

House Bill 457 (AS PASSED HOUSE AND SENATE)

By: Representatives Braddock of the 19<sup>th</sup>, Maxwell of the 17<sup>th</sup>, Alexander of the 66<sup>th</sup>, and Gravley of the 67<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act incorporating the City of Hiram, approved February 27, 1956 (Ga. L. 1956,  
2 p. 2620), as amended, so as to provide for reincorporation, corporate boundaries, municipal  
3 powers, and exercise of powers; to provide for a government structure of such city including  
4 creation, number, and election of a mayor and the city council; to provide for terms and  
5 qualifications for the office of mayor and council member; to provide for oaths of office; to  
6 provide for salaries; to provide for organizational meetings; to provide the power to adopt  
7 ordinances, resolutions, and regulations; to provide for regular and special meetings; to  
8 provide for rules of procedure; to provide for quorum and voting; to provide for ordinance  
9 form and procedures; to provide procedures for the election of the mayor; to provide for the  
10 powers and duties of the mayor; to provide for a mayor pro tempore; to provide for vacancies  
11 in office and the filling of vacancies; to provide for a city manager and appointment and  
12 qualifications; to provide for the powers and duties of the city manager; to provide for a  
13 temporary city manager; to provide for a city clerk; to provide for a city attorney; to provide  
14 for personnel policies; to provide for the establishment of boards, commissions, and  
15 authorities; to provide for a judicial branch including a municipal court; to provide for  
16 jurisdiction, power, and authority of the municipal court; to provide for municipal court  
17 judges and qualifications; to provide for convening of the court; to establish certiorari; to  
18 provide for rules of the court; to provide for timing of elections; to provide for nonpartisan  
19 elections; to provide for election by plurality; to provide for removal from office; to provide  
20 for the finance of the city; to provide for property taxes; to provide for a millage rate, due  
21 dates, and payment methods; to provide for occupation and business taxes; to provide for  
22 regulatory fees and permits; to provide for franchises; to provide for service fees; to provide  
23 for special assessments; to provide for other taxes; to provide for collection of delinquent  
24 taxes; to provide for borrowing; to provide for revenue bonds; to provide for loans; to  
25 provide for lease-purchase contracts; to provide for accounting and budgeting procedures;  
26 to provide for an operating budget; to provide for adoption of the budget; to provide for the  
27 levy of taxes; to provide for changes in the budget; to provide for capital improvements; to  
28 provide for audits; to provide for contracting procedures; to provide for purchasing; to

29 provide for sale and lease of property; to provide for bonds for officials; to provide for the  
 30 validity of existing ordinances, resolutions, rules, and regulations of the city; to provide for  
 31 the continuation of pending matters; to provide for definitions and construction; to provide  
 32 for submission of this Act under the federal Voting Rights Act of 1965, as amended; to  
 33 provide for related matters; to provide an effective date; to repeal conflicting laws; and for  
 34 other purposes.

35 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

36 **SECTION 1.**

37 An Act incorporating the City of Hiram, approved February 27, 1956 (Ga. L. 1956, p. 2620),  
 38 as amended, is amended by striking all matter following the enacting clause and inserting in  
 39 lieu thereof the following:

40 "ARTICLE I  
 41 INCORPORATION AND POWERS

42 **SECTION 1.1.**

43 Incorporation.

44 This Act shall constitute the charter of the City of Hiram, Georgia, and is intended to replace  
 45 all prior charters of the City of Hiram, Georgia. The City of Hiram, Georgia, in Paulding  
 46 County, and the inhabitants thereof, are reconstituted and reincorporated as a body politic  
 47 and corporate under the same name and style of the 'City of Hiram' and by that name shall  
 48 have perpetual succession. References in this charter to 'the city' or 'this city' refer to the City  
 49 of Hiram, Georgia. With adoption of this Act and its corresponding charter, the City of  
 50 Hiram is made responsible as a body politic and corporate for all legal undertakings,  
 51 liabilities, and debts of the predecessor City of Hiram and is vested with any and all property  
 52 interests possessed by the predecessor City of Hiram.

