

House Bill 1229

By: Representatives Carpenter of the 4th and Tarvin of the 2nd

A BILL TO BE ENTITLED

AN ACT

1 To provide a new charter for the City of Dalton in Whitfield County, Georgia; to provide for
2 incorporation, boundaries, and powers of the city; to provide for a governing authority of
3 such city and the powers, duties, authority, election, terms, method of filling vacancies,
4 compensation, qualifications, prohibitions, and removal from office relative to members of
5 such governing authority; to provide for inquiries and investigations; to provide for
6 organization and procedures; to provide for ordinances and codes; to provide for
7 administrative responsibilities; to provide for boards, commissions, and authorities; to
8 provide for a city administrator, a city attorney, a city clerk, and other personnel; to provide
9 for rules and regulations; to provide for a municipal court and the judge or judges thereof;
10 to provide for practices and procedures; to provide for taxation and fees; to provide for
11 franchises, service charges, and assessments; to provide for bonded and other indebtedness;
12 to provide for accounting and budgeting; to provide for the sale of property; to provide for
13 penalties; to provide for an independent school system; to provide for public utilities; to
14 provide for definitions and construction; to provide for fire and police departments and chiefs
15 thereof; to provide for zoning and planning; to provide for a building authority, downtown
16 development authority, and airport authority for the city; to provide for related matters; to
17 provide for prior ordinances and pending matters; to provide for construction; to provide for
18 severability; to repeal specific Acts; to repeal conflicting laws; and for other purposes.

H. B. 1229

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 ARTICLE I
21 INCORPORATION AND POWERS

22 SECTION 1.10.
23 Name.

24 The City of Dalton in Whitfield County, Georgia, and the inhabitants thereof, are
25 reincorporated by the enactment of this charter and are hereby constituted and declared a
26 body politic and corporate under the name and style City of Dalton, Georgia, and by that
27 name shall have perpetual succession.

28 SECTION 1.11.
29 Corporate boundaries.

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

38 (b) The mayor and council may provide for the redrawing of any such map or description
39 by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map or

40 description shall supersede for all purposes the entire map or description which it is
41 designated to replace.

42 SECTION 1.12.

43 Powers and construction.

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

48 (b) The powers of the city shall be construed liberally in favor of the city. The specific
49 mention or failure to mention particular powers shall not be construed as limiting in any way
50 the powers of the city. These powers shall include, but not be limited to, the following:

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

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

60 (3) Building regulation. To regulate and to license the erection and construction of
61 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, fire,
62 property maintenance, and heating and air conditioning codes; and to regulate all housing
63 and building trades to the extent permitted by general law;

- 64 (4) Business regulation and taxation. To levy and to provide for the collection of
65 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized
66 by Title 48 of the O.C.G.A., or other such applicable laws as are or may hereafter be
67 enacted; to permit and regulate the same; to provide for the manner and method of payment
68 of such regulatory fees and taxes; and to revoke such permits after due process for failure
69 to pay any city taxes or fees;
- 70 (5) Condemnation. To condemn property, inside or outside the corporate limits of the city,
71 for present or future use and for any corporate purpose deemed necessary by the mayor and
72 council, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such other
73 applicable laws as are or may hereafter be enacted;
- 74 (6) Contracts. To enter into contracts and agreements with other governmental entities and
75 with private persons and entities;
- 76 (7) Emergencies. To establish procedures for determining and proclaiming that an
77 emergency situation exists within or without the city, and to make and carry out all
78 reasonable provisions deemed necessary to deal with or meet such an emergency for the
79 protection, safety, health, or well-being of the citizens of the city;
- 80 (8) Environmental protection. To protect and preserve the natural resources, environment,
81 and vital areas of the city, the region, and the state through the preservation and
82 improvement of air quality, the restoration and maintenance of water resources, the control
83 of erosion and sedimentation, the management of stormwater and establishment of a
84 stormwater utility, the management of solid and hazardous waste, and other necessary
85 actions for the protection of the environment;
- 86 (9) Ethics. To adopt ethics ordinances and regulations governing the conduct of municipal
87 elected officials, appointed officials, and employees, and to establish procedures for ethics
88 complaints and set forth penalties for violations of such rules and procedures;
- 89 (10) Fire regulations. To fix and establish fire limits and from time to time to extend,
90 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with

91 general law, relating to both fire prevention and detection and to firefighting; and to
92 prescribe penalties and punishment for violations thereof;

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

99 (12) General health, safety, and welfare. To define, regulate, and prohibit any act,
100 practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness,
101 welfare, and safety of the inhabitants of the city, and to provide for the enforcement of such
102 standards;

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

106 (14) Health and sanitation. To prescribe standards of health and sanitation and to provide
107 for the enforcement of such standards;

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

114 (16) Motor vehicles. To regulate the operation of motor vehicles and exercise control over
115 all traffic, including parking upon or across the streets, roads, alleys, and walkways of the
116 city;

- 117 (17) Municipal agencies and delegation of power. To create, alter, or abolish departments,
118 boards, offices, commissions, and agencies of the city, and to confer upon such agencies
119 the necessary and appropriate authority for carrying out all the powers conferred upon or
120 delegated to the same;
- 121 (18) Municipal debts. To appropriate and borrow money for the payment of debts of the
122 city and to issue bonds for the purpose of raising revenue to carry out any project, program,
123 or venture authorized by this charter or the laws of the State of Georgia;
- 124 (19) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
125 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
126 outside the corporate limits of the city or the State of Georgia;
- 127 (20) Municipal property protection. To provide for the preservation and protection of
128 property and equipment of the city and the administration and use of same by the public;
129 and to prescribe penalties and punishment for violations thereof;
- 130 (21) Municipal utilities. Except as otherwise set forth in this charter, to acquire, lease,
131 construct, operate, maintain, sell, and dispose of public utilities, including but not limited
132 to a system of waterworks, sewers and drains, sewage disposal, stormwater management,
133 gas works, electric light plants, cable television and other telecommunications,
134 transportation facilities, public airports, and any other public utility; to fix the taxes,
135 charges, rates, fares, fees, assessments, regulations, and penalties; and to provide for the
136 withdrawal of service for refusal or failure to pay the same;
- 137 (22) Nuisance. To define a nuisance and provide for its abatement whether on public or
138 private property;
- 139 (23) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
140 the authority of this charter and the laws of the State of Georgia;
- 141 (24) Planning and zoning. To provide comprehensive city planning for development by
142 zoning; and to provide subdivision regulation and the like as the mayor and council deems
143 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;

- 144 (25) Police and fire protection. To exercise the power of arrest through duly appointed
145 police officers, and to establish, operate, or contract for a police and a firefighting agency;
- 146 (26) Public hazards: removal. To provide for the destruction and removal of any building
147 or other structure which is or may become dangerous or detrimental to the public;
- 148 (27) Public improvements. To provide for the acquisition, construction, building,
149 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
150 cemeteries, public buildings, libraries, public housing, parking facilities, or charitable,
151 cultural, educational, recreational, conservation, sport, detentional, penal, and medical
152 institutions, agencies, and facilities; and to provide any other public improvements, inside
153 or outside the corporate limits of the city and to regulate the use of public improvements;
154 and for such purposes, property may be acquired by condemnation under Title 22 and
155 Title 32 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted;
- 156 (28) Public peace. To provide for the prevention and punishment of loitering, disorderly
157 conduct, public drunkenness, riots, and public disturbances;
- 158 (29) Public transportation. To organize and operate such public transportation systems as
159 are deemed beneficial;
- 160 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,
161 removal, connection, and maintenance of signs, billboards, trees, shrubs, fences, buildings,
162 driveways, curb cuts, and any and all other structures or obstructions upon or adjacent to
163 the rights of way of streets and roads or within view thereof, within or abutting the
164 corporate limits of the city; and to prescribe penalties and punishment for violation of such
165 ordinances;
- 166 (31) Retirement. To provide and maintain a retirement plan for officers and employees
167 of the city;
- 168 (32) Roadways. To lay out, open, extend, widen, narrow, establish, or change the grade
169 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
170 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and

171 walkways within the corporate limits of the city; to grant franchises and rights of way
172 throughout the streets, roads, and over the bridges and viaducts for the use of public
173 utilities; and to require real estate owners to repair and maintain in a safe condition the
174 sidewalks adjoining their lots or lands, and to impose penalties for failure to do so;

175 (33) Sale of alcoholic beverages. The mayor and council shall have the power by
176 ordinance to regulate, license, and tax the wholesale and retail sale of alcoholic beverages
177 within the city in a manner consistent with state law; and shall have the power to establish
178 and impose by ordinance fines, license suspensions, and license revocations for violations
179 of alcoholic beverage ordinances;

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

187 (35) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
188 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
189 others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper,
190 and other recyclable materials and to provide for the sale of such items;

191 (36) Special areas of public regulation. To regulate or prohibit junk dealers and the
192 manufacture and sale of intoxicating liquors; to regulate the transportation, storage, and use
193 of combustible, explosive, and inflammable materials, the use of lighting and heating
194 equipment, and any other business or situation which may be dangerous to persons or
195 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical
196 performances, exhibitions, and shows of any kind, by taxation or otherwise; to license and

197 tax professional fortune telling, palmistry, and massage parlors; and to restrict adult
198 bookstores and other adult entertainment establishments to certain areas;

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

201 (38) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
202 and collection of taxes on all property subject to taxation; and to provide homestead
203 exemption from such taxes.

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

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

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

211 (42) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
212 and immunities necessary or desirable to promote or protect the safety, health, peace,
213 security, good order, comfort, convenience, or general welfare of the city and its
214 inhabitants; to exercise all implied powers necessary or desirable to carry into execution
215 all powers granted in this charter as fully and completely as if such powers were fully
216 stated in this Act; and to exercise all powers now or in the future authorized to be exercised
217 by other municipal governments under other laws of the State of Georgia; and any listing
218 of particular powers in this charter shall not be held to be exclusive of others or restrictive
219 of general words and phrases granting powers, but shall be held to be in addition to such
220 powers unless expressly prohibited to municipalities under the Constitution or applicable
221 laws of the State of Georgia.

222 SECTION 1.13.

223 Exercise of powers.

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

228 ARTICLE II

229 GOVERNMENT STRUCTURE

230 SECTION 2.10.

231 Mayor and council; number; wards; election.

232 The legislative authority of the government of the city, except as otherwise specifically
233 provided in this charter, shall be vested in a governing body to be composed of a mayor and
234 four councilmembers who shall be known as the Mayor and Council of the City of Dalton,
235 Georgia. The governing body established shall in all respects be a successor to and
236 continuation of the governing authority under prior law. The mayor and councilmembers
237 shall be elected in the manner provided by general law and this charter. For the purpose of
238 electing councilmembers, the city shall consist of four wards. The boundaries of the four
239 wards shall be those existing on the effective date of the adoption of this charter with such
240 alterations as may be made from time to time in the manner provided by law. The
241 boundaries of each ward at all times shall be shown on a map, a written description, or any
242 combination thereof, to be retained in the office of the city clerk and to be designated, as the
243 case may be: "Official Map (or Description) of the Election Wards of the City of Dalton,
244 Georgia." Photographic, typed, or other copies of such map or description certified by the

245 city clerk shall be admitted as evidence in all courts and shall have the same force and effect
246 as the original map or description. Each candidate for the position of councilmember must
247 reside in the ward he or she seeks to represent, but such wards shall be residency wards only
248 and not voting wards. All elections for mayor and councilmembers shall be elected at large
249 by the voters of the entire city.

250 SECTION 2.11.

251 Terms and qualifications for office for mayor and councilmembers.

252 The mayor and councilmembers shall serve for terms of four years and until their respective
253 successors are elected and qualified. No person shall be eligible to serve as mayor or
254 councilmember unless that person shall have been a resident of the area comprising the
255 corporate limits of the city for a continuous period of at least 12 months immediately prior
256 to the date of the election for mayor or councilmember, shall continue to reside therein
257 during that person's period of service, and shall continue to be registered and qualified to vote
258 in municipal elections of the city. In addition to the requirements in this section, no person
259 shall be eligible to serve as a councilmember representing a ward unless that person has been
260 a resident of the ward such person seeks to represent for a continuous period of at least six
261 months immediately prior to the date of the election for councilmember and continues to
262 reside in such ward during that person's period of service. In the event that a councilmember
263 no longer resides in the ward he or she was elected to represent, such councilmember shall
264 immediately resign from the council. The terms of councilmembers shall be staggered as in
265 effect on the date of this charter. For purposes of this provision, a person shall be deemed
266 to be a resident where he or she is domiciled.

267

SECTION 2.12.

268

Vacancy; filling of vacancies.

269 (a) The office of mayor or councilmember shall become vacant upon the incumbent's death,
270 resignation, forfeiture of office, removal from office in any manner authorized by this
271 charter, or occurrence of any event specified by the Constitution of the State of Georgia,
272 Title 45 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

273 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder of
274 the unexpired term, if any, by appointment by the mayor and council or those members
275 remaining if less than 12 months remains in the unexpired term. If such vacancy occurs 12
276 months or more prior to the expiration of the term of that office, it shall be filled for the
277 remainder of the unexpired term by a special election, as provided for in Section 5.13 of this
278 charter and in accordance with Titles 21 and 45 of the O.C.G.A., or other such laws as are
279 or may hereafter be enacted.

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

282

SECTION 2.13.

283

Compensation and expenses.

284 The mayor and councilmembers shall receive compensation and expenses for their services
285 as provided by ordinance. The compensation in effect as of the date of enactment of this
286 charter shall continue until modified as provided herein.

287 SECTION 2.14.

288 Conflicts of interest; holding other offices.

289 (a) Elected and appointed officers of the city are trustees and servants of the residents of the
290 city and shall act in a fiduciary capacity for the benefit of such residents.

