND TO PERFORM ALL OTHER ACTS NECESSARY OR PROPER TO THE CONDUCT OF SAID COURT.
- E. THE MAYOR'S COURT MAY COMPEL THE PRESENCE OF ALL PARTIES NECESSARY TO A PROPER DISPOSAL OF EACH CASE BY THE ISSUANCE OF SUMMONS, SUBPOENAS AND WARRANTS WHICH MAY BE SERVED AS EXECUTED BY ANY OFFICER AS AUTHORIZED BY THIS CHARTER OR BY STATE LAW.
- F. THE MAYOR'S COURT IS SPECIFICALLY VESTED WITH ALL OF THE JURISDICTION AND POWERS THROUGHOUT THE ENTIRE AREA OF THE CITY OF ROBERTA GRANTED BY STATE LAWS GENERALLY TO MAYOR'S, RECORDER'S AND POLICE COURTS AND PARTICULARLY BY SUCH LAWS AS AUTHORIZE THE ABATEMENT OF NUISANCES.

SECTION 4.13 - APPEAL:

THE RIGHT OF APPEAL AND ANY BOND AS MAY BE REQUIRED TO SECURE THE COSTS ON APPEAL TO THE SUPERIOR COURT OF CRAWFORD

COUNTY FROM THE MAYOR'S COURT SHALL LIE IN THE SAME MANNER AND UNDER THE SAME PROCEDURE AS GENERALLY PRESCRIBED FOR APPEALS AND APPEAL BONDS FROM THE PROBATE COURT, PROVIDED, HOWEVER, THAT ANY PERSON WHO FAILS TO FILE HIS APPEAL WITHIN TEN CALENDAR DAYS OF THE DATE OF HIS CONVICTION SHALL BE DEEMED TO HAVE WAIVED ANY SUCH RIGHT. AN APPEAL TO THE SUPERIOR COURT SHALL BE A DE NOVO PROCEEDING.

SECTION 4-14 - RULES FOR COURT:

WITH THE APPROVAL OF THE 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 MAYOR'S COURT.

ARTICLE V

ELECTIONS

SECTION 5.10 - REGULAR ELECTIONS, TIME FOR HOLDING:

THE MAYOR AND COUNCILMEN SERVING ON THE EFFECTIVE DATE OF THIS ACT SHALL SERVE OUT THE REMAINDER OF THEIR TERMS OF OFFICE. ON THE FIRST TUESDAY IN DECEMBER OF EVEN-NUMBERED YEARS, THERE SHALL BE AN ELECTION FOR MAYOR AND COUNCIL POSTS NUMBER ONE AND TWO. ON THE FIRST TUESDAY IN DECEMBER OF OFF-NUMBERED YEARS, THERE SHALL BE AN ELECTION FOR COUNCIL POSTS NUMBER THREE, FOUR, AND FIVE. THE TERMS OF OFFICE OF MEMBERS OF THE COUNCIL SHALL BEGIN AT THE END AND HOUR OF TAKING OF OATH OF OFFICE AS PROVIDED FOR IN ARTICLE II, SECTION 2.30 OF THIS CHARTER. A CANDIDATE FOR THE OFFICE OF MAYOR OR FOR A POST ON THE COUNCIL SHALL DESIGNATE THE POST FOR WHICH HE IS OFFERING AS A CANDIDATE OR DESIGNATE THAT HE IS A CANDIDATE FOR THE OFFICE OF MAYOR.

SECTION 5.11 - QUALIFYING, NOMINATION OF CANDIDATES, ABSENTEE BALLOTS:

THE COUNCIL MAY, BY ORDINANCE, PRESCRIBE RULES AND REGULATIONS GOVERNING QUALIFYING FEES, NOMINATION OF CANDIDATES, ABSENTEE BALLOTS, WRITE-IN VOTES, CHALLENGE OF VOTES AND SUCH OTHER RULES AND REGULATIONS AS MAY BE NECESSARY FOR THE CONDUCT OF ELECTIONS IN THE CITY OF ROBERTA.