53 **SECTION 1.2.**

54 Corporate boundaries.

55 (a) The boundaries of the city shall be those existing on the effective date of the adoption  
 56 of this charter with such alterations as may be made from time to time in the manner  
 57 provided by law. The boundaries of the city at all times shall be shown on a map, a written  
 58 description, or any combination thereof to be retained permanently in the office of the city  
 59 clerk and to be designated as the case may be: 'Official Map (or Description) of the corporate

60 limits of the City of Hiram, Georgia.' Photographic, typed, or other copies of such map or  
 61 description certified by the city clerk shall be admitted as evidence in all courts and shall  
 62 have the same force and effect as with the original map or description.

63 (b) The city may provide by ordinance for the redrawing of any such map or for the revision  
 64 of any written description to reflect lawful changes in the corporate boundaries. A redrawn  
 65 map shall supersede for all purposes the entire map or maps which it is designated to replace.

### 66 **SECTION 1.3.**

#### 67 Municipal powers.

68 (a) The city shall have all powers possible for a municipality to have under the present or  
 69 future Constitution and laws of the State of Georgia as fully and completely as though they  
 70 were specifically enumerated in this act and charter. The city shall have all the powers of  
 71 self-government not otherwise prohibited by this act or by general law.

72 (b) The powers of the city shall be construed liberally in favor of the city. The specific  
 73 mention or failure to mention particular powers shall not be construed as limiting in any way  
 74 the powers of the city. Such powers shall include, but are not limited to, the following, and  
 75 also include the power to provide punishment for violation of ordinances enacted under this  
 76 subsection:

77 (1) Animal regulations. To regulate and license or to prohibit the keeping or running at  
 78 large of animals and fowl and to provide for the impoundment if in violation of any  
 79 ordinance or lawful order and to provide for the disposition by sale, gift, or humane  
 80 destruction of animals and fowl when not redeemed as provided by ordinance;

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

85 (3) Building regulation. To regulate and to license the erection and construction of  
 86 buildings and all other structures; to adopt building, housing, plumbing, fire safety,  
 87 electrical, gas, and heating and air conditioning codes; and to regulate all housing, and  
 88 building trades except as prohibited by general law;

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

- 95 (5) Condemnation. To condemn property, inside the corporate limits of the city, for present  
96 or future public use and as deemed necessary by the city council to further a public purpose  
97 as defined under and utilizing procedures enumerated in Title 22 of the O.C.G.A., or such  
98 other applicable laws as are or may hereafter be enacted;
- 99 (6) Contracts. To enter into contracts and agreements with other governmental entities and  
100 with private persons, firms, and corporations;
- 101 (7) Emergencies. To establish procedures for determining and proclaiming that an  
102 emergency situation exists within or without the city, and to make and carry out all  
103 reasonable provisions deemed necessary to deal with or meet such an emergency for the  
104 protection, safety, health or well-being of the citizens of the city, provided that such  
105 provisions shall not impede the rights related to lawfully possessed firearms;
- 106 (8) Environmental protection. To protect and preserve the natural resources, environment,  
107 and vital areas of the city, the region, and the state through the preservation and  
108 improvement of air quality, the restoration and maintenance of water resources, the control  
109 of erosion and sedimentation, the management of storm water and establishment of a storm  
110 water utility, the management of solid and hazardous waste, and other necessary actions  
111 for the protection of the environment;
- 112 (9) Fire regulations. To fix and establish fire limits and from time to time to extend,  
113 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with  
114 general law, relating to both fire prevention and detection and to fire fighting; and to  
115 prescribe penalties and punishment for violations thereof;
- 116 (10) Garbage collection and disposal. To provide for the collection and disposal of  
117 garbage, rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish,  
118 and refuse by others; to levy, fix, assess, and collect a garbage, rubbish, refuse collection  
119 and disposal, and other sanitary service charge, tax, or fee for such services as may be  
120 necessary in the operation of the city from all individuals, firms, and corporations residing  
121 in or doing business within the city and benefiting from such services; to enforce the  
122 payment of such charges, taxes, or fees; and to provide for the manner and method of  
123 collecting such service charges, taxes, or fees;
- 124 (11) General health, safety, and welfare. To define, regulate, or prohibit any act, practice,  
125 conduct, or use of property which is detrimental to the health, sanitation, cleanliness,  
126 welfare, or safety of the inhabitants of the city, provided that such provisions shall not  
127 impede the rights related to lawfully possessed firearms, and to provide for the enforcement  
128 of such standards;
- 129 (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for  
130 any public purpose which provides a benefit to the city or enhances the general welfare of  
131 its inhabitants on such terms and conditions as the donor or grantor may impose;