291 (b) No elected official, appointed officer, employee of the city, any agency, or political
292 entity to which this charter applies shall knowingly:

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

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

301 (3) Disclose confidential information, including information obtained at meetings which
302 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,
303 government, or affairs of the governmental body by which the official is engaged without
304 proper legal authorization; or use such information to advance the financial or other private
305 interest of the official or others;

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

- 312 (5) Represent other private interests in any action or proceeding against this city or any
313 portion of its government; or
- 314 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
315 any business or entity in which the official has a financial interest.
- 316 (c) Any elected official, appointed officer, or employee who shall have any financial
317 interest, directly or indirectly, in any contract or matter pending before or within any
318 department of the city shall disclose such interest to the city council. The mayor or any
319 councilmember who has a financial interest in any matter pending before the city council
320 shall disclose such interest and such disclosure shall be entered on the records of the city
321 council, and that official shall disqualify himself or herself from participating in any decision
322 or vote relating thereto. Any elected official, appointed officer, or employee of any agency
323 or political entity to which this charter applies who shall have any financial interest, directly
324 or indirectly, in any contract or matter pending before or within such entity shall disclose
325 such interest to the governing body of such agency or entity.
- 326 (d) No elected official, appointed officer, employee of the city, or any agency or entity to
327 which this charter applies shall use property owned by such governmental entity for personal
328 benefit or profit but shall use such property only in their capacity as an officer or employee
329 of the city.
- 330 (e) Any violation of this section which occurs with the knowledge, express or implied, of
331 a party to a contract or sale shall render said contract or sale voidable at the option of the city
332 council.
- 333 (f) Except where authorized by law, neither the mayor nor any councilmember shall hold
334 any other elective or appointive office in the city or otherwise be employed by said
335 government or any agency thereof during the term for which that official was elected.
- 336 (g) No appointive officer of the city shall continue in such employment upon qualifying as
337 a candidate for nomination or election to any public office. No employee of the city shall
338 continue in such employment upon qualifying for or election to any public office in this city

339 or any other public office which is inconsistent, incompatible, or in conflict with the duties
340 of the city employee. Such determination shall be made by the mayor and council either
341 immediately upon election or at any time such conflict may arise.

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

345 (2) Any officer or employee of the city who shall forfeit an office or position as described
346 in paragraph (1) of this subsection, shall be ineligible for appointment or election to or
347 employment in a position in the city government for a period of three years thereafter.

348 SECTION 2.15.

349 Inquiries and investigations.

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

356 SECTION 2.16.

357 General power and authority of the mayor and council.

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

360 (b) In addition to all other powers conferred upon it by law, the mayor and council shall
361 have the authority to adopt and provide for the execution of such ordinances, resolutions,

362 rules, and regulations, not inconsistent with this charter and the Constitution and the laws of
363 the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good
364 order, protection of life and property, health, welfare, sanitation, comfort, convenience,
365 prosperity, or well-being of the inhabitants of the City of Dalton and may enforce such
366 ordinances by imposing penalties for violation thereof.

367 (c) In addition to all other powers conferred upon it by law, the mayor and council shall have
368 the power and authority to appoint, remove, demote, and discharge the head of any
369 department of the city at any time in the mayor and council's discretion, except as otherwise
370 provided by this charter, ordinance, or by law.

371 SECTION 2.17.

372 Eminent domain.

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

381 SECTION 2.18.

382 Organizational meetings.

383 The mayor and council shall hold an organizational meeting on the first regularly scheduled
384 meeting in January following the November election in which a councilmember seat or the

385 mayoral position is on the ballot. The meeting shall be called to order by the mayor or the
386 city clerk and the oath of office shall be administered to the newly elected members by a
387 judicial officer authorized to administer oaths and shall, to the extent that it comports with
388 federal and state law, be as follows:

389 "I do solemnly (swear)(affirm) that I will faithfully perform the duties of (title of office)
390 of this city and that I will support and defend the charter thereof as well as the constitution
391 and laws of the State of Georgia and of the United States of America. I am not the holder
392 of any unaccounted for public money due this state or any political subdivision or authority
393 thereof. I am not the holder of any office of trust under the government of the United
394 States, any other state, or any foreign state which I by the laws of the State of Georgia am
395 prohibited from holding. I am otherwise qualified to hold said office according to the
396 Constitution and laws of Georgia. I have been a resident of my district and the City of
397 Dalton for the time required by the Constitution and laws of this state and by the municipal
398 charter. I will perform the duties of my office in the best interest of the City of Dalton to
399 the best of my ability without fear, favor, affection, reward, or expectation thereof."

400 SECTION 2.19.

401 Regular and special meetings.

402 (a) The mayor and council shall hold regular meetings at such times and places as shall be
403 prescribed by ordinance. All meetings shall be held in accordance with Code
404 Section 50-14-1 of the O.C.G.A.

405 (b) Special meetings of the mayor and council may be held on call of the mayor or two
406 councilmembers. Notice of such special meetings shall be served on all other members
407 personally, by telephone personally, or by electronic transmission, at least 24 hours in
408 advance of the meeting. Such notice shall not be required if the mayor and all
409 councilmembers are present when the special meeting is called. Such notice of any special

410 meeting may be waived by a councilmember and the mayor in writing before or after such
411 a meeting, and attendance at the meeting shall also constitute a waiver of notice on any
412 business transacted in such councilmember's or mayor's presence. Only the business stated
413 in the call may be transacted at the special meeting.

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

418 SECTION 2.20.

419 Rules of procedure.

420 (a) The mayor and council shall adopt its rules of procedure and order of business consistent
421 with the provisions of this charter and shall provide for keeping minutes of its proceedings,
422 which shall be a public record.

423 (b) Except as otherwise provided by resolution or ordinance, all committees composed
424 entirely of members of the mayor and council shall be appointed by the mayor and shall
425 serve at the pleasure of the mayor.

426 SECTION 2.21.

427 Quorum: voting.

428 (a) Except as otherwise provided in this charter, three councilmembers shall constitute a
429 quorum and shall be authorized to transact the business of the mayor and council. In the
430 event only two councilmembers are eligible to vote on a matter due to the absence,
431 abstention, or recusal of two councilmembers, then the mayor and two councilmembers shall
432 constitute a quorum and shall be authorized to transact the business of the mayor and council.

433 The mayor pro tempore acting in the absence of the mayor shall be counted as a
434 councilmember for the purposes of determining a quorum and voting. Except as otherwise
435 provided in this charter, the affirmative vote of three councilmembers shall be required for
436 the adoption of any ordinance, resolution, or motion. In the event the quorum is comprised
437 of the mayor and two councilmembers, then the affirmative vote of the mayor and two
438 councilmembers shall be required for the adoption of any ordinance, resolution, or motion.
439 In the case of a tie vote among the four councilmembers, the vote of two councilmembers
440 and the mayor shall be required for the adoption of any ordinance, resolution, or motion.
441 Voting on the adoption of ordinances, resolutions, or motions shall be by voice vote and the
442 vote shall be recorded in the minutes of the proceedings, but any member of the mayor and
443 council shall have the right to request a roll-call vote and such vote shall be recorded in the
444 minutes of the proceedings. An abstention or recusal shall not be counted as a vote for or
445 against and will not defeat a quorum.

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

453 SECTION 2.22.

454 Ordinance form; procedures.

455 (a) Every proposed ordinance shall be introduced in writing and in the form required for
456 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
457 enacting clause shall be "BE IT ORDAINED by the Mayor and Council of the City of Dalton

458 and by authority of the same, IT IS HEREBY ORDAINED" and every ordinance shall so
459 begin.

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

468 SECTION 2.23.

469 Action requiring an ordinance.

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

472 SECTION 2.24.

473 Emergencies.

474 (a) To meet a public emergency affecting life, health, property, or public peace, the mayor
475 and council may convene on the call of the mayor or two councilmembers and promptly
476 adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or
477 extend a franchise; or authorize the borrowing of money except for loans to be repaid
478 within 30 days. An emergency ordinance shall be introduced in the form prescribed for
479 ordinances generally, except that it shall be plainly designated as an emergency ordinance
480 and shall contain, after the enacting clause, a declaration stating that an emergency exists,

481 and describing the emergency in clear and specific terms. An emergency ordinance may be
482 adopted, with or without amendment, or rejected at the meeting at which it is introduced. It
483 shall become effective upon adoption or at such later time as it may specify. Every
484 emergency ordinance shall automatically stand repealed 30 days following the date upon
485 which it was adopted, but this shall not prevent reenactment of the ordinance in the manner
486 specified in this section if the emergency still exists. An emergency ordinance may also be
487 repealed by adoption of a repealing ordinance in the same manner specified in this section
488 for adoption of emergency ordinances.

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

493 SECTION 2.25.

494 Codes of technical regulations.

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

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

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

504 (b) Copies of any adopted code of technical regulations shall be made available by the city
505 clerk or building inspector for inspection by the public.

506 SECTION 2.26.

507 Signing; authenticating; recording; codification; printing.

508 (a) The city clerk shall authenticate all ordinances adopted by the mayor and council by his
509 or her signature and record in full in a properly indexed book kept for that purpose.

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

518 (c) The mayor and council shall cause each ordinance and each amendment to this charter
519 to be printed promptly following its adoption, and the printed ordinances and charter
520 amendments shall be made available for purchase by the public at reasonable prices to be
521 fixed by the mayor and council. Following publication of the first code under this charter
522 and at all times thereafter, the ordinances and charter amendments shall be printed in
523 substantially the same style as the code currently in effect and shall be suitable in form for
524 incorporation therein. The mayor and council shall make such further arrangements as
525 deemed desirable with reproduction and distribution of any current changes in or additions
526 to codes of technical regulations and other rules and regulations included in the code.

527 SECTION 2.27.

528 City administrator; appointment; qualifications; compensation.

529 The mayor and council shall appoint a city administrator for an indefinite term and shall fix
530 the city administrator's compensation. The city administrator shall be appointed solely on
531 the basis of executive and administrative qualifications.

532 SECTION 2.28.

533 Removal of city administrator.

534 The city administrator is employed at will and may be summarily removed from office at any
535 time by the mayor and council at a meeting held in accordance with this charter. In this
536 matter the mayor shall be entitled to cast a vote without regard to a tie vote among the
537 councilmembers.

538 SECTION 2.29.

539 Powers and duties of the city administrator.

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

544 (1) Supervise the administration of all departments, offices, and agencies of the city,
545 except as otherwise provided by this charter or by law;

546 (2) To act as budget officer for the City of Dalton pursuant to the powers set forth in Code
547 Section 36-81-1 of the O.C.G.A., et seq. To further set the budgetary calendar to meet the
548 requirements of law and prescribe the form for presentation of any budgetary request to the

549 City of Dalton. Budget requests shall be initially filed with the city administrator. The city
550 administrator shall annually, or more often as may be required by the mayor and council,
551 prepare and propose a balanced budget for the City of Dalton;

552 (3) Care and be responsible for all buildings and all real and personal property of the city;

553 (4) In the event there is not an acting department head, appoint, suspend, or remove all city
554 employees in such department, except as otherwise provided by law or this charter;

555 (5) Advise the mayor and council on the hiring or termination of department heads over
556 whom the city administrator has management and supervision responsibility;

557 (6) Attend meetings of the mayor and council and its committees and assist all of the
558 standing or special committees of the city and make available to them such information as
559 may be needed;

560 (7) Advise and assist the mayor and councilmembers in the performance of their duties;

561 (8) Review and advise the mayor and council regarding the activities of the various
562 departments, bureaus, boards, commissions, authorities, of the city under the direct
563 authority of the mayor and council;

564 (9) Serve ex officio as a nonvoting member of all boards, commissions, authorities, or
565 agencies of the city under the direct authority of the mayor and council, except for those
566 boards, commissions, authorities, or agencies created under local act or for which authority
567 is provided by general statute of the General Assembly of Georgia; and

568 (10) Perform all other duties as may be lawfully delegated to him or her by the mayor and
569 council.

570 SECTION 2.30.

571 Mayor and council interference with administration.

572 Except as otherwise provided in this charter and except for the purpose of inquiries and
573 investigations under Section 2.15 of this charter, the mayor and council or its members shall

574 provide orders or direction to city officers and employees who are subject to the direction
575 and supervision of the city administrator through the city administrator, and neither the
576 mayor and council nor its members shall give orders to any such officer or employee, either
577 publicly or privately.

578 SECTION 2.31.

579 Powers and duties of mayor.

580 The mayor shall:

- 581 (1) Preside at all meetings of the city council;
- 582 (2) Present first draft of agenda at all meetings of the city council;
- 583 (3) Be the head of the city for the purpose of service of process and for ceremonial
584 purposes, and be the official spokesperson for the city and the chief advocate of policy;
- 585 (4) Be the deciding vote on matters before the city council in the event of a tied vote of the
586 councilmembers;
- 587 (5) Have power to administer oaths and to take affidavits; and
- 588 (6) Sign as a matter of course on behalf of the city all written and approved contracts,
589 ordinances and other instruments executed by the city which by law are required to be in
590 writing.

591 SECTION 2.32.

592 Selection of mayor pro tempore.

593 By a majority vote of the mayor and council, a councilmember shall be elected to serve as
594 mayor pro tempore who shall serve at the pleasure of the mayor and council for same term
595 as the mayor. The mayor pro tempore shall continue to vote and otherwise participate as a
596 councilmember.

597 SECTION 2.33.

598 Mayor pro tempore.

599 During the absence or physical or mental disability of the mayor for any cause, the mayor
600 pro tempore, or in the mayor pro tempore's absence or disability for any reason, any one of
601 the councilmembers chosen by a majority vote of councilmembers, shall be clothed with all
602 the rights and privileges of the mayor and shall perform the duties of the office of the mayor
603 so long as such absence or disability shall continue. Any such absence or disability shall be
604 declared by majority vote of all councilmembers. The mayor pro tempore or selected
605 councilmember shall sign all contracts and ordinances in which the mayor has a disqualifying
606 financial interest as provided in Section 2.14 of this charter.

