

House Bill 616 (AS PASSED HOUSE AND SENATE)

By: Representative Morris of the 156th

A BILL TO BE ENTITLED
AN ACT

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

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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ARTICLE I
INCORPORATION AND POWERS
SECTION 1.10.

Name.

27 The City of Lyons, in Toombs County, Georgia, is reincorporated by the enactment of this
28 charter and is hereby constituted and declared a body politic and corporate under the name
29 and style City of Lyons, Georgia, and by that name shall have perpetual succession.

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SECTION 1.11.
Corporate boundaries.

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

40 (b) The council may provide for the redrawing of any such map by ordinance to reflect
41 lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes
42 the entire map or maps which it is designated to replace.

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SECTION 1.12.
Powers and construction.

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

49 (b) The powers of this city shall be construed liberally in favor of the city. The specific
50 mention or failure to mention particular powers shall not be construed as limiting in any way
51 the powers of this city.

SECTION 1.13.

Examples of powers.

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

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

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

64 (3) Building regulation. To regulate and to license the erection and construction of
65 buildings and all other structures; to adopt building, housing, plumbing, fire safety,
66 electrical, gas, and heating and air conditioning codes; and to regulate all housing and
67 building trades;

68 (4) Business regulation and taxation. To levy and to provide for the collection of
69 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized
70 by Title 48 of the O.C.G.A. or such other applicable laws as are or may hereafter be
71 enacted; to permit and regulate the same; to provide for the manner and method of
72 payment of such regulatory fees and taxes; and to revoke such permits after due process
73 for failure to pay any city taxes or fees;

74 (5) Condemnation. To condemn property, inside or outside the corporate limits of the
75 city, for present or future use and for any corporate purpose deemed necessary by the
76 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such
77 other applicable laws as are or may hereafter be enacted;

78 (6) Contracts. To enter into contracts and agreements with other governmental entities
79 and with private persons, firms, and corporations;

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

84 (8) Environmental protection. To protect and preserve the natural resources,
85 environment, and vital areas of the city, the region, and the state through the preservation
86 and improvement of air quality, the restoration and maintenance of water resources, the
87 control of erosion and sedimentation, the management of storm water and establishment

88 of a storm-water utility, the management of solid and hazardous waste, and other
89 necessary actions for the protection of the environment;

90 (9) Fire regulations. To fix and establish fire limits and from time to time extend,
91 enlarge or restrict the same; to prescribe fire safety regulations not inconsistent with
92 general law, relating to both fire prevention and detection and to fire fighting; and to
93 prescribe penalties and punishment for violations thereof;

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

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

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

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

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

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

118 (16) Municipal agencies and delegation of power. To create, alter, or abolish
119 departments, boards, offices, commissions, and agencies of the city, and to confer upon
120 such agencies the necessary and appropriate authority for carrying out all the powers
121 conferred upon or delegated to the same;

122 (17) Municipal debts. To appropriate and borrow money for the payment of debts of the
123 city and to issue bonds for the purpose of raising revenue to carry out any project,
124 program, or venture authorized by this charter or the laws of the State of Georgia;

- 125 (18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
126 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
127 outside the property limits of the city;
- 128 (19) Municipal property protection. To provide for the preservation and protection of
129 property and equipment of the city and the administration and use of same by the public;
130 and to prescribe penalties and punishment for violations thereof;
- 131 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
132 of public utilities, including but not limited to a system of waterworks, sewers and drains,
133 sewage disposal, storm-water management, gas works, electric light plants, cable
134 television and other telecommunications, transportation facilities, public airports, and any
135 other public utility; and to fix the taxes, charges, rates, fares, fees, assessments,
136 regulations, and penalties and to provide for the withdrawal of service for refusal or
137 failure to pay the same;
- 138 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or
139 private property;
- 140 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
141 the authority of this charter and the laws of the State of Georgia;
- 142 (23) Planning and zoning. To provide comprehensive city planning for development by
143 zoning; and to provide subdivision regulation and the like as the council deems necessary
144 and reasonable to insure a safe, healthy, and esthetically pleasing community;
- 145 (24) Police and fire protection. To exercise the power of arrest through duly appointed
146 police officers, and to establish, operate, or contract for a police and a firefighting
147 agency;
- 148 (25) Public hazards: removal. To provide for the destruction and removal of any
149 building or other structure which is or may become dangerous or detrimental to the
150 public;
- 151 (26) Public improvements. To provide for the acquisition, construction, building,
152 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
153 cemeteries, markets and market houses, public buildings, libraries, public housing,
154 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
155 recreational, conservation, sport, curative, corrective, detentional, penal, and medical
156 institutions, agencies, and facilities; to provide any other public improvements, inside or
157 outside the corporate limits of the city; to regulate the use of public improvements; and
158 for such purposes, property may be acquired by condemnation under Title 22 of the
159 O.C.G.A., or such other applicable laws as are or may hereafter be enacted;
- 160 (27) Public peace. To provide for the prevention and punishment of loitering, disorderly
161 conduct, drunkenness, riots, and public disturbances;

- 162 (28) Public transportation. To organize and operate such public transportation systems
163 as are deemed beneficial;
- 164 (29) Public utilities and services. To grant franchises or make contracts for, or impose
165 taxes on, public utilities and public service companies; and to prescribe the rates, fares,
166 regulations, and standards and conditions of service applicable to the service to be
167 provided by the franchise grantee or contractor, insofar as not in conflict with valid
168 regulations of the Public Service Commission;
- 169 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,
170 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
171 and all other structures or obstructions upon or adjacent to the rights of way of streets and
172 roads or within view thereof, within or abutting the corporate limits of the city; and to
173 prescribe penalties and punishment for violation of such ordinances;
- 174 (31) Retirement. To provide and maintain a retirement plan and other employee benefit
175 plans and programs for officers and employees of the city;
- 176 (32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
177 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
178 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
179 walkways within the corporate limits of the city; and to grant franchises and rights of way
180 throughout the streets and roads and over the bridges and viaducts for the use of public
181 utilities; and to require real estate owners to repair and maintain in a safe condition the
182 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;
- 183 (33) Water and sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the
184 acquiring, constructing, equipping, operating, maintaining, and extending of a sewage
185 disposal plant and sewerage system, and to levy on those to whom sewers and sewerage
186 systems are made available a sewer service fee, charge, or sewer tax for the availability
187 or use of the sewers; to provide for the manner and method of collecting such service
188 charges and for enforcing payment of the same; to charge, impose, and collect a sewer
189 connection fee or fees to those connected with the system; to levy a fee, charge, or water
190 tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining,
191 and extending of wells, storage tanks, and a water system and to levy on those to whom
192 water services are made available a water service fee, charge, or tax for the availability
193 or use of the water system; to provide for manner and method of collecting such service
194 charges and for enforcing payment of the same; and to charge, impose, and collect a
195 water connection fee;
- 196 (34) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
197 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by