SECTION 5.20 - APPLICABILITY OF GENERAL LAWS:

THE PROCEDURES AND REQUIREMENTS FOR ELECTION OF ALL ELECTED OFFICIALS OF THE CITY OF ROBERTA AS TO PRIMARY, SPECIAL OR GENERAL ELECTIONS SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THE GEORGIA MUNICIPAL ELECTION CODE, AS NOW OR HEREAFTER AMENDED; PROVIDED, HOWEVER, THAT IN ANY ELECTION, THE CANDIDATE RECEIVING A PLURALITY OF THE VOTES CAST FOR SUCH OFFICE SHALL BE DECLARED THE PERSON ELECTED TO SUCH OFFICE.

SECTION 5.21 - SPECIAL ELECTIONS, VACANCIES:

IN THE EVENT THAT THE OFFICE OF MAYOR OR COUNCILMAN SHALL BECOME VACANT FOR ANY CAUSE WHATSOEVER, THE COUNCIL OR THOSE REMAINING SHALL ORDER A SPECIAL ELECTION TO FILL THE BALANCE OF THE UNEXPIRED TERM OF SUCH OFFICE; PROVIDED, HOWEVER, THAT IF SUCH VACANCY OCCURS WITHIN SIX MONTHS OF THE EXPIRATION OF THE TERM OF OFFICE, SAID VACANCY IN OFFICE SHALL BE FILLED BY APPOINTMENT BY THE REMAINING MEMBERS OF THE

COUNCIL. BOTH SPECIAL ELECTIONS AND QUALIFICATIONS OF CANDIDATES THEREFOR SHALL CONFORM TO THE APPLICABLE PROVISIONS OF THIS CHARTER, TO THE GEORGIA MUNICIPAL ELECTION CODE AND TITLE 34A OF THE CODE OF GEORGIA 1933, AS NOW OR HEREAFTER AMENDED.

SECTION 5.30 - GROUNDS FOR REMOVAL:

THE MAYOR OR ANY COUNCILMAN SHALL BE SUBJECT TO REMOVAL FROM OFFICE FOR ANY ONE OR MORE OF THE FOLLOWING CAUSES:

- (1) INCOMPETENCE, MISFEASANCE OR MALFEASANCE IN OFFICE;
- (2) CONVICTION OF A CRIME INVOLVING MORAL TURPITUDE;
- (3) FAILURE AT ANY TIME TO POSSESS ANY OF THE QUALIFICATIONS OF OFFICE AS PROVIDED BY THIS CHARTER OR BY LAW;
- (4) WILFUL VIOLATION OF ANY EXPRESS PROHIBITION OF THIS CHARTER;
- (5) ABANDONMENT OF OFFICE OR NEGLECT TO PERFORM THE DUTIES THEREOF; OR
- (6) FAILURE FOR ANY OTHER CAUSE TO PERFORM THE DUTIES OF OFFICE AS REQUIRED BY THIS CHARTER OR BY LAW.

SECTION 5.37 - PROCEDURE FOR REMOVAL:

REMOVAL OF AN ELECTED OFFICER FROM OFFICE MAY BE ACCOMPLISHED BY ONE OF THE FOLLOWING METHODS:

- (1) BY ACTION OF THREE-FIFTHS VOTE OF THE ENTIRE MEMBERSHIP OF THE COUNCIL. IN THE EVENT THAT AN ELECTED OFFICER IS SOUGHT TO BE REMOVED BY THE ACTION OF THE COUNCIL, SUCH OFFICER SHALL BE ENTITLED TO A WRITTEN NOTICE SPECIFYING THE GROUND FOR REMOVAL AND TO A PUBLIC HEARING WHICH SHALL BE HELD NOT LESS THAN TEN DAYS AFTER 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 CRAWFORD COUNTY. SUCH APPEAL SHALL BE GOVERNED BY THE SAME RULES AS GOVERN APPEALS TO THE SUPERIOR COURT FROM THE PROBATE COURT.
- (2) BY INFORMATION FILED WITH THE SUPERIOR COURT OF

CRAWFORD COUNTY AS PROVIDED BY LAW.