607 ARTICLE III

608 ADMINISTRATIVE AFFAIRS

609 SECTION 3.10.

610 Chief financial officer.

611 (a) The office of chief financial officer is created and established for the city with the
612 powers, duties, method of appointment, qualifications, term of office, and compensation as
613 hereinafter provided.

614 (b) The mayor and council by a majority vote shall appoint a chief financial officer for an
615 indefinite term by motion recorded in the minutes of the proceedings of the mayor and
616 council. In this matter the mayor may cast a vote without regard to a tie vote among the
617 councilmembers.

618 (c) The compensation of the chief financial officer shall be fixed by the city administrator.

619 (d) The chief financial officer shall be the director of the department of finance and shall
620 report to the city administrator.

621 (e) The chief financial officer shall perform such financial duties as may be assigned by the
622 city administrator or as may be required by law.

623 (f) The chief financial officer may be suspended and or removed by a majority vote of the
624 mayor and council. In this matter the mayor may cast a vote without regard to a tie vote
625 among the councilmembers.

626 SECTION 3.11.

627 City clerk.

628 (a) The mayor and council shall appoint a city clerk for an indefinite term by motion
629 recorded in the minutes of the proceedings of the mayor and council who shall not be an
630 elected officer or the head of any other department of the city. The city clerk shall report to
631 the city administrator. The city clerk may be suspended and or removed by a majority vote
632 of the mayor and council. In this matter the mayor may cast a vote without regard to a tie
633 vote among the councilmembers.

634 (b) The city clerk shall be the custodian of the official city seal and city records; attend all
635 meetings of the mayor and council and keep accurate minutes of all its proceedings; maintain
636 all oaths taken by officers and employees of the city; supervise and keep a record of all
637 elections; maintain a record of all appointments to office; be the custodian of all city
638 contracts, deeds to city real estate, and leases of city property; authenticate and certify city
639 documents; and undertake such additional tasks as may be assigned by the city administrator
640 from time to time.

641 (c) The compensation of the city clerk shall be fixed by the city administrator.

642 SECTION 3.12.

643 City auditor.

644 (a) The mayor and council shall appoint a city auditor for an indefinite term who shall be a
645 certified public accountant or a certified public accountant firm. The city auditor shall be
646 responsible for providing an annual independent audit of all city accounts, funds, and
647 financial transactions in accordance with generally accepted auditing principles.

648 (b) The city auditor is not a public official of the city and does not take an oath of office.
649 The city auditor shall at all times be an independent contractor.

650 (c) The city auditor shall be removed at any time upon majority vote of the mayor and
651 council. In this matter the mayor may cast a vote without regard to a tie vote among the
652 councilmembers.

653 SECTION 3.13.

654 City attorney.

655 The mayor and council shall appoint a city attorney who has been recommended by the city
656 administrator for an indefinite term who shall be a member in good standing of the State Bar
657 of Georgia, and shall have practiced law for at least five years at the time of his or her
658 appointment, together with such assistant city attorneys as may be authorized, and shall
659 provide for the payment of such attorney or attorneys for services rendered to the city. The
660 city attorney may be removed by the majority vote of the mayor and council. In this matter
661 the mayor may cast a vote without regard to a tie vote among the councilmembers. The city
662 attorney shall be responsible for providing for the representation and defense of the city in
663 all litigation in which the city is a party; may be the prosecuting attorney in the municipal
664 court; shall attend the meetings of the mayor and council and its commissions and
665 authorities; shall advise the mayor, councilmembers, and other officers and employees of the

666 city concerning legal aspects of the city's affairs; and shall perform such other duties as may
667 be required by virtue of the position as city attorney. The city attorney shall review all
668 contracts of the city but shall not have the power to bind the city.

669 SECTION 3.14.

670 Administrative and service departments.

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

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

679 (c) All appointive officers and directors of departments shall receive such compensation as
680 prescribed by the city administrator.

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

685 (e) The director of each department or agency may be removed by the majority vote of the
686 mayor and council. In this matter the mayor may cast a vote without regard to a tie vote
687 among the councilmembers.

688 SECTION 3.15.

689 Boards, commissions, and authorities.

690 General Authority.

691 (1) The mayor and council shall create by ordinance such boards, commissions, and
692 authorities to fulfill any investigative, advisory, quasi-judicial, or quasi-legislative function
693 as the mayor and council deems necessary and shall by ordinance establish the
694 composition, period of existence, duties, and powers thereof;

695 (2) All members of boards, commissions, and authorities of the city shall be appointed by
696 the mayor and council for such terms of office and in such manner as shall be provided by
697 ordinance, except where other appointing authority, terms of office, or manner of
698 appointment is prescribed by this charter or by law. Except as otherwise prescribed by this
699 charter or by law, members of boards, commissions, and authorities of the city shall serve
700 at will and may be removed by the majority vote of the mayor and council. In this matter
701 the mayor may cast a vote without regard to a tie vote among the councilmembers;

702 (3) The mayor and council, by ordinance, may provide for the compensation and
703 reimbursement for actual and necessary expenses of the members of any board,
704 commission, or authority;

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

707 (5) Any vacancy on a board, commission, or authority of the city shall be filled for the
708 unexpired term in the manner prescribed in this section for original appointment, except
709 as otherwise provided by this charter or by law;

710 (6) No member of a board, commission, or authority shall assume office until that person
711 has taken an oath obligating himself or herself to faithfully and impartially perform the
712 duties of that member's office, such oath to be prescribed by ordinance or resolution;

713 (7) Except as otherwise provided by this charter or by law, each board, commission, or
714 authority of the city shall elect one of its members as chair and one member as vice chair,
715 and may elect as its secretary one of its own members or may appoint as secretary an
716 employee of the city. Each board, commission, or authority of the city government may
717 establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances
718 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or
719 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with
720 the city clerk; and

721 (8) All meetings of boards, commissions, and authorities shall be public to the extent
722 required by law, and notice to the public of special meetings shall be made as fully as is
723 reasonably possible as provided by Code Section 50-14-1 of the O.C.G.A., or other such
724 applicable laws as are or may hereafter be enacted.

725 SECTION 3.16.

726 Personnel policies.

727 (a) All employees of the city shall serve at will and may be terminated at any time unless
728 otherwise provided by this charter, ordinance, or by law.

729 (b) Subject to subsection (a) of this section, the rights, status, salaries, wages, rank, and
730 conditions of employment of all employees of the city shall be and remain as they existed at
731 the time this charter becomes effective, and shall so remain until and unless changed or
732 terminated under some provision of this charter, by ordinance or resolution of the mayor and
733 council, or by the exercise of such authority delegated by mayor and council.

734 (c) No appointed officer and no employee of the city shall continue in such employment
735 upon qualifying as a candidate for nomination or election to any public office.

736 ARTICLE IV
737 JUDICIAL BRANCH

738 SECTION 4.10.
739 Creation; name.

740 There shall be a court to be known as the Municipal Court of the City of Dalton, Georgia.

741 SECTION 4.11.
742 Chief judge; associate judge; prosecuting attorney.

743 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,
744 or stand-by judges as shall be provided by ordinance.

745 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
746 that person shall have attained the age of 21 years, shall be a member in good standing of the
747 State Bar of Georgia, and shall possess all qualifications required by law. All judges shall
748 be appointed by the mayor and council.

749 (c) Compensation of the judges shall be fixed by the mayor and council.

750 (d) Judges shall serve terms and be removed as provided by general law.

751 (e) Before assuming office, each judge shall take the oath provided in Section 2.18 of this
752 charter. The oath shall be entered upon the minutes of the proceedings of the mayor and
753 council.

754 (f) The mayor and council may employ a qualified attorney to prosecute violations of city
755 ordinances and other offenses over which the municipal court has jurisdiction upon such
756 terms as the mayor and council may determine.

757 (g) The municipal court shall have a court administrator appointed by the mayor and council.

758 SECTION 4.12.

759 Convening.

760 The municipal court shall be convened at regular intervals as determined by the court
761 administrator.

762 SECTION 4.13.

763 Jurisdiction; powers.

764 (a) The municipal court shall try and punish violations of this charter, all city ordinances,
765 and such other violations as provided by law.

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

768 (c) The municipal court may fix punishment for offenses within its jurisdiction not
769 exceeding a fine of \$1,000.00 or imprisonment for 180 days, or both such fine and
770 imprisonment, or may fix punishment by fine, imprisonment, or alternative sentencing, as
771 now or hereafter provided by law.

772 (d) The city administrator shall have authority to establish a schedule of fees to defray the
773 cost of operation and shall be entitled to reimbursement of the cost of meals, transportation,
774 and caretaking of prisoners bound over to superior courts for violations of state law.

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

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

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

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

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

797 SECTION 4.14.

798 Appeal.

799 Any person aggrieved by a decision of the municipal court shall have the right to appeal as
800 provided by law.

801 SECTION 4.15.

802 Rules for court.

803 With the approval of the mayor and council, the court administrator shall have full power and
804 authority to make reasonable rules and regulations necessary and proper to secure the

825 candidates receiving the highest number of votes. Such runoff shall be held at the time
826 specified by state election law, unless such run-off date is postponed by court order.

827 SECTION 5.13.

828 Special elections.

829 The mayor and council shall have the power to call for a special election as provided by this
830 charter or the laws of the State of Georgia. Any special election shall be held and conducted
831 in accordance with Chapter 2 of Title 21 of the O.C.G.A. the "Georgia Election Code," as
832 now or hereafter amended.

833 SECTION 5.14.

834 Other provisions.

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

838 SECTION 5.15.

839 Removal of officers.

840 (a) The mayor or a councilmember may be removed from office for any one or more of the
841 causes provided in Title 45 of the O.C.G.A., or such other applicable laws as are or may
842 hereafter be enacted.

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

845 (1) A decision of an impartial panel following a hearing on action taken by the city
846 council. In the event an elected officer is sought to be removed by the action of the city
847 council, such officer shall be entitled to a written notice specifying the ground or grounds
848 for removal and to a public hearing which shall be held not less than ten days after the
849 service of such written notice. The city council shall provide by ordinance for the manner
850 in which such hearings shall be held. Any elected officer sought to be removed from office
851 as herein provided shall have the right of appeal from the decision of the city council to the
852 Superior Court of Whitfield County. Such appeal shall be governed by the same rules as
853 govern appeals to the superior court from the probate court; or
854 (2) An order of the Superior Court of Whitfield County following a hearing on a complaint
855 seeking such removal brought by any resident of the City of Dalton.

856 SECTION 5.16.

857 Registration; conduct of elections.

858 The mayor and council are authorized and empowered to designate and contract with the
859 Whitfield County Registrar and Board of Elections to receive voter registration of city
860 electors, qualify candidates, and to conduct city elections.

861 ARTICLE VI

862 FINANCE

863 SECTION 6.10.

864 Property tax.

865 The mayor and council may assess, levy, and collect an ad valorem tax on all real and
866 personal property within the corporate limits of the city that is subject to such taxation by the

867 state and county. This tax is for the purpose of raising revenues to defray the costs of
868 operating the city government, of providing governmental services, for the repayment of
869 principal and interest on general obligations, and for any other public purpose as determined
870 by the mayor and council in its discretion.

871 SECTION 6.11.

872 Millage rate; due dates; payment methods.

873 The mayor and council, by ordinance, shall establish a millage rate for the city property tax,
874 a due date, and the time period within which these taxes must be paid. The mayor and
875 council, by ordinance, may provide for the payment of these taxes by installments or in one
876 lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.
877 The mayor and council may contract with the Whitfield County Tax Commissioner to collect
878 taxes.

879 SECTION 6.12.

880 Occupation and business taxes.

881 The mayor and council by ordinance shall have the power to levy such occupation or
882 business taxes as are not denied by law. The mayor and council may classify businesses,
883 occupations, or professions for the purpose of such taxation in any way which may be lawful
884 and may compel the payment of such taxes as provided in Section 6.18 of this charter.

885 SECTION 6.13.

886 Administration fees; regulatory fees; permits.

887 The mayor and council by ordinance shall have the power to require businesses or
888 practitioners doing business within the city to obtain a permit for such activity from the city
889 and pay a reasonable administration fee or regulatory fee for such permit as provided by
890 general law. Such fees shall reflect the total cost to the city of regulating the activity, and,
891 if unpaid, shall be collected as provided in Section 6.18 of this charter.

892 SECTION 6.14.

893 Franchises.

894 (a) The mayor and council shall have the power to grant franchises for the use of the city's
895 streets and alleys for the purposes of railroads, street railways, telephone companies, electric
896 companies, electric membership corporations, cable television and other telecommunications
897 companies, gas companies, transportation companies, and other similar organizations. The
898 mayor and council shall determine the duration, terms, whether the same shall be exclusive
899 or nonexclusive, and the consideration for such franchises; provided, however, no franchise
900 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
901 the city receives just and adequate compensation therefor. The mayor and council shall
902 provide for the registration of all franchises with the city clerk in a registration book kept by
903 the city clerk. The mayor and council may provide by ordinance for the registration within
904 a reasonable time of all franchises previously granted.

905 (b) If no franchise agreement is in effect, the mayor and council have the authority to impose
906 a tax on gross receipts for the use of the city's streets and alleys for the purposes of railroads,
907 street railways, telephone companies, electric companies, electric membership corporations,

908 cable television and other telecommunications companies, gas companies, transportation
909 companies, and other similar organizations.

910 SECTION 6.15.

911 Service charges.

912 The mayor and council by ordinance shall have the power to assess and collect fees, charges,
913 and tolls for stormwater, solid waste collection, sanitary and health services, or any other
914 services provided, or made available within and without the corporate limits of the city for
915 the total cost to the city of providing or making available such services. If unpaid, such
916 charges shall be collected as provided in Section 6.18 of this charter.