- 132 (13) Health and sanitation. To prescribe standards of health and sanitation within the city  
133 and to provide for the enforcement of such standards;
- 134 (14) Jail sentences. To provide that persons given jail sentences in the municipal court  
135 may work out such sentences in any public works or on the streets, roads, drains, and other  
136 public property in the city; to provide for the commitment of such persons to any jail; to  
137 provide for the use of pretrial diversion and any alternative sentencing allowed by law; and  
138 to provide for the commitment of such persons to any county correctional institutions or  
139 county jail or county detention center by agreement with the appropriate county officials;
- 140 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control over  
141 all traffic, including parking upon or across the streets, roads, alleys, and walkways of the  
142 city in accordance with general state law and any duly authorized ordinance of the city;
- 143 (16) Municipal agencies and delegation of power. To create, alter, or abolish departments,  
144 boards, offices, commissions, and agencies of the city, and to confer upon such agencies  
145 the necessary and appropriate authority for carrying out all the powers conferred upon or  
146 delegated to the same;
- 147 (17) Municipal debts. To appropriate and borrow money for the payment of debts of the  
148 city and to issue bonds for the purpose of raising revenue to carry out any project, program,  
149 or venture authorized by this charter or the laws of the State of Georgia;
- 150 (18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or  
151 otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or  
152 outside the property limits of the city;
- 153 (19) Municipal property protection. To provide for the preservation and protection of  
154 property and equipment of the city, and the administration and use of the same by the  
155 public; and to prescribe penalties and punishment for violations thereof;
- 156 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose  
157 of public utilities, including, but not limited to, a system of waterworks, sewers and drains,  
158 sewage disposal, stormwater management, gas works, electric light plants, cable television  
159 and other telecommunications, transportation facilities, public airports, and any other  
160 public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and  
161 penalties, and to provide for the withdrawal of service for refusal or failure to pay the same;
- 162 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or  
163 private property;
- 164 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to  
165 the authority of this charter and the laws of the State of Georgia;
- 166 (23) Planning and zoning. To provide comprehensive city planning for development by  
167 zoning; and to provide subdivision regulations and the like as the city council deems  
168 necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community;

- 169 (24) Police and fire protection. To exercise the power of arrest through duly appointed  
170 police officers, and to establish, operate, or contract for a police and a firefighting agency;
- 171 (25) Public hazards; removal. To provide for the destruction and removal of any building  
172 or other structure which is or may become dangerous or detrimental to the public;
- 173 (26) Public improvements. To provide for the acquisition, construction, building,  
174 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,  
175 cemeteries, markets and market houses, public buildings, libraries, public housing, airports,  
176 hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,  
177 recreational, conservation, sport, curative, corrective, detentional, penal and medical  
178 institutions, agencies and facilities; and to provide any other public improvements, inside  
179 or outside the corporate limits of the city; to regulate the use of public improvements; and  
180 for such purposes, property may be acquired by condemnation under Title 22 of the  
181 O.C.G.A., or such other applicable laws as are or may hereafter be enacted;
- 182 (27) Public peace. To provide for the prevention and punishment of loitering, disorderly  
183 conduct, drunkenness, riots, and public disturbances;
- 184 (28) Public transportation. To organize and operate such public transportation systems as  
185 are deemed beneficial;
- 186 (29) Public utilities and services. To grant franchises or make contracts for, or impose  
187 taxes on public utilities and public service companies; and to prescribe the rates, fares,  
188 regulations and standards and conditions of service applicable to the service to be provided  
189 by the franchise grantee or contractor, insofar as not in conflict with valid regulations of  
190 the Public Service Commission;
- 191 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,  
192 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and  
193 all other structures or obstructions upon or adjacent to the rights of way of streets and roads  
194 within the corporate limits of the city and on property within the corporate limits of the city  
195 with a view thereof; and to prescribe penalties and punishment for violation of such  
196 ordinances;
- 197 (31) Retirement. To provide and maintain a retirement plan and other employee benefit  
198 plans and programs for officers and employees of the city;
- 199 (32) Roadways. To lay out, open, extend, widen, narrow, establish, change the grade of,  
200 abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise  
201 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and  
202 walkways within the corporate limits of the city; and to grant franchises and rights of way  
203 throughout the streets and roads, and over the bridges and viaducts for the use of public  
204 utilities;