ARTICLE VI

FINANCE AND FISCAL

SECTION 6.10 - PROPERTY TAXES:

ALL PROPERTY SUBJECT TO TAXATION FOR STATE OR COUNTY PURPOSES, ASSESSED AS OF JANUARY 1 OF EACH YEAR, SHALL BE SUBJECT TO THE PROPERTY TAX LEVIED BY THE CITY OF ROBERTA. THE COUNCIL SHALL USE THE COUNTY ASSESSMENT FOR THE YEAR IN WHICH THE CITY TAXES ARE TO BE LEVIED AND SHALL REQUEST THE COUNTY TO FURNISH APPROPRIATE INFORMATION FOR SUCH PURPOSE.

SECTION 6.11 - TAX LEVY:

THE COUNCIL SHALL BE AUTHORIZED TO LEVY AN AD VALOREM TAX ON ALL REAL AND PERSONAL PROPERTY WITHIN THE INCORPORATED LIMITS OF THE CITY FOR THE PURPOSE OF RAISING REVENUE TO DEFRAY THE COSTS OF OPERATING THE CITY GOVERNMENT; PROVIDING GOVERNMENTAL SERVICES AND FOR ANY OTHER PUBLIC PURPOSE AS DETERMINED BY THE COUNCIL IN ITS DISCRETION. THE COUNCIL IS ALSO AUTHORIZED TO PROVIDE FOR SUFFICIENT LEVY TO PAY PRINCIPAL AND INTEREST ON GENERAL OBLIGATIONS. THE CITY OF ROBERTA IS HEREBY EXEMPTED FROM THE PROVISIONS OF GEORGIA CODE SECTIONS 92-4101 THROUGH 92-4104 INCLUSIVE.

SECTION 6.12 - TAX DUE DATES AND TAX BILLS:

THE COUNCIL SHALL PROVIDE BY ORDINANCE WHEN THE TAXES OF THE CITY SHALL FALL DUE AND IN WHAT LENGTH OF TIME SAID TAXES MAY BE PAID. THE COUNCIL SHALL PROVIDE BY ORDINANCE FOR THE PAYMENT OF TAXES DUE TO THE CITY IN INSTALLMENTS OR IN ONE LUMP SUM, AND WHEN, HOW AND UPON WHAT TERMS SUCH TAXES SHALL BE DUE AND PAYABLE. THE COUNCIL MAY AUTHORIZE THE VOLUNTARY PAYMENT OF TAXES PRIOR TO THE TIME WHEN DUE.

SECTION 6.13 - COLLECTION OF DELINQUENT TAXES:

THE COUNCIL MAY PROVIDE BY ORDINANCE FOR THE COLLECTION OF DELINQUENT TAXES BY F.I.F.A. 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 HARDSHIPS, 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 - LICENSES, OCCUPATIONAL TAXES, EXCISE TAXES:

THE COUNCIL SHALL HAVE FULL POWER TO LEVY BY ORDINANCE SUCH LICENSE AND SPECIFIC OR OCCUPATION TAXES UPON THE RESIDENTS OF THE CITY OF ROBERTA, 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 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 LAWFUL WAY; TO REQUIRE SUCH PERSONS TO PROCURE LICENSES; TO COMPEL THE PAYMENT OF SUCH LICENSES BY EXECUTION OR ANY OTHER LAWFUL MANNER; TO MAKE LAWS AND REGULATIONS NECESSARY OR PROPER TO CARRY OUT THE POWERS HEREIN CONFERRED; AND TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF. THE COUNCIL SHALL HAVE FULL POWER AND AUTHORITY TO LEVY AN EXCISE TAX NOT PROHIBITED BY GENERAL LAW.