917 SECTION 6.16.

918 Special assessments.

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

924 SECTION 6.17.

925 Construction; other taxes and fees.

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

929 SECTION 6.18.

930 Collection of delinquent taxes and fees.

931 The mayor and council, by ordinance, may provide generally for the collection of delinquent
932 taxes, fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
933 whatever reasonable means as are not precluded by law. This shall include providing for the
934 dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi.
935 fas.; creation and priority of liens; making delinquent taxes and fees personal debts of the
936 persons required to pay the taxes or fees imposed; revoking city permits or licenses for
937 failure to pay any city taxes or fees; and providing for the assignment or transfer of tax
938 executions.

939 SECTION 6.19.

940 General obligation bonds.

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

945 SECTION 6.20.

946 Revenue bonds.

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

950 SECTION 6.21.

951 Short-term loans.

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

954 SECTION 6.22.

955 Lease-purchase contracts.

956 The city may enter into multi-year lease, purchase, or lease-purchase contracts for the
957 acquisition of goods, materials, real and personal property, services, and supplies provided
958 the contract terminates without further obligation on the part of the city at the close of the
959 calendar year in which it was executed and at the close of each succeeding calendar year for
960 which it may be renewed. Contracts must be executed in accordance with the requirements
961 of Code Section 36-60-13 of the O.C.G.A. or other such applicable laws as are or may
962 hereafter be enacted.

963 SECTION 6.23.

964 Fiscal year.

965 The mayor and council shall set the fiscal year by ordinance. This fiscal year shall constitute
966 the budget year and the year for financial accounting and reporting of each and every office,
967 department, agency, and activity of the city government unless otherwise provided by state
968 or federal law.

969 SECTION 6.24.

970 Preparation of budgets.

971 (a) The mayor and council shall provide a resolution on the procedures and requirements for
972 the preparation and execution of an annual operating budget and a capital budget, including
973 requirements as to the scope, content, and form of such budgets and plans.

974 (b) Budgets shall be prepared for the General Fund, Debt Service Fund, Capital Projects
975 Fund, Special Revenue Funds, and any other fund deemed as necessary by the mayor and
976 council or mandated by state law.

977 SECTION 6.25.

978 Submission of operating budget to mayor and council.

979 On or before a date fixed by the city council but not later than 30 days prior to the beginning
980 of each fiscal year, the city administrator shall submit to the mayor and council a proposed
981 operating budget for the ensuing fiscal year. The budget shall be accompanied by a message
982 from the city administrator containing a statement of the general fiscal policies of the city,
983 the important features of the budget, explanations of major changes recommended for the
984 next fiscal year, a general summary of the budget, and such other pertinent comments and
985 information. The operating budget and the capital budget hereinafter provided for, the
986 budget message, and all supporting documents shall be filed in the office of the city clerk and
987 shall be open to public inspection.

988

SECTION 6.26.

989

Action by mayor and council on budget.

990 (a) The mayor and council may amend the operating budget and the capital budget proposed
991 by the city administrator, except that the budget as finally amended and adopted must
992 provide for all expenditures required by state law or by other provisions of this charter and
993 for all debt service requirements for the ensuing fiscal year and the total appropriations from
994 any fund shall not exceed the estimated fund balance, reserves, and revenues.

995 (b) The mayor and council by voice vote shall adopt the final operating budget and the
996 capital budget for the ensuing fiscal year not later than the first regularly scheduled meeting
997 of each year. If the mayor and council fails to adopt the budget by this date, the amounts
998 appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing
999 fiscal year on a month-to-month basis, with all items prorated accordingly until such time as
1000 the mayor and council adopts a budget for the ensuing fiscal year. Adoption of the budgets
1001 shall take the form of an appropriations ordinance setting out the estimated revenues in detail
1002 by sources and making appropriations according to fund and by organizational unit, purpose,
1003 or activity as set out in the budget preparation resolution adopted pursuant to Section 6.24
1004 of this charter.

1005 (c) The amount set out in the adopted operating budget and the capital budget for each city
1006 department shall constitute the annual appropriation for such, and no expenditure shall be
1007 made or encumbrance created in excess of the otherwise unencumbered balance of the
1008 appropriations or allotment thereof to which it is chargeable.

1009 SECTION 6.27.

1010 Tax levies.

1011 The mayor and council shall levy by ordinance such taxes as are necessary and authorized
1012 by the laws of the State of Georgia. The taxes and tax rates set by such ordinance shall be
1013 such that reasonable estimates of revenues from such levy shall at least be sufficient, together
1014 with other anticipated revenues, fund balances, and applicable reserves, to equal the total
1015 amount appropriated for each of the several funds set forth in the annual operating budget
1016 for defraying the expenses of the general government of the city.

1017 SECTION 6.28.

1018 Changes in appropriations.

1019 The mayor and council by ordinance may make changes in the appropriations contained in
1020 the current operating budget at any regular, special, or emergency meeting called for such
1021 purpose.

1022 SECTION 6.29.

1023 Capital budget.

1024 (a) On or before the date fixed by the mayor and council, the city administrator shall submit
1025 to the mayor and council a proposed capital improvements plan with a recommended capital
1026 budget containing the means of financing the improvements proposed for the ensuing fiscal
1027 year. The mayor and council shall have power to accept, with or without amendments, or
1028 reject the proposed plan and proposed budget. The mayor and council shall not authorize an
1029 expenditure for the construction of any building, structure, work, or improvement, unless the

1030 appropriations for such project are included in the capital budget, except to meet a public
1031 emergency as provided in Section 2.24 of this charter.

1032 (b) The mayor and council shall adopt by ordinance the final capital budget for the ensuing
1033 fiscal year. The city administrator may submit amendments to the capital budget to the
1034 mayor and council at any time during the fiscal year, accompanied by recommendations.
1035 Any such amendments to the capital budget shall become effective only upon adoption by
1036 ordinance.

1037 SECTION 6.30.

1038 Unexpended appropriations and capital budgets.

1039 All unexpended appropriations and capital budgets shall lapse at the fiscal year-end without
1040 any action of the mayor and council.

1041 SECTION 6.31.

1042 Independent audit.

1043 There shall be an annual independent audit of all city accounts, funds, and financial
1044 transactions by the city auditor. The audit shall be conducted according to generally
1045 accepted auditing principles. Any audit of any funds by the state or federal governments may
1046 be accepted as satisfying the requirements of this charter. Copies of annual audit reports
1047 shall be available at printing costs to the public.

1048 SECTION 6.32.

1049 Contracting procedures.

1050 No contract with the city shall be binding on the city unless:

1051 (a) It is in writing;

1052 (b) It is drawn by or submitted to and reviewed by the city attorney;

1053 (c) It is made or authorized by the mayor and council and such approval is entered in the
1054 mayor and council pursuant to Section 2.20 of this charter; and1055 (d) It is signed by the mayor or a department head specifically authorized by the mayor and
1056 council by ordinance or resolution.

1057 SECTION 6.33.

1058 Purchasing.

1059 The mayor and council shall by resolution prescribe procedures for a system of purchasing
1060 for the city.

1061 SECTION 6.34.

1062 Sale and lease of city property.

1063 (a) Except as otherwise provided in this charter, the mayor and council may sell and convey
1064 or lease any real or personal property owned or held by the city for governmental or other
1065 purposes as now or hereafter provided by law.1066 (b) The mayor and council may quitclaim any rights it may have in property not needed for
1067 public purposes upon report by the city administrator and adoption of a resolution, both
1068 finding that the property is not needed for public or other purposes and that the interest of the
1069 city has no readily ascertainable monetary value.

1070 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
1071 of the city, a small parcel or tract of land is cut off or separated by such work from a larger
1072 tract or boundary of land owned by the city, the mayor and council may authorize the city
1073 administrator to sell and convey said cut off or separated parcel or tract of land to an abutting
1074 or adjoining property owner or owners where such sale and conveyance facilitates the
1075 enjoyment of the highest and best use of the abutting owner's property. Included in the sales
1076 contract shall be a provision for the rights of way of said street, avenue, alley, or public
1077 place. Each abutting property owner shall be notified of the availability of the property and
1078 given the opportunity to purchase said property under such terms and conditions as set out
1079 by ordinance. All deeds and conveyances heretofore and hereafter so executed and delivered
1080 shall convey all title and interest the city has in such property, notwithstanding the fact that
1081 no public sale after advertisement was or is hereafter made.

1082 SECTION 6.35.

1083 Insurance.

1084 The city shall maintain sufficient casualty and liability insurance coverage on all property
1085 owned or operated by city personnel to adequately indemnify the city on claims of loss by
1086 injured or aggrieved parties. The amounts of insurance coverage shall be set from time to
1087 time by the city council in the form of a resolution as the need arises.

1088 ARTICLE VII

1089 INDEPENDENT CITY SCHOOL DISTRICT

1090 SECTION 7.10.

1091 Acknowledgment of establishment of Dalton City Public School District
1092 and authority to continue and maintain the Dalton City Public School District.

1093 (a) Be it acknowledged that the City of Dalton has established an independent public school
1094 district for the City of Dalton and organized a school board for the governance of said school
1095 district, known as the Dalton City Public School District, pursuant to an Act consolidating,
1096 amending, and codifying the various Acts incorporating the City of Dalton, approved
1097 February 24, 1874 (Ga. L. 1874, p. 181), as amended, which school district and school board
1098 are hereby affirmed.

1099 (b) Be it further acknowledged that Article VIII, Section V, Paragraph I of the Constitution
1100 of this state provides that "[e]xisting county and independent school systems shall be
1101 continued" and the city does authorize and recognize that Dalton City Public School District
1102 shall continue to exist as an independent school district whose borders are coterminous with
1103 the City of Dalton as now or in the future may exist.

1104 (c) Be it further acknowledged that the independent school district known as the Dalton City
1105 Public School District has continued to operate and has not ceased in its functions and duties
1106 since its creation.

1107 (d) Be it enacted by the authority aforesaid that the Board of Education of the Dalton City
1108 Public School District is hereby authorized and empowered, and authority is granted to the
1109 board of education to continue to maintain and control the Dalton City Public School
1110 District, as an independent public school district in the city, through local taxation and other
1111 means of support as permitted by Georgia law and in conformity with and as permitted by
1112 Article VIII, Section V, Paragraph I of the Constitution of this state.

1113 SECTION 7.11.

1114 Election of board of education.

1115 The board of education and the election of the members of the Board of Education of the
1116 Dalton City Public School District shall be governed by all applicable local Acts and any
1117 applicable state law.

SECTION 7.12.

1118

1119

Organization of board of education.

1120 Be it further enacted by the authority aforesaid, that the officers of said board of education

1121 shall be as provided by law and the policies of the board of education.

SECTION 7.13.

1122

1123

Powers and duties of board of education.

1124 Be it further enacted by the authority aforesaid that the Board of Education of the Dalton City

1125 Public School District is hereby vested with all the authority and power provided for in the

1126 Georgia Constitution and any applicable local acts and state law applicable to both county

1127 and independent school districts, including, but not limited to, incurring debt; however, the

1128 board of education shall be required to obtain approval from the mayor and council of the

1129 City of Dalton prior to incurring any debt, and such approval shall be evidenced by resolution

1130 or ordinance. The board of education shall faithfully perform the duties prescribed under the

1131 local Acts and under any applicable state law.

SECTION 7.14.

1132

1133

Superintendent; appointment; qualifications; compensation.

1134 The board of education shall employ a superintendent for a definite term, in accordance with

1135 applicable state law and board policy, and shall fix the superintendent's compensation.

1136 SECTION 7.15.

1137 Powers and duties of the superintendent.

1138 The superintendent shall be the chief administrative officer of the Dalton City Public School
1139 District. The superintendent shall be responsible to the board for the administration of all
1140 school district affairs placed in the superintendent's charge by or under this charter. As the
1141 chief administrative officer of the school district, the superintendent shall faithfully perform
1142 the duties prescribed by the board, by all applicable state laws, and by contract with the board
1143 of education.

1144 SECTION 7.16.

1145 Accounting and payment of school taxes to board of education.

1146 All taxes levied for public education in the City of Dalton, including penalties and interest
1147 for delinquent taxes, collected by Whitfield County for or on behalf of the City of Dalton
1148 Public School District shall be accounted for and paid over to the board of education on a
1149 monthly basis less the cost of collecting said taxes. For each monthly period, the board of
1150 education shall request from the Whitfield County Tax Commissioner's Office, or other
1151 appropriate tax collecting authority, an accounting of the taxes, penalties, and interest,
1152 collected in such period. The board of education shall be responsible for the prorated cost
1153 of collecting ad valorem taxes levied for the education of students in the City of Dalton.

1154 SECTION 7.17.

1155 Funds as trust funds.

1156 Be it further enacted by the authority aforesaid, that all assessments of taxes and all funds
1157 arising from or collected under this Act may be by the City of Dalton, on all taxable property,

1158 necessary for the support, maintenance, and operation of public schools at a rate not to
1159 exceed 14 mills, kept separate and distinct from other assessments and collections of the City
1160 of Dalton, and are to be used solely for the purposes designated in this section. The
1161 Whitfield County Tax Commissioner's Office, or other appropriate tax collecting authority,
1162 shall keep a separate, full, and distinct itemized account showing all monies raised, when,
1163 how, from whom, and for what purposes and the disposition of the same; and to whom,
1164 when, and for what purposes paid out. Such levy and assessment may be made at 100
1165 percent of the taxable property fair market value subject to any limitation by ordinance or
1166 other law.

1167 ARTICLE VIII

1168 BOARD OF WATER, LIGHT AND SINKING FUND COMMISSIONERS

1169 SECTION 8.10.

1170 Organization of board.

1171 (a) At the first regular meeting in January of each year, the mayor and council of the City
1172 of Dalton shall be authorized to elect a Board of Water, Light and Sinking Fund
1173 Commissioners that consists of five members.