198 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
199 paper, and other recyclable materials and to provide for the sale of such items;
200 (35) Special areas of public regulation. To regulate or prohibit junk dealers and the
201 manufacture and sale of intoxicating liquors; to regulate the transportation, storage and
202 use of combustible, explosive, and inflammable materials, the use of lighting and heating
203 equipment, and any other business or situation which may be dangerous to persons or
204 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical
205 performances, exhibitions, and shows of any kind, by taxation or otherwise; to license
206 and tax professional fortunetelling, palmistry, and massage parlors; and to restrict adult
207 bookstores to certain areas;
208 (36) Special assessments. To levy and provide for the collection of special assessments
209 to cover the costs for any public improvements;
210 (37) Taxes: ad valorem. To levy and provide for assessment, valuation, revaluation, and
211 collection of taxes on all property subject to taxation;
212 (38) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
213 future by law.
214 (39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
215 number of such vehicles; to require the operators thereof to be licensed; to require public
216 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
217 regulate the parking of such vehicles;
218 (40) Urban redevelopment. To organize and operate an urban redevelopment program;
219 and
220 (41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
221 and immunities necessary or desirable to promote or protect the safety, health, peace,
222 security, good order, comfort, convenience, or general welfare of the city and its
223 inhabitants; to exercise all implied powers necessary or desirable to carry into execution
224 all powers granted in this charter as fully and completely as if such powers were fully
225 stated herein; and to exercise all powers now or in the future authorized to be exercised
226 by other municipal governments under other laws of the State of Georgia; and no listing
227 of particular powers in this charter shall be held to be exclusive of others, nor restrictive
228 of general words and phrases granting powers, but shall be held to be in addition to such
229 powers unless expressly prohibited to municipalities under the Constitution or applicable
230 laws of the State of Georgia.

231 **SECTION 1.14.**

232 Exercise of powers.

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

237 **ARTICLE II.**

238 **GOVERNMENT STRUCTURE**

239 **SECTION 2.10.**

240 Council creation; number, election.

241 The legislative authority of the government of this city, except as otherwise specifically
 242 provided in this charter, shall be vested in a council to be composed of a mayor and five
 243 councilmembers. The council established shall in all respects be a successor to and
 244 continuation of the governing authority under prior law. The mayor and councilmembers
 245 shall be elected in the manner provided by general law and this charter.

246 **SECTION 2.11.**

247 Council terms and qualifications for office.

248 (a) The mayor and council in office on the effective date of this charter shall continue in
 249 office until their respective successors are elected and qualified.

250 (b) The mayor and councilmembers shall serve for terms of four years and until their
 251 respective successors are elected and qualified. No person shall be eligible to serve as mayor
 252 or councilmember unless that person shall have been a resident of the city for six months and
 253 a resident of the State of Georgia for 12 months prior to the date of election of mayor or
 254 councilmembers; each shall continue to reside therein during that member's period of service
 255 and to be registered and qualified to vote in municipal elections of this city. No person shall
 256 be eligible to serve as a councilmember representing a council district or ward unless that
 257 person continues to reside in such district or ward during that person's period of service.

258

SECTION 2.12.

259

Vacancy; filling of vacancies.

260 (a) Vacancies. The office of mayor or councilmember shall become vacant upon the
 261 incumbent's death, resignation, forfeiture of office, or occurrence of any event specified by
 262 the Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such other applicable
 263 laws as are or may hereafter be enacted.

264 (b) Filling of vacancies. A vacancy in the office of mayor or councilmember shall be filled
 265 for the remainder of the unexpired term, if any, by appointment by the council or those
 266 members remaining if less than 12 months remains in the unexpired term. If such vacancy
 267 occurs 12 months or more prior to the expiration of the term of that office, it shall be filled
 268 for the remainder of the unexpired term by a special election, as provided for in Section 5.14
 269 of this charter and in accordance with Titles 21 and 45 of the O.C.G.A., or such other laws
 270 as are or may hereafter be enacted.

271 (c) Suspension. This section shall also apply to a temporary vacancy created by the
 272 suspension from office of the mayor or any councilmember.

273

SECTION 2.13.

274

Mayor and council; compensation and expenses.

275 The mayor and councilmembers shall receive compensation and expenses for their services
 276 as provided by ordinance.

277

SECTION 2.14.

278

Conflicts of interest; holding other offices.

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

281 (b) Conflict of interest. No elected official, appointed officer, or employee of the city or any
 282 agency or political entity to which this charter applies shall knowingly:

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

287 (2) Engage in or accept private employment or render services for private interests when
 288 such employment or service is incompatible with the proper discharge of that person's

289 official duties or would tend to impair the independence of the official's judgment or
 290 action in the performance of those official duties;

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

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

302 (5) Represent other private interests in any action or proceeding against this city or any
 303 portion of its government; or

304 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
 305 any business or entity in which the official has a financial interest.

306 (c) Disclosure. Any elected official, appointed officer, or employee who shall have any
 307 financial interest, directly or indirectly, in any contract or matter pending before or within
 308 any department of the city shall disclose such interest to the council. The mayor or any
 309 councilmember who has a financial interest in any matter pending before the council shall
 310 disclose such interest and such disclosure shall be entered on the records of the council, and
 311 that official shall disqualify himself or herself from participating in any decision or vote
 312 relating thereto. Any elected official, appointed officer, or employee of any agency or
 313 political entity to which this charter applies who shall have any financial interest, directly or
 314 indirectly, in any contract or matter pending before or within such entity shall disclose such
 315 interest to the governing body of such agency or entity.