SECTION 6.15 - SEWER SERVICE CHARGE:

THE 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 ROBERTA, TO PROVIDE FOR THE COST AND EXPENSE OF FURNISHING 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. SAID LIEN SHALL BE ENFORCEABLE IN THE SAME MANNER AND UNDER THE SAME REMEDIES AS A LIEN FOR CITY PROPERTY TAXES.

SECTION 6.16 - SANITARY AND HEALTH SERVICES CHARGE:

THE COUNCIL SHALL HAVE AUTHORITY BY ORDINANCE TO PROVIDE FOR, ENFORCE, LEVY AND 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 OF ROBERTA AND 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 SERVICES PROVIDED, AS MAY BE FIXED BY ORDINANCES, 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. SAID LIEN SHALL BE ENFORCEABLE IN THE SAME MANNER AND UNDER THE SAME REMEDIES AS A LIEN FOR CITY PROPERTY TAXES.

SECTION 6.17 - SPECIAL ASSESSMENTS:

THE 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, UNDER SUCH TERMS AND CONDITIONS AS MAY BE PRESCRIBED BY ORDINANCE. SUCH SPECIAL ASSESSMENTS SHALL BE LEVIED AGAINST THE OWNER OR OWNERS OF PROPERTY WHICH ABUTS THE IMPROVED PUBLIC APPURTENANCES AND SHALL BECOME DELINQUENT 30 DAYS AFTER THEIR DUE DATES. THEY 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 SEVEN 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. 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 6.18 - 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 TAX 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 TRANSFERS OF TAX FI.FAS.; PROVIDED, HOWEVER, THAT UPON LEVY 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 RIGHT TO REDEEM THE PROPERTY IN ACCORDANCE 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 6.20 - GENERAL OBLIGATION BONDS:

THE 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 THIS 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 6.21 - REVENUE BONDS:

REVENUE BONDS MAY BE ISSUED BY THE COUNCIL AS PROVIDED BY AN ACT OF THE GENERAL ASSEMBLY OF GEORGIA, APPROVED MARCH 31, 1937, KNOWN AS THE REVENUE BOND LAW (GA. L. 1937, P. 761), AS NOW OR HEREAFTER AMENDED, OR BY ANY OTHER GEORGIA LAWS AS NOW OR HEREAFTER PROVIDED.

SECTION 6.22 - SHORT-TERM NOTES:

PURSUANT TO APPLICABLE STATE LAW, THE CITY MAY OBTAIN TEMPORARY SHORT-TERM LOANS BETWEEN JANUARY 1 AND DECEMBER 31 OF EACH YEAR.

SECTION 6.30 - FISCAL YEAR:

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 OF EACH AND EVERY OFFICE, DEPARTMENT, INSTITUTION, AGENCY AND ACTIVITY OF THE CITY GOVERNMENT UNLESS OTHERWISE PROVIDED BY STATE OR FEDERAL LAW.

SECTION 6.31 - PREPARATION OF BUDGETS:

THE MAYOR SHALL PREPARE AND PRESENT TO THE COUNCIL AT ITS FIRST MEETING IN MARCH OF EACH YEAR, A PROPOSED BUDGET, A CAPITAL IMPROVEMENTS PROGRAM AND A CAPITAL BUDGET INCLUDING REQUIREMENTS AS TO SCOPE, CONTENT AND FORM OF SUCH BUDGETS AND PROGRAMS. THE CITY COUNCIL SHALL AT THE NEXT REGULAR MEETING THEREAFTER ACCEPT AND ADOPT SAID PROPOSED BUDGETS AND PROGRAMS IN THE SAME MANNER PROVIDED IN THIS CHARTER FOR THE ADOPTION OF ORDINANCES; PROVIDED, IF SAID PROPOSED BUDGETS AND PROGRAMS ARE REJECTED, THE COUNCILMEN, AS A COMMITTEE OF THE WHOLE SHALL SUBMIT AN AMENDED OR SUBSTITUTE PROPOSAL FOR SAID BUDGETS AND PROGRAMS AT A SPECIAL MEETING CALLED FOR THAT PURPOSE WITHIN TWO WEEKS OF THE DATE OF SAID REJECTION. AT SAID SPECIAL BUDGET MEETING, NO OTHER MATTER SHALL BE CONSIDERED AND THE MAYOR'S PROPOSAL, THE COUNCILMEN'S PROPOSAL OR A COMPROMISE PROPOSAL SHALL BE ADOPTED BEFORE SAID MEETING