1174 (b) The Board of Water, Light and Sinking Fund Commissioners shall consist of five
1175 commissioners appointed by the mayor and council who shall serve five-year terms. The
1176 terms shall be staggered as in effect on the date of this charter. Any vacancy in a term of a
1177 commissioner shall be filled for the expiration of that term by appointment of the mayor and
1178 city council. Upon the expiration of the term of service of any commissioner so appointed,
1179 the mayor and city council shall appoint a commissioner for a full term. Existing
1180 commissioners as of the date of this charter shall serve out the balance of their terms.

1181 (c) The authority, powers, and duties of said commissioners shall be regulated by such
1182 ordinances as the mayor and council may prescribe, and as otherwise set forth in this
1183 Article VIII.

1184 SECTION 8.11.

1185 General scope of authority, powers, and duties as to public utilities.

1186 (a) The Board of Water, Light and Sinking Fund Commissioners of the City of Dalton
1187 (doing business as "Dalton Utilities") shall have entire control of all public utilities of the
1188 City of Dalton, and such control shall extend into the newly annexed area of said city. Said
1189 board shall have authority of extending the services of said utilities beyond the city limits of
1190 the City of Dalton when in their judgment it is to the best interest of the city to do so.

1191 (b) The Board of Water, Light and Sinking Fund Commissioners of the City of Dalton,
1192 doing business as "Dalton Utilities," shall have the power to control and operate any and all
1193 public utilities that the convenience and necessity of the citizens of the City of Dalton
1194 require, and have the right and power to operate any such public utilities within the City of
1195 Dalton when the convenience and necessity of the citizens of the city are affected.

1196 (c) The Board of Water, Light and Sinking Fund Commissioners of the City of Dalton, doing
1197 business as "Dalton Utilities," shall have entire control of the public utilities of the City of
1198 Dalton and as a part of said control, the board shall have authority to make all contracts
1199 necessary for the operation of said utilities; to buy all supplies and material needed, and to
1200 make all necessary improvements and extensions, to employ all help necessary in the
1201 operation of said utilities and all utility sectors thereof; to make all rates, rules, and
1202 regulations for furnishing utility services to the inhabitants of said city and to enforce the
1203 same; and to deal in every way with said utilities as a separate and distinct part of the city
1204 government. Said board shall fix rates for utility services sufficiently high so as to bring in
1205 sufficient revenue to maintain said public utilities and to provide for needed repairs,

1206 extensions, and improvements. Said board shall collect all monies due to said utilities and
1207 shall pay all debts of said public utilities. No contract made by said board shall bind said city
1208 but shall be binding upon said board which shall operate as a separate and distinct part of the
1209 City of Dalton with the authority set forth in this section and pursuant to law and ordinances.
1210 No monies shall be appropriated by the mayor and council of the City of Dalton to the
1211 operation and improvement of said utilities, except that the board shall collect and receive
1212 the principal and interest on the public debt as now provided by law. As used in this section,
1213 the term "utility services" shall mean any and all services provided by the board through
1214 various utility sectors as set forth in Section 8.12 of this charter, and otherwise as authorized
1215 by law or ordinance, and is not intended to limit the board from providing utility services in
1216 the future that are not set forth in Section 8.12 of this charter and that may be later authorized
1217 by law or ordinance.

1218 SECTION 8.12.

1219 Utility sectors.

1220 (a) Public sewer system. The Board of Water, Light and Sinking Fund Commissioners of
1221 the City of Dalton shall have power and authority to control and operate the public sewer
1222 system in said city in such way and manner as the board deems appropriate, and for such
1223 purpose they may employ competent engineers and superintendents, at such times and at
1224 such salaries as may be agreed upon by the board. The board shall have entire control of the
1225 public sewer system of the City of Dalton, and such control shall extend into all newly
1226 annexed areas of said city. Said board shall have the power and authority to make all
1227 contracts necessary for the operation of said public sewer system; to buy all supplies and
1228 materials needed, and to make all necessary improvements and extensions, to employ all
1229 clerical and other help necessary in the operation of said system; to make rates, rules, and
1230 regulations for the furnishing of sewer service to residential, commercial, and industrial users

1231 of said system, and to enforce the same; and the power to control and operate such system
1232 as the convenience and necessity of the citizens of the City of Dalton shall require. Said
1233 board shall make no contracts for the price of using the public sewer system for a longer
1234 period than two years, and at the expiration of any term or lease the price paid for the use
1235 thereof shall be adjusted according to the regulations then established.

1236 (b) Communications and information services and facilities. The Board of Water, Light and
1237 Sinking Fund Commissioners of the City of Dalton shall have the authority to construct,
1238 acquire, control, operate, and provide as public utilities:

1239 (1) Communications services and facilities, and

1240 (2) Information services and facilities; of all kinds, without limitation, over or through all
1241 media, including wireline and wireless, whether such services and facilities are now known
1242 or are developed in the future, within or without the City of Dalton and within or without
1243 Whitfield County, Georgia. Notwithstanding the foregoing, the specification of any such
1244 services and facilities as public utilities is not intended to confer any additional power or
1245 be in any way in derogation of the power and authority of the Georgia Public Service
1246 Commission or any other regulatory body with respect to any such services and facilities,
1247 or subject any such services or facilities to common carrier or public utility regulation. The
1248 board shall have power and authority to control and operate the communications services
1249 and facilities and the information services and facilities in said city in such way and manner
1250 as the board deems appropriate, and for such purpose they may employ competent
1251 engineers and superintendents, at such times and at such salaries as may be agreed upon
1252 by the board. The board shall have entire control of the communications services and
1253 facilities and the information services and facilities of the City of Dalton, wherever located,
1254 and such control shall extend into all newly annexed areas of said city. Said board shall
1255 have the power and authority to make all contracts necessary for the operation of said
1256 communications services and facilities and the information services and facilities; to buy
1257 all supplies and materials needed, and to make all necessary improvements and extensions,

1258 to employ all clerical and other help necessary in the operation of said facilities; to make
1259 rates, rules, and regulations for the furnishing of communications services and facilities and
1260 the information services and facilities to residential and industrial users of said facilities,
1261 and to enforce the same; and the power to control and operate such communications
1262 services and facilities and the information services and facilities as the convenience and
1263 necessity of the citizens of the City of Dalton shall require.

1264 (c) Water system. The Board of Water, Light and Sinking Fund Commissioners of the City
1265 of Dalton shall have power and authority to control and operate the water system in said city
1266 in such way and manner as the board deems appropriate, and for such purpose they may
1267 employ competent engineers and superintendents, at such times and at such salaries as may
1268 be agreed upon by the board. The board shall have entire control of the public water system
1269 of the City of Dalton, and such control shall extend into all newly annexed areas of said city.
1270 Said board shall have the power and authority to make all contracts necessary for the
1271 operation of said public water system; to buy all supplies and materials needed, and to make
1272 all necessary improvements and extensions, to employ all clerical and other help necessary
1273 in the operation of said system; to make rates, rules, and regulations for the furnishing of
1274 water service to residential, commercial, and industrial users of said system, and to enforce
1275 the same; and the power to control and operate such system as the convenience and necessity
1276 of the citizens of the City of Dalton shall require. The board shall regulate the distribution
1277 and use of the water in all places and for all purposes, where the same may be required, and
1278 from time to time shall fix the price thereof, and the time of payment; and they shall erect
1279 such number of public hydrants in such places as they may see fit, and direct in what manner
1280 and for what purposes the same may be used, all of which they may change at their
1281 discretion. Said board shall make no contracts for the price of using water for a longer period
1282 than two years, and at the expiration of any term or lease the price paid for the use thereof
1283 shall be adjusted according to the regulations then established. Said board shall have full
1284 power and authority to require the payment, in advance, for the use or rent of water furnished

1285 by the utility in or upon any building, place, or premises, and in case prompt payment shall
1286 not be made, they may shut off the water from such building, place, or premises, and shall
1287 not be compelled to supply said building, place, or premises with water until such arrears,
1288 with accrued interest thereon, shall be fully paid.

1289 (d) Electric system. The Board of Water, Light and Sinking Fund Commissioners of the
1290 City of Dalton shall have power and authority to control and operate the electrical
1291 transmission, distribution, and generation systems in said city in such way and manner as the
1292 board deems appropriate, and for such purpose they may employ competent engineers and
1293 superintendents, at such times and at such salaries as may be agreed upon by the board. The
1294 board shall have entire control of the public electric generation and transmission systems of
1295 the City of Dalton, and such control shall extend into all newly annexed areas of said city.
1296 Said board shall have the power and authority to make all contracts necessary for the
1297 operation of said electric generation, distribution, and transmission systems; to buy all
1298 supplies and materials needed, and to make all necessary improvements and extensions, to
1299 employ all clerical and other help necessary in the operation of said systems; to make rates,
1300 rules, and regulations for the furnishing of electric service to residential, commercial, and
1301 industrial users of said system, and to enforce the same; and the power to control and operate
1302 such system as the convenience and necessity of the citizens of the City of Dalton shall
1303 require. The board may acquire additional sources of supply of electric power within or
1304 without the City of Dalton and within or without Whitfield County, Georgia. Said additional
1305 sources of supply may include the whole of or any lesser interest in any electric generating
1306 or distribution facilities within or without the State of Georgia and the whole of or any lesser
1307 interest in any transmission lines running from any additional source of supply to and within
1308 the City of Dalton. Any such additional source of supply may include the whole of or any
1309 interest in a nuclear generating facility, including any or all nuclear fuel necessary for the
1310 operation thereof. Said board shall make no contracts for the price of electricity for a longer
1311 period than two years, and at the expiration of any term or lease the price paid for the use

1312 thereof shall be adjusted according to the regulations then established. The Board of Water,
1313 Light and Sinking Fund Commissioners may enter agreements for the sale of surplus
1314 electricity to others if and when there shall be any excess over and above the city's
1315 requirements from time to time and may enter all contracts necessary or useful to assure
1316 efficient and economical management of any such additional source of supply, including
1317 transmission lines.

1318 (e) Natural gas system. The Board of Water, Light and Sinking Fund Commissioners of the
1319 City of Dalton shall have power and authority to control and operate the natural gas system
1320 in said city in such way and manner as the board deems appropriate, and for such purpose
1321 they may employ competent engineers and superintendents, at such times and at such salaries
1322 as may be agreed upon by the board. The board shall have entire control of the public natural
1323 gas system of the City of Dalton, and such control shall extend into all newly annexed areas
1324 of said city. Said board shall have the power and authority to make all contracts necessary
1325 for the operation of said natural gas system; to buy all supplies and materials needed, and to
1326 make all necessary improvements and extensions, to employ all clerical and other help
1327 necessary in the operation of said systems; to make rates, rules, and regulations for the
1328 furnishing of natural gas service to residential, commercial, and industrial users of said
1329 system, and to enforce the same; and the power to control and operate such system as the
1330 convenience and necessity of the citizens of the City of Dalton shall require. Said board shall
1331 make no contracts for the price of natural gas for a longer period than two years, and at the
1332 expiration of any term or lease the price paid for the use thereof shall be adjusted according
1333 to the regulations then established. The board may acquire additional sources of supply of
1334 natural gas within or without the City of Dalton and within or without Whitfield County,
1335 Georgia.

SECTION 8.13.

1336

1337

Chief executive officer.

1338 (a) The Board of Water, Light and Sinking Fund Commissioners shall appoint and employ
1339 a president and chief executive officer who shall be qualified by training, education, and
1340 experience for the overall management of the utility. He or she shall serve at the pleasure
1341 of said board, which shall fix salary, and shall have such authority as delegated by said board
1342 and as set forth in this section.

1343 (b) The president and chief executive officer of the utility shall report to the Board of Water,
1344 Light and Sinking Fund Commissioners at its monthly meetings and at special meetings, and
1345 shall carry out and execute all policies and directives of said board.

1346 (c) The president and chief executive officer of the utility shall, in consultation with the
1347 board, determine the number of employees necessary for the operation of the utility, and fix
1348 their duties and compensation. The prior consent of the Board of Water, Light and Sinking
1349 Fund Commissioners shall be required with respect to expenditures and contracts in excess
1350 of certain limits set by said board by resolution from time to time. The president and chief
1351 executive officer shall, in consultation with the board, have control of all actual construction
1352 and repairs, the immediate management of operation of the utility, and the enforcement and
1353 execution of all policies, programs, plans, and decisions made or adopted by the said board.
1354 The president and chief executive officer shall maintain permanent records regarding actions
1355 taken. The president and chief executive officer shall prepare plans and specifications, take
1356 bids, and let contracts, subject to the approval of said board. The president and chief
1357 executive officer shall prepare and submit to said board periodic reports on the utility's
1358 compliance with local, state and federal laws in the areas of safety, environmental matters,
1359 and civil rights. There shall be such other officers, executives, and employees of the utility
1360 as may be required. The officers, executives, and employees shall be appointed and removed
1361 by the president and chief executive officer subject to the provisions of applicable local,

1362 state, and federal laws or binding contracts entered into between employees and the Board
1363 of Water, Light and Sinking Fund Commissioners. The president and chief executive officer
1364 shall have such further power, duties, and responsibilities as may be assigned to him by said
1365 board from time to time.

1366 (d) The president and chief executive officer shall enter into contracts and shall have the
1367 authority to enter into contracts with vendors, customers, lenders, depositories, utilities,
1368 engineering firms, consultants, and government agencies as may be necessary to effect
1369 proper operations of the utility. The prior consent of the Board of Water, Light and Sinking
1370 Fund Commissioners shall be required with respect to contracts in excess of certain limits
1371 set by the board by resolution from time to time.

1372 (e) All checks, drafts, or other orders for payment of money, notes, or other evidences of
1373 indebtedness issued in the name of the utility shall be signed by the chief financial officer
1374 and countersigned by the president and chief executive officer, and may be signed by such
1375 other officer or officers, agent or agents, of the utility and in such manner as may from time
1376 to time be determined by the president and chief executive officer.