316 (d) Use of public property. No elected official, appointed officer, or employee of the city
 317 or any agency or entity to which this charter applies shall use property owned by such
 318 governmental entity for personal benefit or profit but shall use such property only in their
 319 capacity as an officer or employee of the city.

320 (e) Contracts voidable and rescindable. Any violation of this section which occurs with the
 321 knowledge, express or implied, of a party to a contract or sale shall render such contract or
 322 sale voidable at the option of the council.

323 (f) Ineligibility of elected official. Except where authorized by law, neither the mayor nor
 324 any councilmember shall hold any other elective or appointive office in the city or otherwise
 325 be employed by the city or any agency thereof during the term for which that official was

326 elected. No former mayor and no former councilmember shall hold any appointive office
 327 in the city until one year after the expiration of the term for which that official was elected.

328 (g) Political activities of certain officers and employees. No appointed officer of the city
 329 shall continue in such employment upon qualifying as a candidate for nomination or election
 330 to any public office. No employee of the city shall continue in such employment upon
 331 qualifying for or election to any public office in this city or any other public office which is
 332 inconsistent, incompatible, or in conflict with the duties of the city employee. Such
 333 determination shall be made by the mayor and council either immediately upon election or
 334 at any time such conflict may arise.

335 (h) Penalties for violation.

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

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

343 **SECTION 2.15.**

344 Inquiries and investigations.

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

351 **SECTION 2.16.**

352 General power and authority of the council.

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

355 (b) In addition to all other powers conferred upon it by law, the council shall have the
 356 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and
 357 regulations, not inconsistent with this charter and the Constitution and the laws of the State
 358 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,

359 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,
 360 or well-being of the inhabitants of the City of Lyons and may enforce such ordinances by
 361 imposing penalties for violation thereof.

362 **SECTION 2.17.**

363 Eminent domain.

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

372 **SECTION 2.18.**

373 Organizational meetings.

374 The council shall hold an organizational meeting on the first Tuesday in January of every
 375 year or on the first Wednesday in January if the first Tuesday is January 1. The meeting shall
 376 be called to order by the mayor-elect and the oath of office shall be administered to the newly
 377 elected members by a judicial officer authorized to administer oaths and shall, to the extent
 378 that it comports with federal and state law, be as follows:

379 "I do solemnly (swear)(affirm) that I will faithfully perform the duties of
 380 (mayor)(councilmember) of this city and that I will support and defend the charter thereof
 381 as well as the Constitution and laws of the State of Georgia and of the United States of
 382 America. I am not the holder of any unaccounted for public money due this state or any
 383 political subdivision or authority thereof. I am not the holder of any office of trust under
 384 the government of the United States, any other state, or any foreign state which I by the
 385 laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold
 386 said office according to the Constitution and laws of Georgia. I have been a resident [of
 387 my district and] the City of Lyons for the time required by the Constitution and laws of this
 388 state and by the municipal charter. I will perform the duties of my office in the best interest
 389 of the City of Lyons to the best of my ability without fear, favor, affection, reward, or
 390 expectation thereof."

391

SECTION 2.19.

392

Regular and special meetings.

393 (a) The council shall hold regular meetings at such times and places as prescribed by
394 ordinance.

395 (b) Special meetings of the council may be held on call of the mayor or three
396 councilmembers. Notice of such special meetings shall be served on all other members
397 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such
398 notice to councilmembers shall not be required if the mayor and all councilmembers are
399 present when the special meeting is called. Such notice of any special meeting may be
400 waived by a councilmember in writing before or after such a meeting, and attendance at the
401 meeting shall also constitute a waiver of notice on any business transacted in such
402 councilmember's presence. Only the business stated in the call may be transacted at the
403 special meeting.

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

408

SECTION 2.20.

409

Rules of procedure.

410 (a) The council shall adopt its rules of procedure and order of business consistent with the
411 provisions of this charter and shall provide for keeping a journal of its proceedings, which
412 shall be a public record.

413 (b) All committees and committee chairs and officers of the council shall be appointed by
414 the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power to
415 appoint new members to any committee at any time.

416

SECTION 2.21.

417

Quorum: voting.

418 (a) Three councilmembers shall constitute a quorum and shall be authorized to transact
419 business of the council. Voting on the adoption of ordinances shall be by voice vote and the
420 vote shall be recorded in the journal, but any member of the council shall have the right to
421 request a roll-call vote and such vote shall be recorded in the journal. If only three
422 councilmembers are present and except as otherwise provided in this charter, the affirmative

423 vote of two councilmembers shall be required for the adoption of any ordinance, resolution,
 424 or motion.
 425 (b) The mayor shall cast the deciding vote in case of a tie.

426 **SECTION 2.22.**

427 Ordinance form; procedures.

428 (a) Every proposed ordinance shall be introduced in writing and in the form required for
 429 final adoption. The enacting clause shall be "BE IT ORDAINED by the Mayor and Council
 430 of the City of Lyons, Georgia..." and every ordinance shall so begin.

431 (b) An ordinance may be introduced by the mayor or any councilmember and be read at a
 432 regular or special meeting of the council. Ordinances shall be considered and adopted or
 433 rejected by the council in accordance with the rules which it shall establish; provided,
 434 however, that an ordinance shall not be adopted the same day it is introduced, except for
 435 emergency ordinances provided in Section 2.24 of this charter. Upon introduction of any
 436 ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to each
 437 councilmember and shall file a reasonable number of copies in the office of the city clerk and
 438 at such other public places as the council may designate. Any ordinance that amends the
 439 charter must be adopted at two regular consecutive meetings pursuant to Code Section
 440 36-35-3 of the O.C.G.A. Charter amendments shall be ineffective until a copy is provided
 441 to the Secretary of State's office pursuant to Code Section 36-35-5 of the O.C.G.A.