IS ADJOURNED. THE ADOPTED BUDGETS AND PROGRAMS MAY BE AMENDED THEREAFTER BY APPROPRIATE ORDINANCE AS FINANCES AND CIRCUMSTANCES REQUIRE.

SECTION 6.40 - CONTRACTING PROCEDURES:

ALL CONTRACTS EXCEEDING \$500.00 SHALL BE MADE OR AUTHORIZED BY THE COUNCIL AND NO CONTRACTS EXCEEDING \$500.00 SHALL BIND THE CITY UNLESS REDUCED TO WRITING AND APPROVED BY THE COUNCIL.

SECTION 6.41 - CENTRALIZED PURCHASING:

- A. THE COUNCIL MAY BY ORDINANCE PRESCRIBE PROCEDURES FOR A SYSTEM OF CENTRALIZED PURCHASING FOR THE CITY OF ROBERTA.
- B. THE COUNCIL MAY SELL AND CONVEY ANY REAL OR PERSONAL PROPERTY OWNED OR HELD BY THE CITY OF ROBERTA FOR GOVERNMENT OR OTHER PURPOSES AT A PUBLIC OR PRIVATE SALE, WITH OR WITHOUT ADVERTISEMENT, FOR SUCH CONSIDERATION AS THE COUNCIL SHALL DEEM EQUITABLE AND JUST FOR THE CITY.
- C. THE 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.
- D. WHENEVER IN OPENING, EXTENDING OR WIDENING ANY STREET, AVENUE, ALLEY OR PUBLIC PLACE OF THE CITY A SMALL PARCEL OR TRACT OF LAND IS CUT OFF OR SEPARATED BY SUCH WORK FROM A LARGER TRACT OR BOUNDARY OF LAND OWNED BY THE CITY, THE COUNCIL MAY AUTHORIZE THE MAYOR TO EXECUTE AND DELIVER IN THE NAME OF THE CITY A DEED CONVEYING SAID CUTOFF 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 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 - OFFICIAL BONDS:

THE APPOINTED OFFICERS AND EMPLOYEES OF THE CITY OF ROBERTA SHALL EXECUTE SUCH OFFICIAL BONDS IN SUCH AMOUNTS AND UPON SUCH TERMS AND CONDITIONS AS THE CITY COUNCIL MAY REQUIRE FROM TIME TO TIME. OFFICIAL BONDS MAY ALSO BE LIKEWISE REQUIRED OF ELECTED OFFICIALS OF THE CITY AS THE CITY COUNCIL DEEMS ADVISABLE. IN EITHER OR BOTH EVENTS, THE CITY SHALL PAY THE PREMIUMS AND COSTS OF SAID BONDS SO REQUIRED.

SECTION 7.11 - EXISTING ORDINANCES AND REGULATIONS:

EXISTING ORDINANCES AND RESOLUTIONS OF THE CITY OF ROBERTA NOT INCONSISTENT WITH THE PROVISIONS OF THIS CHARTER SHALL CONTINUE IN EFFECT UNTIL THEY HAVE BEEN REPEALED, MODIFIED OR AMENDED BY THE COUNCIL. EXISTING RULES AND REGULATIONS OF DEPARTMENTS OR AGENCIES OF THE CITY OF ROBERTA NOT INCONSISTENT WITH THE PROVISIONS OF THIS CHARTER SHALL CONTINUE IN EFFECT UNTIL THEY HAVE BEEN REPEALED, MODIFIED OR AMENDED.