1377 (f) All funds of the utility shall be deposited from time to time to the credit of the utility in
1378 such banks, trust companies, or other depositories as the president and chief executive officer
1379 may select in consultation with the Board of Water, Light and Sinking Fund Commissioners.

1380 SECTION 8.14.

1381 Control over public utilities; rates, charges to comply with
1382 councilmanic proceedings for issuance of revenue bonds or certificates.

1383 As by law and this charter, the Board of Water, Light and Sinking Fund Commissioners of
1384 the City of Dalton shall have entire control over all public utilities owned or operated by said
1385 city, within or without its limits, with authority to make all contracts necessary to operate
1386 such utilities, to make all improvements and extensions thereto and to fix, impose, and

1387 collect the rates and charges made for services and commodities supplied by such public
1388 utilities; provided, however, that such rates and charges shall always be such as to comply
1389 with the provisions of any proceedings adopted by the mayor and council of said city
1390 authorizing the issuance of revenue bonds or certificates payable from the revenues of such
1391 public utilities, or any part thereof.

1392 SECTION 8.15.

1393 Right of eminent domain for public utilities.

1394 The City of Dalton shall have the right and power to condemn lands, rights of way for public
1395 utilities, easements, or right to use property of any kind, whether or not the same is already
1396 in use for such purpose, using the method of procedure provided under the general laws of
1397 the State of Georgia, and said City of Dalton is hereby vested with the power of eminent
1398 domain over private property for such purposes, whenever the Board of Water, Light and
1399 Sinking Fund Commissioners shall deem it necessary to the proper management and control
1400 of such public utilities that they exercise said power.

1401 SECTION 8.16.

1402 Investment of sinking funds.

1403 The Board of Water, Light and Sinking Fund Commissioners shall be authorized to control
1404 the sinking funds collected by the city related to operation of the utility, to invest the same
1405 in such manner, and in such securities, and upon such terms as the Board of Water, Light and
1406 Sinking Fund Commissioners may deem to be to the best interest of said city.

SECTION 8.17.

1407

1408

Disposition of surplus funds and financial reporting.

1409 If said utility has funds in excess of what is reasonably necessary for the operation of said
1410 utility and for contemplated improvements, the Board of Water, Light and Sinking Fund
1411 Commissioners shall pay a sum to the city treasury on an annual basis in an amount that is
1412 determined by the mayor and council in consultation with the board, subject to any
1413 ordinance, resolution, or other law now or hereinafter in effect which may limit, alter, or
1414 otherwise determine said payment. The board, through the president and chief executive
1415 officer, shall, at the request of the mayor and council of the city, provide to the mayor and
1416 council such regular and routine reports agreed upon by the mayor, council, and the board
1417 as may be necessary for the mayor and council to determine the financial status of the utility.
1418 The board shall act in a fiscally responsible manner so as to ensure to the greatest extent
1419 possible that excess funds will be available to be transferred to the city treasury.

SECTION 8.18.

1420

1421

Penalties for diversion of water, adulteration, injury to supply.

1422 If any person or persons shall willfully or maliciously divert the water, or any portion
1423 thereof, from the water system of the city, or shall corrupt or render the same impure, or shall
1424 injure or destroy any canal, aqueduct, pipe, hydrant, conduit, machinery, or other property
1425 used or required for procuring or distributing water, such person or persons, their aiders and
1426 abettors, shall forfeit to the mayor and council, to be recovered in an action of trespass, treble
1427 the amount of damages, besides cost of said suit, which shall appear on trial to have been
1428 sustained; all such acts are declared to be misdemeanors under the laws of this state, and the
1429 parties found guilty thereof may be punished as prescribed in Code Section 17-10-3 of the
1430 O.C.G.A.

1431 ARTICLE IX
1432 POLICE AND FIRE DEPARTMENTS

1433 SECTION 9.10.
1434 Creation; composition.

1435 The City of Dalton shall have a police department consisting of a chief of police, to be
1436 appointed by the mayor and council, and such other police officers as may be determined by
1437 the chief of police. The City of Dalton shall have a fire department consisting of a fire chief,
1438 to be appointed by the mayor and council, and such other firefighters as may be determined
1439 by the fire chief.

1440 SECTION 9.11.
1441 Age requirements for employment.

1442 No person shall be employed by the City of Dalton for work as a mandate peace officer or
1443 mandate peace officer in training or certified firefighter or certified firefighter in training
1444 unless such person has reached the age of 18 years, which shall be established by a birth
1445 certificate or other proper proof of age acceptable to the mayor and council.

1446 SECTION 9.12.
1447 Authority of chief of police to remove nuisances.

1448 The chief of police shall also be empowered to remove all nuisances within the corporate
1449 limits of the city.

1450 SECTION 9.13.

1451 Duties of chief of police and authority to account for fines and fi. fas.

1452 The duties of the chief of police shall be those duties as are now imposed on the police chief
1453 of the City of Dalton by law, and he or she shall be responsible for other duties and
1454 responsibilities as may from time to time be placed upon the chief of police by mayor and
1455 council. The city council may in their discretion require the chief of police to collect and
1456 account for all fines and fi. fas.

1457 SECTION 9.14.

1458 Duties of fire chief.

1459 The duties of the fire chief shall be those duties as are now imposed on the fire chief of the
1460 City of Dalton by law, and he or she shall be responsible for other duties and responsibilities
1461 as may from time to time be placed upon the fire chief by mayor and council.

1462 SECTION 9.15.

1463 Chiefs constituted heads of departments; status; removal.

1464 The chief of police and the chief of the fire department of the City of Dalton shall be the
1465 head of their respective departments, and shall hold office until removed by the mayor and
1466 council. Such chiefs shall be appointed as provided in Section 9.13 of this charter. The chief
1467 of police and the chief of the fire department may be removed, demoted, or discharged at any
1468 time by the mayor and council of the City of Dalton.

1469 SECTION 9.16.

1470 Supervision and control of police officers and firefighters.

1471 All police officers shall be subject to the direction and control of the chief of police, and all
1472 firefighters shall be subject to the direction and control of the chief of the fire department,
1473 and each respective chief shall have the right to discharge or suspend any officer or
1474 firefighter for incompetency, insubordination, or misconduct, and report such suspension or
1475 discharge to the city administrator.

1476 SECTION 9.17.

1477 Salaries.

1478 The salaries of the chief of police, the chief of the fire department, and all officers and
1479 firefighters shall be fixed by the city administrator from time to time.

1480 ARTICLE X

1481 ZONING AND PLANNING

1482 SECTION 10.10.

1483 Adoption of plan for districting city, regulating districts.

1484 The mayor and council may, in the interest of the public health, safety, order, convenience,
1485 comfort, prosperity, or general welfare, adopt by ordinance a plan or plans for the districting
1486 or zoning of the city for the purpose of regulating the location of trades, industries, apartment
1487 houses, dwellings, or other uses of property, or for the purpose of regulating the height of
1488 the buildings or other structures, or for the area or dimensions of the lots, or of the yards used
1489 in connection with buildings or other structures, or for the purposes of regulating the

1490 alignment of buildings or other structures near street frontages. The zoning regulations may
1491 be based upon any one or more of the purposes above described. The city may be divided
1492 into such number of districts and zones, and such districts may be of such shape and area,
1493 as the mayor and council shall deem best situated to accomplish the purposes of the zoning
1494 regulations, including, but not limited to, unified zoning with Whitfield County. In the
1495 determination and establishment of districts and regulations, classifications may be used
1496 based on the nature or character of the trade, industry, profession, or other activity conducted
1497 or to be conducted upon the premises, the number of persons, families or other group units
1498 to reside in or use buildings, the public, quasi-public, or private nature of the use of premises,
1499 or upon any other basis or bases relevant to the promotion of the public health, safety, order,
1500 morals, conveniences, prosperity, or welfare.

1501 SECTION 10.11.

1502 Classification, regulation of residential districts.

1503 For the reasons above stated, said mayor and council shall have the further right and power,
1504 in any districts proposed to be set aside primarily for residence purposes, to further classify
1505 the use thereof, and to provide therein the class or classes of residents to be housed therein,
1506 and to provide therein such other and similar regulations and restrictions as shall secure the
1507 peace and good order of the city and residents thereof.

1508 SECTION 10.12.

1509 Amendment of zoning regulations.

1510 The City of Dalton, by and through its mayor and council, may from time to time amend or
1511 change the regulations or districts established by the zoning ordinance.

1512 SECTION 10.13.

1513 Vote required to adopt, amend zoning regulations.

1514 No such ordinance or amendment thereto, authorized by any section of this article, shall be
1515 adopted except by three-fourths vote of the mayor and council.

1516 ARTICLE XI

1517 AUTHORITIES AND COMMISSIONS

1518 DIVISION 1. DEVELOPMENT AUTHORITY

1519 SECTION 11.10.

1520 City of Dalton building authority.

1521 (a) The City of Dalton Building Authority, created pursuant to an Act consolidating,
1522 amending, and codifying the various Acts incorporating the City of Dalton, approved
1523 February 24, 1874 (Ga. L. 1874, p. 181), as amended, and is hereby affirmed, which is
1524 deemed to be an instrumentality of the State of Georgia and a public corporation and in that
1525 name, style, and title said body may contract and be contracted with, sue and be sued, plead
1526 and be interpleaded, and complain and defend in all courts of law and equity. In the event
1527 the name of said authority shall ever become the subject of change, the same may be
1528 accomplished by an act of the General Assembly.

1529 (b) The said authority was created for the purpose of acquiring, constructing, equipping,
1530 maintaining, and operating self-liquidating projects embracing buildings and facilities for
1531 use by the City of Dalton, Georgia, for its governmental, proprietary and administrative
1532 functions and for the use by such other agencies, authorities, departments, and political
1533 subdivisions of the State of Georgia or the government of the United States as may contract
1534 with the authority for the use of such facilities. The City of Dalton, Georgia, has the

1535 authority to lease or sell lands, buildings, or land and buildings now owned by the City of
1536 Dalton, Georgia, to said authority by appropriate resolution of the mayor and council of said
1537 city and upon such terms and conditions as said mayor and council shall prescribe; provided,
1538 that such sales by the City of Dalton, Georgia, to the authority shall be for cash, and provided
1539 that such leases shall not exceed 50 years in duration.

1540 (c) The authority shall consist of five members as follows:

1541 (1) One shall be the mayor of the City of Dalton, Georgia;

1542 (2) One shall be a member of the city council of said city to be appointed by said city
1543 council;

1544 (3) One shall be a banker or other person having knowledge of financial matters, who is
1545 a resident of the City of Dalton, to be appointed by the mayor and council of said city;

1546 (4) One shall be a businessman, who is a resident of the City of Dalton, to be appointed
1547 by the mayor and council of said city; and

1548 (5) One shall be a citizen of the City of Dalton, who is a freeholder and qualified
1549 registered voter of said city, to be appointed by the mayor and council of said city.

1550 The terms of office of the members who are the mayor and city councilmember shall be
1551 concurrent with their terms of office as mayor and councilmember. The terms of office of
1552 the remaining members of the authority shall be four years and until their successors are
1553 appointed and qualified. Successors to such members and to the member who is a city
1554 councilmember shall be appointed as the original members were appointed, as provided
1555 herein, and any vacancies shall be filled by the appointing authority, as provided herein, for
1556 the unexpired term. Immediately after such appointments, the members of such authority
1557 shall enter upon their duties. The authority shall elect one of its members as chairperson, and
1558 one as vice chairman, and shall also elect a secretary and treasurer, which secretary and
1559 treasurer need not necessarily be a member of the authority. Three members of the authority
1560 shall constitute a quorum. No vacancy on the authority shall impair the right of the quorum
1561 to exercise all the rights and perform all the duties of the authority. The members of the

1562 authority shall receive no compensation for their services but may be reimbursed by the
1563 authority for their actual expenses necessarily incurred in the performance of their duties.
1564 The authority shall make rules and regulations for its own government. It shall have
1565 perpetual existence. In the event the number of the members of the authority, the
1566 qualifications of the membership of the authority, or the manner in which the members of
1567 the authority shall be selected shall ever become the subject of change, the same may be
1568 accomplished by an act of the General Assembly.

1569 (d) As used in this article, the following words and terms shall have the following meanings:

1570 (1) The word "authority" shall mean the City of Dalton Building Authority.

1571 (2) The words "the City of Dalton" and "city" shall mean the corporate body created by
1572 the General Assembly of Georgia under the name and style of "The City of Dalton."

1573 (3) The word "project" shall be deemed to mean and include one or a combination of two
1574 or more of the following: buildings and facilities intended for use as courthouse, jail, police
1575 station, fire station, administrative offices and other offices and related uses, and all
1576 buildings, structures, electric, gas, steam, and water utilities and facilities of every kind and
1577 character deemed by the authority necessary or convenient for the efficient operation of
1578 any department, board, office, commission, or agency of the City of Dalton in the
1579 performance of its governmental, proprietary and administrative functions, or of such
1580 buildings and facilities intended for use by any division, department, institution, agency,
1581 or political subdivision of the State of Georgia or the government of the United States.

1582 (4) The term "cost of the project" shall embrace the cost of construction, the cost of all
1583 lands, properties, rights and easements, and franchises acquired, the cost of all machinery
1584 and equipment, financing charges, interest prior to and during construction, cost of
1585 engineering, architectural and legal expenses, of plans and specifications, and other
1586 expenses necessary or incident to determining the feasibility or practicability of the project,
1587 administrative expense, and such other expenses as may be necessary or incident to the
1588 financing authorized in this section, the construction of any project, the placing of the same

1589 in operation, and the condemnation of property necessary for such construction and
1590 operation. Any obligation or expense incurred for any of the foregoing purposes shall be
1591 regarded as a part of the cost of the project and may be paid or reimbursed as such out of
1592 the proceeds of revenue bonds issued under the provisions in this section.