442 **SECTION 2.23.**

443 Action requiring an ordinance.

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

445 **SECTION 2.24.**

446 Emergencies.

447 (a) To meet a public emergency affecting life, health, property, or public peace, the council
 448 may convene on call of the mayor or three councilmembers and promptly adopt an
 449 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
 450 franchise; regulate the rate charged by any public utility for its services; or authorize the
 451 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
 452 shall be introduced in the form prescribed for ordinances generally, except that it shall be
 453 plainly designated as an emergency ordinance and shall contain, after the enacting clause,

454 a declaration stating that an emergency exists and describing the emergency in clear and
 455 specific terms. An emergency ordinance may be adopted, with or without amendment, or
 456 rejected at the meeting at which it is introduced, but if only three councilmembers are
 457 present, the affirmative vote of at least two councilmembers shall be required for adoption.
 458 It shall become effective upon adoption or at such later time as it may specify. Every
 459 emergency ordinance shall automatically stand repealed 30 days following the date upon
 460 which it was adopted, but this shall not prevent reenactment of the ordinance in the manner
 461 specified in this section if the emergency still exists. An emergency ordinance may also be
 462 repealed by adoption of a repealing ordinance in the same manner specified in this section
 463 for adoption of emergency ordinances.

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

468 **SECTION 2.25.**

469 Codes of technical regulations.

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

473 (1) The requirements of subsection (b) of Section 2.22 of this charter for distribution and
 474 filing of copies of the ordinance shall be construed to include copies of any code of
 475 technical regulations as well as the adopting ordinance; and

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

479 (b) Copies of any adopted code of technical regulations shall be made available by the city
 480 clerk for inspection by the public.

481 **SECTION 2.26.**

482 Signing; authenticating; recording; codification; printing.

483 (a) The city clerk shall authenticate by the city clerk's signature and record in full in a
 484 properly indexed book kept for that purpose all ordinances adopted by the mayor and
 485 council.

486 (b) The council shall provide for the preparation of a general codification of all the
487 ordinances of the city having the force and effect of law. The general codification shall be
488 adopted by the council by ordinance and shall be published promptly, together with all
489 amendments thereto and such codes of technical regulations and other rules and regulations
490 as the council may specify. This compilation shall be known and cited officially as "The
491 Code of the City of Lyons, Georgia." Copies of the code shall be furnished to all officers,
492 departments, and agencies of the city and made available for purchase by the public at a
493 reasonable price as fixed by the council.

494 (c) The council shall cause each ordinance and each amendment to this charter to be printed
495 promptly following its adoption, and the printed ordinances and charter amendments shall
496 be made available for purchase by the public at reasonable prices to be fixed by the council.
497 Following publication of the first code under this charter and at all times thereafter, the
498 ordinances and charter amendments shall be printed in substantially the same style as the
499 code currently in effect and shall be suitable in form for incorporation therein. The council
500 shall make such further arrangements as deemed desirable with reproduction and distribution
501 of any current changes in or additions to codes of technical regulations and other rules and
502 regulations included in the code.

503 **SECTION 2.27.**

504 City manager; appointment; qualifications; compensation.

505 The council shall appoint a city manager for an indefinite term and shall fix the city
506 manager's compensation. The city manager shall be appointed solely on the basis of
507 executive and administrative qualifications.

508 **SECTION 2.28.**

509 Removal of city manager.

510 The city manager is employed at will and may be summarily removed from office at any time
511 by the council.

512 **SECTION 2.29.**

513 Acting city manager.

514 By letter filed with the city clerk, the city manager shall designate, subject to approval of the
515 council, a qualified city administrative officer to exercise the powers and perform the duties
516 of city manager during the city manager's temporary absence or physical or mental disability.

517 During such absence or disability, the council may revoke such designation at any time and
 518 appoint another officer of the city to serve until the city manager shall return or the city
 519 manager's disability shall cease.

520 **SECTION 2.30.**

521 Powers and duties of city manager.

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

- 526 (1) Appoint and, when the city manager deems it necessary for the good of the city,
 527 suspend or remove all city employees and administrative officers the city manager
 528 appoints, except as otherwise provided by law or personnel ordinances adopted pursuant
 529 to this charter. The city manager may authorize any administrative officer who is subject
 530 to the city manager's direction and supervision to exercise these powers with respect to
 531 subordinates in that officer's department, office, or agency;
- 532 (2) Direct and supervise the administration of all departments, offices, and agencies of
 533 the city, except as otherwise provided by this charter or by law;
- 534 (3) Attend all council meetings except for closed meetings held for the purposes of
 535 deliberating on the appointment, discipline, or removal of the city manager, and have the
 536 right to take part in discussion but not vote;
- 537 (4) See that all laws, provisions of this charter, and acts of the council subject to
 538 enforcement by the city manager or by officers subject to the city manager's direction and
 539 supervision are faithfully executed;
- 540 (5) Prepare and submit the annual operating budget and capital budget to the council;
- 541 (6) Submit to the council and make available to the public a complete report on the
 542 finances and administrative activities of the city as of the end of each fiscal year;
- 543 (7) Make such other reports as the council may require concerning the operations of city
 544 departments, offices, and agencies subject to the city manager's direction and supervision;
- 545 (8) Keep the council fully advised as to the financial condition and future needs of the
 546 city and make such recommendations to the council concerning the affairs of the city as
 547 the city manager deems desirable; and
- 548 (9) Perform such other duties as are specified in this charter or as may be required by
 549 the council.

550 **SECTION 2.31.**

551 Council interference with administration.

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

557 **SECTION 2.32.**

558 Powers and duties of mayor.

559 The mayor shall:

- 560 (1) Preside at all meetings of the council;
- 561 (2) Be the head of the city for the purpose of service of process and for ceremonial
 562 purposes and be the official spokesperson for the city and the chief advocate of policy;
- 563 (3) Have power to administer oaths and to take affidavits;
- 564 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
 565 ordinances, and other instruments executed by the city which by law are required to be
 566 in writing; and
- 567 (5) Vote in case of a tie.

568 **SECTION 2.33.**

569 Submission of ordinances to mayor; veto power.

570 (a) Every ordinance adopted by the council shall be presented promptly by the city clerk to
 571 the mayor.

572 (b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the city
 573 clerk with or without the mayor's approval or with the mayor's disapproval. If the ordinance
 574 has been approved by the mayor, it shall become law upon its return to the city clerk; if the
 575 ordinance is neither approved nor disapproved, it shall become law at 12:00 Noon on the
 576 tenth calendar day after its adoption; if the ordinance is disapproved, the mayor shall submit
 577 to the council through the city clerk a written statement of the reasons for the veto. The city
 578 clerk shall record upon the ordinance the date of its delivery to and receipt from the mayor.