SECTION 7.12 - PENALTIES:

THE VIOLATION OF ANY PROVISIONS OF THIS CHARTER FOR WHICH PENALTY IS NOT SPECIFICALLY PROVIDED HEREIN IS HEREBY 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 7.13 - SPECIFIC REPEALER:

AN ACT INCORPORATING THE CITY OF ROBERTA IN THE COUNTY OF CRAWFORD, APPROVED DECEMBER 10, 1937 (GA. L. 1937-38, EX. SESS., P. 1273), IS HEREBY REPEALED IN ITS ENTIRETY AND ALL AMENDATORY ACTS THERETO ARE LIKEWISE REPEALED IN THEIR ENTIRETY.

SECTION 7.14 - SEVERABILITY:

IF ANY ARTICLE, SECTION, SUBSECTION, PARAGRAPH, SENTENCE OR PART THEREOF OF THIS CHARTER SHALL BE HELD TO BE INVALID OR UNCONSTITUTIONAL, SUCH INVALIDITY OR UNCONSTITUTIONALITY SHALL NOT AFFECT OR IMPAIR OTHER PARTS OF THIS CHARTER UNLESS IT CLEARLY APPEARS THAT SUCH OTHER PARTS ARE WHOLLY AND NECESSARILY DEPENDENT UPON THE PART OR PARTS HELD

TO BE INVALID OR UNCONSTITUTIONAL, IT BEING THE LEGISLATIVE INTENT IN ENACTING THIS CHARTER THAT EACH ARTICLE, SECTION, SUBSECTION, PARAGRAPH, SENTENCE OR PART THERETO BE ENACTED SEPARATELY AND INDEPENDENTLY OF EACH OTHER.

SECTION 7.15 - EFFECTIVE DATE:

THIS CHARTER SHALL BECOME EFFECTIVE UPON ITS APPROVAL BY THE GOVERNOR OR UPON ITS BECOMING LAW WITHOUT HIS APPROVAL.

SECTION 7.16 - REPEALER:

ALL LAWS AND PARTS OF LAWS IN CONFLICT WITH THIS ACT ARE HEREBY REPEALED.

NOTICE OF INTENTION TO INTRODUCE LOCAL LEGISLATION

NOTICE IS HEREBY GIVEN THAT THERE WILL BE INTRODUCED IN THE 1976 REGULAR SESSION OF THE GENERAL ASSEMBLY OF GEORGIA, A BILL TO PROVIDE A NEW CHARTER FOR THE CITY OF ROBERTA, TO PROVIDE FOR ALL MATTERS RELATIVE THERETO AND FOR OTHER PURPOSES.

JOHN C. SCARBOROUGH, JR.
ATTORNEY FOR THE CITY OF
ROBERTA, GEORGIA.

GEORGIA, FULTON COUNTY.

PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED AUTHORITY, DULY AUTHORIZED TO ADMINISTER OATHS, BRYANT CULPEPPER WHO, ON OATH, DEPOSES AND SAYS THAT HE IS REPRESENTATIVE FROM THE 98TH DISTRICT, AND THAT THE ATTACHED COPY OF NOTICE OF INTENTION TO INTRODUCE LOCAL LEGISLATION WAS PUBLISHED IN THE GEORGIA POST WHICH IS THE OFFICIAL ORGAN OF CRAWFORD COUNTY, ON THE FOLLOWING DATES: JANUARY 29, FEBRUARY 5, 12, 1976.

/S/ BRYANT CULPEPPER
REPRESENTATIVE
98TH DISTRICT

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 16TH DAY OF FEBRUARY, 1976.

/S/ SUSAN GORDON

NOTARY PUBLIC, GEORGIA STATE AT LARGE
MY COMMISSION EXPIRES DEC. 18, 1976.
(SEAL)

APPROVED APRIL 7, 1976.