1593 (5) The terms "revenue bonds" and "bonds," as used in this section, shall mean revenue
1594 bonds under the provisions of the Revenue Bond Law, Code Section 36-82-60 of the
1595 O.C.G.A., et seq., and such type of obligations may be issued by the authority as
1596 authorized under said Revenue Bond Law, and in addition, shall also mean obligations of
1597 the authority, the issuance of which are hereinafter specifically provided for herein.

1598 (6) Any project or combination of projects shall be deemed "self-liquidating" if, in the
1599 judgment of the authority, the revenues to be derived by the authority from rentals of said
1600 project or projects to the City of Dalton or agencies, authorities, departments, and political
1601 subdivisions of the State of Georgia and of the United States will be sufficient to pay the
1602 cost of maintaining, repairing, and operating the project and to pay the principal and
1603 interest of revenue bonds which may be issued for the cost of such project, projects, or
1604 combination of projects.

1605 (e) The authority shall have the powers:

1606 (1) To have a seal and alter the same at pleasure;

1607 (2) To acquire by purchase, lease, or otherwise, and to hold, lease and dispose of real and
1608 personal property of every kind and character for its corporate purposes;

1609 (3) To acquire in its own name by purchase, on such terms and conditions and in such
1610 manner as it may deem proper or by condemnation in accordance with the provisions of
1611 any and all existing laws applicable to the condemnation of property for public use, real
1612 property, or rights of easements therein, or franchises necessary or convenient for its
1613 corporate purposes, and to use the same so long as its corporate existence shall continue
1614 and to lease or make contracts with respect to the use of or dispose of the same in any
1615 manner it deems to the best advantage of the authority, the authority being under no

1616 obligation to accept and pay for any property condemned as provided herein except from
1617 the funds provided herein, and in any proceedings to condemn, such orders may be made
1618 by the court having jurisdiction of the suit, action, or proceedings as may be just to the
1619 authority and to the owners of the property to be condemned, and no property shall be
1620 acquired as provided herein upon which any lien or other incumbrance exists, unless at the
1621 time such property is so acquired a sufficient sum of money be deposited in trust to pay
1622 and redeem the fair value of such lien or incumbrance;

1623 (4) To appoint and select officers, agents, and employees, including engineering,
1624 architectural and construction experts, fiscal agents and attorneys, and fix their
1625 compensation;

1626 (5) To make contracts and leases and to execute all instruments necessary or convenient,
1627 including contracts for construction of projects and leases of projects or contracts with
1628 respect to the use of projects which it causes to be erected or acquired, and the City of
1629 Dalton and any divisions, departments, institutions, agencies, counties, or political
1630 subdivisions of the State of Georgia are hereby authorized to enter into contracts, leases,
1631 or agreements with the authority upon such terms and for such purposes as they deem
1632 advisable; and without limiting the generality of the above, authority is specifically granted
1633 to the said city and any division, department, institution, agency, or political subdivision
1634 of the State of Georgia to enter into lease contracts and related agreements for the use of
1635 any structure, building, or facility or a combination of any two or more structures,
1636 buildings, or facilities of the authority for a term not exceeding 50 years and any division,
1637 department, institution, agency, or political subdivision of the State of Georgia may
1638 obligate itself to pay an agreed sum for the use of such property and the City of Dalton
1639 may enter into lease contracts and related agreements for the use of any structure, building,
1640 or facility or a combination of two or more structures, buildings, or facilities of the
1641 authority for a term not exceeding 50 years upon a majority vote of its governing body and
1642 may obligate itself to pay an agreed sum for the use of such property so leased and also

1643 obligate itself as a part of the undertaking to pay the cost of maintaining, repairing, and
1644 operating the property furnished by and leased from the authority;

1645 (6) To construct, erect, acquire, own, repair, remodel, maintain, add to, extend, improve,
1646 equip, operate, and manage projects, as hereinabove defined, to be located on property
1647 owned by or leased by the authority, the cost of any such project to be paid in whole or in
1648 part from the proceeds of revenue bonds of the authority or from such proceeds and any
1649 grant from the United States of America or any agency or instrumentality thereof;

1650 (7) To accept loans, grants of money, or materials, or property of any kind from the United
1651 States of America or any agency, or instrumentality thereof upon such terms and
1652 conditions as the United States of America or such agency or instrumentality may impose.

1653 (8) To borrow money for any of its corporate purposes and to issue negotiable revenue
1654 bonds payable solely from funds pledged for that purpose, and to provide for the payment
1655 of the same and for the rights of the holders thereof;

1656 (9) To exercise any power usually possessed by private corporations performing similar
1657 functions, which is not in conflict with this charter, the Constitution, and laws of this state;
1658 and

1659 (10) To do all things necessary or convenient to carry out the powers expressly given in
1660 this charter.

1661 (f) The authority, or any authority or body which has or which may in the future succeed to
1662 the powers, duties, and liabilities vested in the authority created hereby, shall have power
1663 and is hereby authorized at one time, or from time to time, to provide by resolution for the
1664 issuance of negotiable revenue bonds, for the purpose of paying all or any part of the cost
1665 as defined of any one or more projects. The principal and interest of such revenue bonds
1666 shall be payable solely from the special fund in this section provided for such payment. The
1667 bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding the
1668 maximum limit prescribed in the Revenue Bond Law, Code Section 36-82-60 of the
1669 O.C.G.A. et seq., or any amendment thereto, shall be payable semiannually, shall mature at

1670 such time or times not exceeding 30 years from their date or dates, shall be payable in such
1671 medium of payment as to both principal and interest as may be determined by the authority,
1672 and may be made redeemable before maturity, at the option of the authority at such price or
1673 prices and under such terms and conditions as may be fixed by the authority in the resolution
1674 providing for the issuance of the bonds. Such revenue bonds or obligations shall be issued
1675 pursuant to and in conformity with the Revenue Bond Law, Code Section 36-82-60 of the
1676 O.C.G.A. et seq., and all procedures pertaining to such issuance and the conditions thereof
1677 shall be the same as those contained in said Revenue Bond Law and any amendments
1678 thereto.

1679 (g) The authority shall determine the form of the bonds, including any interest coupons to
1680 be attached thereto, and shall fix the denomination or denominations of the bonds and the
1681 place or places of payment of principal and interest thereof which may be at any bank or
1682 trust company within or without the state. The bonds may be issued in coupon or registered
1683 form or both, as the authority may determine, and provision may be made for the registration
1684 of any coupon bond as to the principal alone and also as to both the principal and interest.

1685 (h) In case any officer whose signature shall appear on any bonds or whose facsimile
1686 signature shall appear on any coupon shall cease to be an officer before the delivery of such
1687 bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as
1688 if or she had remained in office until such delivery. All such bonds shall be signed by the
1689 chairperson of the authority and attested by the secretary and treasurer of the authority and
1690 the official seal of the authority shall be affixed thereto and any coupons attached thereto
1691 shall bear the facsimile signatures of the chairperson and secretary and treasurer of the
1692 authority. Any bond may be signed, sealed, and attested on behalf of the authority by such
1693 persons as at the actual time of the execution of such bonds shall be duly authorized or hold
1694 the proper office, although at the date of delivery and payment of such bonds such persons
1695 may not have been so authorized or shall not have held such office.

1696 (i) All revenue bonds issued under the provisions of this section shall be fully negotiable for
1697 all purposes and shall have and are hereby declared to have all of the qualifications of
1698 negotiable instruments under the laws of the state. Such bonds are declared to be issued for
1699 an essential public and governmental purpose and the said bonds and the income thereof
1700 shall be exempt from all taxation within the state.

1701 (j) The authority may sell such bonds in such manner and for such price as it may determine
1702 to be for the best interest of the authority.

1703 (k) The proceeds of such bonds shall be used solely for the payment of the cost of the
1704 project or projects, and unless otherwise provided in the resolution authorizing the issuance
1705 of the bonds or in the trust indenture, additional bonds may in like manner be issued to
1706 provide the amount of any deficit, which unless otherwise provided in the resolution
1707 authorizing the issuance of the bonds or in the trust indenture shall be deemed to be of the
1708 same issue and shall be entitled to payment from the same fund without preference or
1709 priority of the bonds first issued for the same purpose. If the proceeds of the bonds of any
1710 issue shall exceed the amount required for the purpose for which such bonds are issued, the
1711 surplus shall be paid into such funds as may be provided in the resolution authorizing the
1712 issuance of the bonds or in the trust indenture.

1713 (l) Prior to the preparation of definitive bonds, the authority may, under like restrictions,
1714 issue interim receipts, interim certificates, or temporary bonds, with or without coupons
1715 exchangeable for definitive bonds upon the issuance of the latter.

1716 (m) The authority may also provide for the replacement of any bond which shall become
1717 mutilated or be destroyed or lost.

1718 (n) Such revenue bonds may be issued without any other proceedings. In the discretion of
1719 the authority, revenue bonds of a single issue may be issued for the purpose of any particular
1720 project. Any resolution, providing for the issuance of revenue bonds upon the provisions
1721 hereof, shall become effective immediately upon its passage and need not be published or

1722 posted, and any such resolution may be passed at any regular or special or adjourned meeting
1723 of the authority by a majority of the quorum as provided in this chapter.

1724 (o) Revenue bonds issued by the authority hereunder shall not be deemed to constitute a
1725 debt of the City of Dalton, Georgia, nor of any municipality, county, authority, or political
1726 subdivision of the State of Georgia or instrumentality of the United States government which
1727 may contract with such authority. No contracts entered into by the authority with any such
1728 municipality, county, authority, or political subdivision of the State of Georgia or
1729 instrumentality of the United States government shall create a debt of the respective
1730 municipalities, counties, authorities, or political subdivisions of the State of Georgia within
1731 the meaning of Article IX, Section V, Paragraph I of the Constitution of the State of Georgia,
1732 but any such municipality, county, authority, or political subdivision of the State of Georgia
1733 may obligate itself to pay the payments required under such contracts from monies received
1734 from taxes and from any other source without creating a debt within the meaning of Article
1735 IX, Section V, Paragraph I of the Constitution of the State of Georgia.

1736 (p) In the discretion of the authority, any issue of such revenue bonds may be secured by a
1737 trust indenture by and between the authority and a corporate trustee, which may be any trust
1738 company or bank having the powers of a trust company within or outside of the state. Such
1739 trust indenture may pledge or assign fees, tolls, revenues, and earnings to be received by the
1740 authority, including the proceeds derived from the sale from time to time of any surplus
1741 property of the authority, both real and personal. Either the resolution providing for the
1742 issuance of revenue bonds or such trust indenture may contain such provisions for protecting
1743 and enforcing the rights and remedies of the bondholders as may be reasonable and proper
1744 and not in violation of law, including covenants setting forth the duties of the authority in
1745 relation to the acquisition of property, the construction of the project, the maintenance,
1746 operation, repair and insurance of the property, and the custody, safeguarding, and
1747 application of all monies, including the proceeds derived from the sale of property of the
1748 authority, both real and personal, and may also provide that any project shall be constructed

1749 and paid for under the supervision and approval of consulting engineers, architects employed
1750 or designated by the authority, and satisfactory to the original purchasers of the bonds issued
1751 therefor and may also require that the security given by contractors and by any depository
1752 of the proceeds of the bonds, revenues, or other monies be satisfactory to such purchasers,
1753 and may also contain provisions concerning the conditions, if any, upon which additional
1754 revenue bonds may be issued. It shall be lawful for any bank or trust company incorporated
1755 under the laws of this state to act as such depository and to furnish such indemnifying bonds
1756 or pledge such securities as may be required by the authority. Such indenture may set forth
1757 the rights and remedies of the bondholders and of the trustee, and may restrict the individual
1758 right of action of bondholders as is customary in trust indentures securing bonds and
1759 debentures of corporations. In addition to the foregoing, such trust indenture may contain
1760 such other provisions as the authority may deem reasonable and proper for the security of
1761 the bondholders. All expenses incurred in carrying out such trust indenture may be treated
1762 as a part of the cost of maintenance, operation, and repair of the project affected by such
1763 indenture.

1764 (q) The authority shall, in the resolution providing for the issuance of revenue bonds or in
1765 the trust indenture, provide for the payment of the proceeds of the sale of the bonds to any
1766 officer or person who or any agency, bank, or trust company which shall act as trustee of
1767 such funds and shall hold and apply the same to the purposes hereof, subject to such
1768 regulations as are herein provided and such regulations as may be provided in such
1769 resolution or trust indenture.

1770 (r) The revenues, fees, tolls, and earnings derived from any particular project or projects,
1771 regardless of whether or not such fees, earnings, and revenues were produced by a particular
1772 project for which bonds have been issued and any monies derived from the sale of any
1773 properties, both real and personal of the authority, unless otherwise pledged and allocated,
1774 may be pledged and allocated by the authority to the payment of the principal and interest
1775 on revenue bonds of the authority as the resolution authorizing the issuance of the bonds or

1776 in the trust instrument may provide, and such funds so pledged from whatever source
1777 received, which said pledge may include funds received from one or more or all sources,
1778 shall be set aside at regular intervals as may be provided in the resolution or trust indenture,
1779 into a sinking fund which said sinking fund shall be pledged to and charged with the
1780 payments of:

- 1781 (1) The interest upon such revenue bonds as such interest shall fall due;
- 1782 (2) The principal of the bonds as the same shall fall due;
- 1783 (3) The necessary charges of paying agent or agents for paying principal and interest; and
- 1784 (4) Any premium upon bonds retired by call or purchase as hereinabove provided.

1785 The use and disposition of such sinking fund shall be subject to such regulations as may be
1786 provided in the resolution authorizing the issuance of the revenue bonds or in the trust
1787 indenture, but, except as may otherwise be provided in such resolution or trust indenture,
1788 such sinking fund shall be a fund for the benefit of all revenue bonds without distinction or
1789 priority of one over another. Subject to the provisions of the resolution authorizing the
1790 issuance of the bonds or in the trust indenture surplus monies in the sinking fund may be
1791 applied to the purchase or redemption of bonds and any such bonds so purchased or
1792 redeemed shall forthwith be cancelled and shall not again be issued.