579 (c) Ordinances vetoed by the mayor shall be presented by the city clerk to the council at its
 580 next meeting. If the council then or at its next meeting adopts the ordinance by an
 581 affirmative vote of four members, it shall become law.

582 (d) The mayor may disapprove or reduce any item or items of appropriation in any
 583 ordinance. The approved part or parts of any ordinance making appropriations shall become
 584 law, and the part or parts disapproved shall not become law unless subsequently passed by
 585 the council over the mayor's veto as provided by subsection (c) of this section. The reduced
 586 part or parts shall be presented to council as though disapproved and shall not become law
 587 unless overridden by the council as provided in subsection (c) of this section.

588 **SECTION 2.34.**

589 Selection of mayor pro tempore.

590 By a majority vote of all its members, the council at its organizational meeting pursuant to
 591 Section 2.18 of this charter shall elect a councilmember to serve as mayor pro tempore who
 592 shall serve at the pleasure of the council. The mayor pro tempore shall continue to vote and
 593 otherwise participate as a councilmember.

594 **SECTION 2.35.**

595 Mayor pro tempore; duties.

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

605 **ARTICLE III.**

606 **ADMINISTRATIVE AFFAIRS**

607 **SECTION 3.10.**

608 Administrative and service departments.

609 (a) Except as otherwise provided in this charter, the council by ordinance shall prescribe the
 610 functions or duties and establish, abolish, alter, consolidate, or leave vacant all nonelective
 611 offices, positions of employment, departments, and agencies of the city as necessary for the
 612 proper administration of the affairs and government of this city.

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

616 (c) All appointed officers and directors of departments shall receive such compensation as
 617 prescribed by ordinance or resolution.

618 (d) There shall be a director of each department or agency who shall be its principal officer.
 619 Each director shall, subject to the direction and supervision of the city manager, be
 620 responsible for the administration and direction of the affairs and operations of that director's
 621 department or agency.

622 (e) All appointed officers and directors under the supervision of the city manager shall be
 623 selected by the council with input from the city manager. All appointed officers and
 624 directors shall be employees at will and subject to removal or suspension at any time by the
 625 city manager unless otherwise provided by law or ordinance. The director or appointed
 626 officer involved in any suspension or removal may appeal to the council which, after a
 627 hearing, may override the city manager's action by a majority vote.

628 **SECTION 3.11.**

629 **Boards, commissions, and authorities.**

630 (a) The council shall create by ordinance such boards, commissions, and authorities to fulfill
 631 any investigative, quasi-judicial, or quasi-legislative function the council deems necessary
 632 and shall by ordinance establish the composition, period of existence, duties, and powers
 633 thereof.

634 (b) All members of boards, commissions, and authorities of the city shall be appointed by
 635 the council for such terms of office and in such manner as shall be provided by ordinance,
 636 except where other appointing authority, terms of office, or manner of appointment is
 637 prescribed by this charter or by law.

638 (c) The council, by ordinance, may provide for the compensation and reimbursement for
 639 actual and necessary expenses of the members of any board, commission, or authority.

640 (d) Except as otherwise provided by charter or by law, no member of any board,
 641 commission, or authority shall hold any elective office in the city.

642 (e) Any vacancy on a board, commission, or authority of the city shall be filled for the
 643 unexpired term in the manner prescribed by this charter for original appointment, except as
 644 otherwise provided by this charter or by law.

645 (f) No member of a board, commission, or authority shall assume office until that person has
 646 executed and filed with the city clerk an oath obligating himself or herself to faithfully and

647 impartially perform the duties of that member's office, such oath to be prescribed by
648 ordinance and administered by the mayor.

649 (g) All board members serve at will and may be removed at any time by a vote of three
650 councilmembers unless otherwise provided by law.

651 (h) Except as otherwise provided by this charter or by law, each board, commission, or
652 authority of the city shall elect one of its members as chair and one member as vice chair,
653 and may elect as its secretary one of its own members or may appoint as secretary an
654 employee of the city. Each board, commission, or authority of the city government may
655 establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances
656 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or
657 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with
658 the city clerk.

659 **SECTION 3.12.**

660 City attorney.

661 (a) The council shall appoint a city attorney, together with such assistant city attorneys as
662 may be authorized, and shall provide for the payment of such attorney or attorneys for
663 services rendered to the city. The city attorney shall be responsible for providing for the
664 representation and defense of the city in all litigation in which the city is a party; may be the
665 prosecuting officer in the municipal court; shall attend the meetings of the council as
666 directed; shall advise the council, mayor, and other officers and employees of the city
667 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
668 required by virtue of the person's position as city attorney.

669 (b) The city attorney is not a public official of the city and does not take an oath of office.
670 The city attorney shall at all times be an independent contractor. A law firm, rather than an
671 individual, may be designated as the city attorney.

672 **SECTION 3.13.**

673 City clerk.

674 The council shall appoint a city clerk who shall not be a councilmember. The city clerk shall
675 be custodian of the official city seal and city records; maintain council records required by
676 this charter; and perform such other duties as may be required by the council.

677 **SECTION 3.14.**

678 City accountant.

679 The council shall appoint a city accountant to perform the duties of an accountant and the
680 audits of the city.

681 **SECTION 3.15.**

682 Position classification and pay plans.

683 The city manager shall be responsible for the preparation of a position classification and pay
684 plan which shall be submitted to the council for approval. Such plan may apply to all
685 employees of the city and any of its agencies, departments, boards, commissions, or
686 authorities. When a pay plan has been adopted, the council shall not increase or decrease the
687 salary range applicable to any position except by amendment of such pay plan. For purposes
688 of this section, all elected and appointed city officials are not city employees.

689 **SECTION 3.16.**

690 Personnel policies.

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

693 **ARTICLE IV.**

694 **JUDICIAL BRANCH**

695 **SECTION 4.10.**

696 Creation; name.

697 There shall be a court to be known as the Municipal Court of the City of Lyons.

698 **SECTION 4.11.**

699 Chief judge; associate judge.

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

702 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
703 that person shall have attained the age of 21 years, shall be a member of the State Bar of

704 Georgia, and shall possess all qualifications required by law. All judges shall be appointed
705 by the council and shall serve until a successor is appointed and qualified.

706 (c) Compensation of the judges shall be fixed by ordinance.

707 (d) Judges serve at will and may be removed from office at any time by the council unless
708 otherwise provided by ordinance.

709 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge
710 will honestly and faithfully discharge the duties of the office to the best of that person's
711 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of
712 the council journal required in Section 2.20 of this charter.

713 **SECTION 4.12.**

714 Convening.

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

716 **SECTION 4.13.**

717 Jurisdiction; powers.

718 (a) The municipal court shall have jurisdiction and authority to try and punish violations of
719 this charter, all city ordinances, and such other violations as provided by law.

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

722 (c) The municipal court may fix punishment for offenses within its jurisdiction as provided
723 by general laws.

724 (d) The municipal court shall have authority to establish a schedule of fees to defray the cost
725 of operation and shall be entitled to reimbursement of the cost of meals, transportation, and
726 caretaking of prisoners bound over to superior courts for violations of state law.

727 (e) The municipal court shall have authority to establish bail and recognizances to ensure
728 the presence of those charged with violations before the court and shall have discretionary
729 authority to accept cash or personal or real property as surety for the appearance of persons
730 charged with violations. Whenever any person shall give bail for that person's appearance
731 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
732 presiding at such time and an execution issued thereon by serving the defendant and the
733 defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the
734 event that cash or property is accepted in lieu of bond for security for the appearance of a
735 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
736 the cash so deposited shall be on order of the judge declared forfeited to the city or the

737 property so deposited shall have a lien against it for the value forfeited, and such lien shall
738 be enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

749 **SECTION 4.14.**

750 Certiorari.

751 The right of certiorari from the decision and judgment of the municipal court shall exist in
752 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
753 the sanction of a judge of the Superior Court of Toombs County under the laws of the State
754 of Georgia regulating the granting and issuance of writs of certiorari.

755 **SECTION 4.15.**

756 Rules for court.

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

797 Washington Street; south on South Washington to U.S. No. 1; south on the western side
798 of U.S. Hwy No. 1 to the southern city limits.

799 (5) Ward 5: Beginning on the western side of U.S. No. 1 Highway at the northern city
800 limits and continues south to East Roosevelt Avenue; two blocks east on East Roosevelt
801 to North Lexington Street; south on North Lexington Street to East Toombs Avenue; west
802 on East Toombs Avenue to North Lanier; south on North Lanier Street to East Lincoln
803 Avenue; west on East Lincoln to North Lexington; south on North Lexington to North
804 East Broad Street; west on North East Broad Street to U.S. Highway No. 1; north on U.S.
805 No. 1 to East Columbia; west on East Columbia Avenue to North Washington Street;
806 north on North Washington Street to West Oglethorpe Avenue; west on West Oglethorpe
807 Avenue to Ga. Highway No. 292; west on Ga. Hwy No. 292 to the western city limits.

808 (b) For the purposes of this section:

809 (1) Whenever the description of any ward refers to a named city, it shall mean the
810 geographical boundaries of that city as shown on the census maps for the United States
811 decennial census of 1980 for the State of Georgia.

812 (2) Any part of the City of Lyons which is not included in Ward 1, 2, 3, 4, or 5, as
813 described in this section, or any territory annexed into the City of Lyons shall be included
814 within Ward 1, 2, 3, 4, or 5, wherever such ward is contiguous to such part or territory
815 and contains the least population according to the United States decennial census of 1980
816 for the State of Georgia.

817 **SECTION 5.12.**

818 Selection of councilmembers by ward.

819 One councilmember shall be elected from each of the five wards described in Section 5.11
820 of this charter. The councilmember from each respective ward shall be elected by the voters
821 of that particular ward in which they reside as described in Section 5.11 of this charter.

822 **SECTION 5.13.**

823 Mayor.

824 The mayor shall be elected by the voters of the entire city.

825 **SECTION 5.14.**

826 Special elections; vacancies.

827 In the event that the office of mayor or councilmember shall become vacant as provided in
828 Section 2.12 of this charter, the council or those remaining shall order a special election to
829 fill the balance of the unexpired term of such official; provided, however, if such vacancy
830 occurs within 12 months of the expiration of the term of that office, the council or those
831 remaining shall appoint a successor for the remainder of the term. In all other respects, the
832 special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the
833 O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

834 **SECTION 5.15.**

835 Nonpartisan elections.

836 Political parties shall not conduct primaries for city offices, and all names of candidates for
837 city offices shall be listed without any party designation.

838 **SECTION 5.16.**

839 Election by majority vote.

840 The mayor and councilmembers shall be elected by a majority vote of the votes cast for each
841 position.

842 **SECTION 5.17.**

843 Other provisions.

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

847 **SECTION 5.18.**

848 Time of election of councilmembers, mayor.

849 (a) On the Tuesday next following the first Monday in November 2013, and on that day
850 quadrennially thereafter, the councilmembers from Wards 1, 2, and 4 shall be elected to serve
851 four-year terms of office.

852 (b) On the Tuesday next following the first Monday in November 2015, and on that day
 853 quadrennially thereafter, the mayor and the councilmembers from Wards 3 and 5 shall be
 854 elected to serve four-year terms of office.

855 (c) Terms of office for mayor and councilmembers shall begin at the time of taking the oath
 856 of office as provided in Section 2.18 of this charter on the first Tuesday in January following
 857 the election.

858 **SECTION 5.19.**

859 Removal of officers.

860 (a) The mayor, councilmembers, or other appointed officers provided for in this charter shall
 861 be removed from office for any one or more of the causes provided in Title 45 of the
 862 O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

863 (b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished
 864 in one of the following methods:

865 (1) Following a hearing at which an impartial panel shall render a decision. In the event
 866 an elected officer is sought to be removed by the action of the council, such officer shall
 867 be entitled to a written notice specifying the ground or grounds for removal and to a
 868 public hearing which shall be held not less than ten days after the service of such written
 869 notice. The council shall provide by ordinance for the manner in which such hearings
 870 shall be held. Any elected officer sought to be removed from office as provided in this
 871 paragraph shall have the right of appeal from the decision of the council to the Superior
 872 Court of Toombs County. Such appeal shall be governed by the same rules as govern
 873 appeals to the superior court from the probate court; or

874 (2) By an order of the Superior Court of Toombs County following a hearing on a
 875 complaint seeking such removal brought by any resident of the City of Lyons.