1793 (s) Any holder of revenue bonds issued under the provisions hereof or any of the coupons
1794 appertaining thereto, and the trustee under the trust indenture, if any, except to the extent the
1795 rights herein given may be restricted by resolution passed before the issuance of the bonds
1796 or by the trust indenture, may, either at law or in equity, by suit, action, mandamus, or other
1797 proceedings, protect, and enforce any and all rights under the laws of the State of Georgia
1798 or granted hereunder such resolution or trust indenture, and may enforce and compel
1799 performance of all duties required herein or by such resolution or trust indenture, to be
1800 performed by the authority, or any officer thereof, including the fixing, charging, and
1801 collecting of revenues, fees, tolls, and other charges for the use of the facilities and services
1802 furnished.

1803 (t) The authority is hereby authorized to provide by resolution for the issue of revenue bonds
1804 of the authority for the purpose of refunding any revenue bonds issued under the provisions
1805 hereof and then outstanding, together with accrued interest thereon. The issuance of such
1806 revenue refunding bonds, the maturities and all other details thereof, the rights of the holders
1807 thereof, and the duties of the authority in respect to the same, shall be governed by the
1808 foregoing provisions hereof insofar as the same may be applicable.

1809 (u) Any action to protect, or enforce any rights under the provisions of this section or any
1810 suit or action against such authority shall be brought in the superior court of Whitfield
1811 County, Georgia, and any action pertaining to validation of any bonds issued under the
1812 provisions of this section shall likewise be brought in said court which shall have exclusive,
1813 original jurisdiction of such actions.

1814 (v) Bonds of the authority shall be confirmed and validated in accordance with the
1815 procedure of the Revenue Bond Law, Code Section 36-82-60 of the O.C.G.A., et seq. The
1816 petition for validation shall also make party defendant to such action any municipality,
1817 county, authority, subdivision, or instrumentality of the State of Georgia or the United States
1818 government or any department or agency of the United States government, if subject to be
1819 sued, which has contracted with the authority for the services and facilities of the project for
1820 which bonds are to be issued and sought to be validated and such municipality, county,
1821 authority, subdivision, or instrumentality shall be required to show cause, if any, why such
1822 contract or contracts and the terms and conditions thereof should not be inquired into by the
1823 court and the validity of the terms thereof be determined and the contract or contracts
1824 adjudicated as security for the payment of any such bonds of the authority. The bonds when
1825 validated and the judgment of validation shall be final and conclusive with respect to such
1826 bonds, against the authority issuing the same, and any municipality, county, authority,
1827 subdivision, or instrumentality of the United States government, if a party to the validation
1828 proceedings, contracting with the said The City of Dalton Building Authority.

1829 (w) While any of the bonds issued by the authority remain outstanding, the powers, duties,
1830 or existence of said authority or of its officers, employees, or agents shall not be diminished
1831 or impaired in any manner that will affect adversely the interest and rights of the holders of
1832 such bonds, and no other entity, department, agency, or authority will be created which will
1833 compete with the authority to such an extent as to affect adversely the interest and rights of
1834 the holders of such bonds, nor will the state itself so compete with the authority. The
1835 provisions of this section shall be for the benefit of the authority and the holders of any such
1836 bonds, and upon the issuance of bonds under the provisions hereof, shall constitute a contract
1837 with the holders of such bonds.

1838 (x) All monies received pursuant to the authority hereof, whether as proceeds from the sale
1839 of revenue bonds, as grants, or other contributions, or as revenues, income, fees, and
1840 earnings shall be deemed to be trust funds to be held and applied solely as provided for
1841 herein.

1842 (y) It is hereby declared that the authority will be performing an essential governmental
1843 function in the exercise of the power conferred upon it hereunder and that the authority shall
1844 be required to pay no taxes or assessments upon any of the property acquired by it or under
1845 its jurisdiction, control, possession, or supervision, or upon its activities in the operation and
1846 maintenance of the buildings erected or acquired by it or any fees, rentals, or other charges
1847 for the use of such buildings, or other income received by the authority.

1848 (z) The authority shall have the same immunity and exemption from liability for torts and
1849 negligence as the State of Georgia has and the officers, agents, and employees of the
1850 authority when in performance of the work of the authority shall have the same immunity
1851 and exemption from liability for torts and negligence as the officers, agents, and employees
1852 of the State of Georgia. The authority may be sued in the same manner as private
1853 corporations may be sued on any contractual obligation of the authority.

1854 (aa) The property of the authority shall not be subject to levy and sale under legal process
1855 except such property, revenue, income, or funds as may be pledged, assigned, mortgaged,

1856 or conveyed to secure an obligation of the authority, and any such property, revenue, funds,
1857 or income may be sold under legal process or under any power granted by the authority to
1858 enforce payment of the obligation.

1859 SECTION 11.11.

1860 Downtown Dalton development authority.

1861 The General Assembly created in and for the City of Dalton, the downtown Dalton
1862 development authority for the purpose of the redevelopment of the downtown Dalton area.
1863 Said authority shall have the power to employ engineers and planners, to contract for the
1864 construction of buildings and other facilities, and to contract with the City of Dalton for the
1865 construction, reconstruction, altering, changing and closing of streets and alleys. The
1866 authority shall have the power to issue bonds and revenue certificates, and to pledge
1867 revenues and to levy and collect taxes within said districts for the retirement of said
1868 indebtedness. No taxes shall be levied by said authority on property used for residential
1869 purposes or used for school or church purposes. The authority shall have the right and power
1870 of eminent domain for the purpose of acquiring property in the carrying out of its aims and
1871 objectives.

1872 DIVISION 2. AIRPORT AUTHORITY

1873 SECTION 11.12.

1874 Short title.

1875 This section shall be known and may be cited as the "City of Dalton Airport Authority
1876 Ordinances."

1877 SECTION 11.13.

1878 Purposes.

1879 The City of Dalton airport authority, was created pursuant to an Act consolidating,
1880 amending, and codifying the various Acts incorporating the City of Dalton, approved
1881 February 24, 1874, (Ga. L. 1874, p. 181), as amended, and is hereby affirmed. The City of
1882 Dalton airport authority's purposes shall be to oversee the day-to-day operation and general
1883 management of the existing airport and landing field of the City of Dalton for the use of
1884 aircraft and related aeronautical activities.

1885 SECTION 11.14.

1886 Membership.

1887 The City of Dalton airport authority shall be composed of five individuals with qualifications
1888 as provided in this section, all of whom shall be appointed by the mayor and council of the
1889 City of Dalton pursuant to passage of appropriate resolutions. The members of the City of
1890 Dalton airport authority shall be designated by the mayor and council to serve terms for
1891 terms of five years. The terms of the members of such authority shall be staggered as in
1892 effect on the date of this charter. Upon the death, resignation, or other event creating a
1893 vacancy in the seat of any member of the authority, the mayor and council shall fill the
1894 vacancy by appointing a qualified individual to fill the unexpired term of the vacating
1895 member through passage of an appropriate resolution of the mayor and council. For
1896 purposes of determining the time of the regular expiration of any term of office of any
1897 member of the authority, a year shall be deemed to run from the date of the first regular
1898 meeting of the mayor and council in January of any calendar year until the first regular
1899 meeting of the mayor and council in the succeeding calendar year. A member of the

1900 authority must, at the time of appointment by the mayor and council and at all times
1901 thereafter, during the tenure of service on the authority possess the following qualifications:
1902 (1) Maintain a permanent residence within Whitfield County, Georgia; and
1903 (2) Be not less than 18 years of age.

1904 SECTION 11.15.
1905 Ex officio members.

1906 The city administrator or his or her successor in office shall be a nonvoting ex officio
1907 member of the authority who shall be entitled to participate in all meetings of the authority.

1908 SECTION 11.16.
1909 Meetings.

1910 The authority shall meet at such times as may be necessary to transact the business and fulfill
1911 its public purpose but the authority shall hold an organizational meeting each year within 30
1912 days of the first meeting of the mayor and council in January. At each organizational
1913 meeting, the members of the authority shall elect one of its members as its chairperson and
1914 another member as secretary. The term of the chairperson and secretary shall be for a period
1915 beginning with their election by the authority and expiring with the organizational meeting
1916 of the authority in the following year or upon their death, resignation, or vacancy in the
1917 position of authority member for whatever reason, whichever shall earlier occur. In the
1918 event of a death, resignation, or vacancy in the position of authority member of the
1919 chairperson or secretary of the authority, the members of the authority shall elect one of their
1920 members to fill the vacant office for the expiration of the term of office. The chairperson
1921 and secretary of the authority may be elected by the authority members for succeeding terms
1922 during their tenure. A meeting of the authority may be held upon call of the chairperson, or

1923 any two members of the authority, or upon call of the city administrator as a nonvoting ex
1924 officio member. A quorum for the transaction of business of the authority shall consist of
1925 three voting members of the authority. Each voting member of the authority shall have one
1926 vote on all matters and issues to be decided. A vote of the majority of the members of the
1927 authority present in person and voting at any meeting of the authority shall carry on any
1928 decision to be made.

1929 SECTION 11.17.

1930 Compensation.

1931 No member of the authority shall be paid any salary or compensation for his or her service.
1932 However, the mayor and council shall be authorized in its discretion to set by ordinance a
1933 mileage allowance and per diem expense for members of the authority traveling or in
1934 attendance on official business of the authority. The salary and employment benefits of any
1935 staff members of the authority shall be determined by the mayor and council through the
1936 budgetary processes of the mayor and council.

1937 SECTION 11.18.

1938 Staff.

1939 The authority shall be authorized to hire, contract with, or appoint an airport manager and
1940 such other employees as they deem necessary to carry out the business, affairs, and public
1941 purposes of the authority provided compensation and any related benefits to said employees
1942 of the authority are included within the budget for the authority set by the mayor and council
1943 of the City of Dalton. Further, the authority may employ or retain such expert or consultant
1944 services as required to carry on its operations and meet its public purposes subject to the
1945 budgetary allowances as set by the mayor and council.

1946 SECTION 11.19.

1947 Budget.

1948 The authority through its chairperson shall submit an annual request for budget to the mayor
1949 and council or its designated committee at the times and in the form directed by the mayor
1950 and council.

1951 SECTION 11.20.

1952 Legal services.

1953 The city attorney shall serve as counsel and legal adviser to the authority and shall perform
1954 such legal services as the authority shall request.

1955 SECTION 11.21.

1956 Powers.

1957 Subject to any general limitations enacted by the mayor and council as well as the budgetary
1958 allowances or limitations imposed by the mayor and council and the rights and interests of
1959 any holder of bonds or obligations issued by the City of Dalton relating to or affecting
1960 property owned, operated, or leased by the city for airport and related aeronautical activities,
1961 the authority shall have and exercise the following powers:

1962 (1) To have a seal and alter the same at its pleasure;

1963 (2) To appoint, select, and employ officers, agents and employees including engineering,
1964 architectural, and construction experts, and fiscal agents and fix their respective
1965 compensation subject to its budgetary limitations;

1966 (3) To oversee the day-to-day operations and general management of the airport and
1967 landing field; however, such power shall not include the power to make or terminate

1968 contracts or leases with respect to land, which powers are expressly reserved to the mayor
 1969 and council; and
 1970 (4) To promulgate rules and regulations for air and ground operations on the airport and
 1971 landing field all in conformity with applicable provisions of federal, state and local laws,
 1972 statutes, ordinances, and regulations.

1973 SECTION 11.22.

1974 Monies payable to general fund.

1975 All revenues collected by the authority on leases, franchises, hangar rentals, service fees,
 1976 surplus property sales, and from any other source shall be properly accounted for and paid
 1977 over to the general fund of the City of Dalton. The mayor and council shall establish
 1978 accounts and audit procedures for revenues collected by the authority and shall implement
 1979 same at all times.

1980 ARTICLE XII

1981 GENERAL PROVISIONS

1982 SECTION 12.10.

1983 Bonds for officials.

1984 The officers and employees of this city, both elective and appointive, shall execute such
 1985 surety or fidelity bonds in such amounts and upon such terms and conditions as the mayor
 1986 and council shall from time to time require by ordinance or as may be provided by law.

1987 SECTION 12.11.

1988 Prior ordinances.

1989 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent
1990 with this charter are hereby declared valid and of full effect and force until amended or
1991 repealed by the mayor and council.

1992 SECTION 12.12.

1993 Pending matters.

1994 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
1995 contracts, and legal or administrative proceedings shall continue and any such ongoing work
1996 or cases shall be completed by such city agencies, personnel, or offices as may be provided
1997 by the mayor and council.

1998 SECTION 12.13.

1999 Construction.

2000 (a) Section captions in this charter are informative only and are not to be considered as a
2001 part thereof.

2002 (b) The word "shall" is mandatory and the word "may" is permissive.

2003 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
2004 versa.

2005 SECTION 12.14.

2006 Severability.

2007 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall
2008 be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
2009 or impair other parts of this charter unless it clearly appears that such other parts are wholly
2010 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
2011 legislative intent in enacting this charter that each article, section, subsection, paragraph,
2012 sentence, or part thereof be enacted separately and independent of each other.

2013 SECTION 12.15.

2014 Specific repealer.

2015 (a) An Act consolidating, amending, and codifying the various Acts incorporating the City
2016 of Dalton, approved February 24, 1874 (Ga. L. 1874, p. 181), and all amendatory Acts
2017 thereto are hereby repealed in their entirety.

2018 (b) Insofar as the provisions of this charter are the same in terms or in substance and effect
2019 as provisions of law in force when this charter shall take effect, relating to or affecting the
2020 City of Dalton, the provisions of this charter are intended to be not a new enactment but a
2021 continuation of such provisions of law, and this charter shall be so construed and applied.

2022 SECTION 12.16.

2023 Repealer.

2024 All laws and parts of laws in conflict with this Act are repealed.