876 **ARTICLE VI.**

877 **FINANCE**

878 **SECTION 6.10.**

879 Property tax.

880 The council may assess, levy, and collect an ad valorem tax on all real and personal property
 881 within the corporate limits of the city that is subject to such taxation by the state and county.
 882 This tax is for the purpose of raising revenues to defray the costs of operating the city
 883 government, of providing governmental services, for the repayment of principal and interest

884 on general obligations, and for any other public purpose as determined by the council in its
885 discretion.

886 **SECTION 6.11.**

887 Millage rate; due dates; payment methods.

888 The council, by ordinance, shall establish a millage rate for the city property tax, a due date,
889 and the time period within which these taxes must be paid. The council, by ordinance, may
890 provide for the payment of these taxes by two installments or in one lump sum, as well as
891 authorize the voluntary payment of taxes prior to the time when due.

892 **SECTION 6.12.**

893 Occupation and business taxes.

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

898 **SECTION 6.13.**

899 Regulatory fees; permits.

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

905 **SECTION 6.14.**

906 Franchises.

907 (a) The council shall have the power to grant franchises for the use of this city's streets and
908 alleys for the purposes of railroads, street railways, telephone companies, electric companies,
909 electric membership corporations, cable television and other telecommunications companies,
910 gas companies, transportation companies, and other similar organizations. The council shall
911 determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the
912 consideration for such franchises; provided, however, that no franchise shall be granted for

913 a period in excess of 35 years and no franchise shall be granted unless the city receives just
 914 and adequate compensation therefor. The council shall provide for the registration of all
 915 franchises with the city clerk in a registration book kept by the city clerk. The council may
 916 provide by ordinance for the registration within a reasonable time of all franchises previously
 917 granted.

918 (b) If no franchise agreement is in effect, the council has the authority to impose a tax on
 919 gross receipts for the use of this city's streets and alleys for the purposes of railroads, street
 920 railways, telephone companies, electric companies, electric membership corporations, cable
 921 television and other telecommunications companies, gas companies, transportation
 922 companies, and other similar organizations.

923 **SECTION 6.15.**

924 Service charges.

925 The council by ordinance shall have the power to assess and collect fees, charges,
 926 assessments, and tolls for sewers, sanitary and health services, or any other services provided
 927 or made available within and without the corporate limits of the city. If unpaid, such charges
 928 shall be collected as provided in Section 6.18 of this charter.

929 **SECTION 6.16.**

930 Special assessments.

931 The council by ordinance shall have the power to assess and collect the cost of constructing,
 932 reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters,
 933 sewers, or other utility mains and appurtenances from the abutting property owners. If
 934 unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

935 **SECTION 6.17.**

936 Construction; other taxes.

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

940 **SECTION 6.18.**

941 Collection of delinquent taxes and fees.

942 The council, by ordinance, may provide generally for the collection of delinquent taxes, fees,
 943 or other revenue due the city under Sections 6.10 through 6.17 of this charter by whatever
 944 reasonable means not precluded by law. This shall include providing for the dates when the
 945 taxes or fees are due; late penalties or interest; issuance and execution of fi. fas.; creation and
 946 priority of liens; making delinquent taxes and fees personal debts of the persons required to
 947 pay the taxes or fees imposed; revoking city permits for failure to pay any city taxes or fees;
 948 and providing for the assignment or transfer of tax executions.

949 **SECTION 6.19.**

950 General obligation bonds.

951 The council shall have the power to issue bonds for the purpose of raising revenue to carry
 952 out any project, program, or venture authorized under this charter or the laws of the state.
 953 Such bonding authority shall be exercised in accordance with the laws governing bond
 954 issuance by municipalities in effect at the time such issue is undertaken.

955 **SECTION 6.20.**

956 Revenue bonds.

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

960 **SECTION 6.21.**

961 Short-term loans.

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

964 **SECTION 6.22.**

965 Lease-purchase contracts.

966 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the
 967 acquisition of goods, materials, real and personal property, services, and supplies provided

968 that the contract terminates without further obligation on the part of the city at the close of
969 the calendar year in which it was executed and at the close of each succeeding calendar year
970 for which it may be renewed. Contracts must be executed in accordance with the
971 requirements of Code Section 36-60-13 of the O.C.G.A. or such other applicable laws as are
972 or may hereafter be enacted.

973 **SECTION 6.23.**

974 Fiscal year.

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

978 **SECTION 6.24.**

979 Preparation of budgets.

980 The council shall provide an ordinance on the procedures and requirements for the
981 preparation and execution of an annual operating budget, a capital improvement plan, and
982 a capital budget, including requirements as to the scope, content, and form of such budgets
983 and plans.

984 **SECTION 6.25.**

985 Submission of operating budget to council.

986 On or before a date fixed by the council but not later than 120 days prior to the beginning of
987 each fiscal year, the city manager shall submit to the council a proposed operating budget for
988 the ensuing fiscal year. The budget shall be accompanied by a message from the city
989 manager containing a statement of the general fiscal policies of the city, the important
990 features of the budget, explanations of major changes recommended for the next fiscal year,
991 a general summary of the budget, and such other pertinent comments and information. The
992 operating budget, the capital budget, the budget message, and all supporting documents shall
993 be filed in the office of the city clerk and shall be open to public inspection.

994

SECTION 6.26.

995

Action by council on budget.

996 (a) The council may amend the operating budget proposed by the city manager, except that
 997 the budget as finally amended and adopted must provide for all expenditures required by
 998 state law or by other provisions of this charter and for all debt service requirements for the
 999 ensuing fiscal year; and the total appropriations from any fund shall not exceed the estimated
 1000 fund balance, reserves, and revenues.

1001 (b) The council by ordinance shall adopt the final operating budget for the ensuing fiscal
 1002 year not later than October 1 of each year. If the council fails to adopt the budget by this
 1003 date, the amounts appropriated for operation for the current fiscal year shall be deemed
 1004 adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated
 1005 accordingly until such time as the council adopts a budget for the ensuing fiscal year.
 1006 Adoption of the budget shall take the form of an appropriations ordinance setting out the
 1007 estimated revenues in detail by sources and making appropriations according to fund and by
 1008 organizational unit, purpose, or activity as set out in the budget preparation ordinance
 1009 adopted pursuant to Section 6.24 of this charter.

1010 (c) The amount set out in the adopted operating budget for each organizational unit shall
 1011 constitute the annual appropriation for such, and no expenditure shall be made or
 1012 encumbrance created in excess of the otherwise unencumbered balance of the appropriations
 1013 or allotment thereof to which it is chargeable.

1014

SECTION 6.27.

1015

Tax levies.

1016 The council shall levy by ordinance such taxes as are necessary. The taxes and tax rates set
 1017 by such ordinances shall be such that reasonable estimates of revenues from such levy shall
 1018 at least be sufficient, together with other anticipated revenues, fund balances, and applicable
 1019 reserves, to equal the total amount appropriated for each of the several funds set forth in the
 1020 annual operating budget for defraying the expenses of the general government of this city.

1021

SECTION 6.28.

1022

Changes in appropriations.

1023 The council by ordinance may make changes in the appropriations contained in the current
 1024 operating budget at any regular, special, or emergency meeting called for such purpose, but
 1025 any additional appropriations may be made only from an existing unexpended surplus.

1026 **SECTION 6.29.**

1027 Capital budget.

1028 (a) On or before the date fixed by the council but no later than 120 days prior to the
 1029 beginning of each fiscal year, the city manager shall submit to the council a proposed capital
 1030 improvements plan with a recommended capital budget containing the means of financing
 1031 the improvements proposed for the ensuing fiscal year. The council shall have power to
 1032 accept, with or without amendments, or reject the proposed plan and proposed budget. The
 1033 council shall not authorize an expenditure for the construction of any building, structure,
 1034 work, or improvement unless the appropriations for such project are included in the capital
 1035 budget, except to meet a public emergency as provided in Section 2.24 of this charter.

1036 (b) The council shall adopt by ordinance the final capital budget for the ensuing fiscal year
 1037 not later than October 1 of each year. No appropriation provided for in a prior capital budget
 1038 shall lapse until the purpose for which the appropriation was made shall have been
 1039 accomplished or abandoned; provided, however, that the city manager may submit
 1040 amendments to the capital budget at any time during the fiscal year, accompanied by
 1041 recommendations. Any such amendments to the capital budget shall become effective only
 1042 upon adoption by ordinance.

1043 **SECTION 6.30.**

1044 Independent audit.

1045 There shall be an annual independent audit of all city accounts, funds, and financial
 1046 transactions by a certified public accountant selected by the council. The audit shall be
 1047 conducted according to generally accepted auditing principles. Any audit of any funds by
 1048 the state or federal governments may be accepted as satisfying the requirements of this
 1049 charter. Copies of annual audit reports shall be available at printing costs to the public.

1050 **SECTION 6.31.**

1051 Contracting procedures.

1052 No contract with the city shall be binding on the city unless:

1053 (1) It is in writing;

1054 (2) It is drawn by or submitted to and reviewed by the city attorney and as a matter of
 1055 course is signed by the city attorney to indicate such drafting or review; and

1056 (3) It is made or authorized by the council and such approval is entered in the council
 1057 journal of proceedings pursuant to Section 2.20 of this charter.

1058 **SECTION 6.32.**

1059 Centralized purchasing.

1060 The council shall by ordinance prescribe procedures for a system of centralized purchasing
1061 for the city.

1062 **SECTION 6.33.**

1063 Sale and lease of city property.

1064 (a) The council may sell and convey or lease any real or personal property owned or held
1065 by the city for governmental or other purposes as now or hereafter provided by law.

1066 (b) The council may quitclaim any rights it may have in property not needed for public
1067 purposes upon report by the city manager and adoption of a resolution, both finding that the
1068 property is not needed for public or other purposes and that the interest of the city has no
1069 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 council may authorize the city manager to
1073 sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
1074 property owner or owners if such sale and conveyance facilitates the enjoyment of the
1075 highest and best use of the abutting owner's property. Included in the sales contract shall be
1076 a provision for the rights of way of such street, avenue, alley, or public place. Each abutting
1077 property owner shall be notified of the availability of the property and given the opportunity
1078 to purchase such property under such terms and conditions as set out by ordinance. All deeds
1079 and conveyances so executed and delivered shall convey all title and interest the city has in
1080 such property, notwithstanding the fact that no public sale after advertisement was or is
1081 hereafter made.

1082 **ARTICLE VII.**

1083 **GENERAL PROVISIONS**

1084 **SECTION 7.10.**

1085 Bonds for officials.

1086 The officers and employees of this city, both elected and appointed, shall execute such surety
1087 or fidelity bonds in such amounts and upon such terms and conditions as the council shall
1088 from time to time require by ordinance or as may be provided by law.

1089 **SECTION 7.11.**

1090 Prior ordinances.

1091 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent
1092 with this charter are hereby declared valid and of full effect and force until amended or
1093 repealed by the council.

1094 **SECTION 7.12.**

1095 Existing personnel and officers.

1096 Except as specifically provided otherwise by this charter, all personnel and officers of the
1097 city and their rights, privileges, and powers shall continue.

1098 **SECTION 7.13.**

1099 Pending matters.

1100 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
1101 contracts, and legal or administrative proceedings shall continue and any such ongoing work
1102 or cases shall be completed by such city agencies, personnel, or offices as may be provided
1103 by the council.

1104 **SECTION 7.14.**

1105 Construction.

1106 (a) Section captions in this charter are informative only and are not to be considered as a part
1107 thereof.

1108 (b) The word "shall" is mandatory and the word "may" is permissive.

1109 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1110 versa.

1111 **SECTION 7.15.**

1112 Repealer.

1113 An Act incorporating the City of Lyons, Georgia, in the County of Toombs, approved August
1114 7, 1907 (Ga. L.1907, p. 765), is hereby repealed in its entirety and all amendatory acts thereto
1115 are likewise repealed in their entirety.

1116 **SECTION 7.16.**

1117 Effective date.

1118 This Act shall become effective on July 1, 2013.

1119 **SECTION 7.17.**

1120 General repealer.

1121 All laws and parts of laws in conflict with this Act are repealed.