205 (33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,  
206 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant  
207 and sewerage system, and, to the extent not contrary to state law, to levy on those to whom  
208 sewers and sewerage systems are made available a sewer service fee, charge or sewer tax  
209 for the availability or use of the sewers; to provide for the manner and method of collecting  
210 such service charges and for enforcing payment of the same; and to charge, impose, and  
211 collect a sewer connection fee or fees to those connected with the system;

212 (34) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,  
213 and refuse, and to regulate the collection and disposal of garbage, rubbish, and refuse by  
214 others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper,  
215 and other recyclable materials, and to provide for the sale of such items;

216 (35) Special areas of public regulation. To regulate or prohibit junk dealers, the  
217 manufacture and sale of intoxicating liquors; to regulate the transportation, storage, and  
218 use of combustible, explosive, and inflammable materials, the use of lighting and heating  
219 equipment, and any other business or situation which may be dangerous to persons or  
220 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical  
221 performances, exhibitions, and shows of any kind, by taxation or otherwise; to license and  
222 tax professional fortunetelling, palmistry, and massage parlors; and to restrict adult  
223 bookstores to certain areas;

224 (36) Special assessments. To levy and provide for the collection of special assessments  
225 to cover the costs for any public improvements;

226 (37) Taxes; ad valorem. To levy and provide for the assessment, valuation, revaluation,  
227 and collection of taxes on all property subject to taxation;

228 (38) Taxes; other. To levy and collect such other taxes as may be allowed by law;

229 (39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the  
230 number of such vehicles; to require the operators thereof to be licensed; to require public  
231 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to  
232 regulate the parking of such vehicles;

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

234 (41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,  
235 and immunities necessary or desirable to promote or protect the safety, health, peace,  
236 security, good order, comfort, convenience, or general welfare of the city and its  
237 inhabitants, provided that such provisions shall not impede the rights related to lawfully  
238 possessed firearms; and to exercise all implied powers necessary or desirable to carry into  
239 execution all powers granted in this charter as fully and completely as if such powers were  
240 fully stated herein; and to exercise all powers now or in the future authorized to be  
241 exercised by other municipal governments under other laws of the State of Georgia; and

242 no listing of particular powers in this charter shall be held to be exclusive of others, nor  
 243 restrictive of general words and phrases granting powers, but shall be held to be in addition  
 244 to such powers unless expressly prohibited to municipalities under the Constitution or  
 245 applicable laws of the State of Georgia.

246 **SECTION 1.4.**

247 Exercise of powers.

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

252 **ARTICLE II**

253 **GOVERNMENT STRUCTURE**

254 **SECTION 2.1.**

255 Establishment of city council; election and terms; oaths.

256 (a) The legislative authority of the government of the City of Hiram, Georgia, except as  
 257 otherwise specifically provided in this charter, shall be vested in a city council to be  
 258 composed of a mayor and five council members. The mayor and council members shall be  
 259 elected in a manner as provided under state law. The mayor and council members shall be  
 260 elected at large from council posts designated as Post 1, Post 2, Post 3, Post 4, and Post 5.  
 261 The mayor shall be considered a council member for all purposes, except as his or her  
 262 powers are restricted elsewhere in this charter. All references in city ordinances to the  
 263 'mayor and council' or 'governing authority' shall be construed to mean the 'city council' as  
 264 referred to in this charter.

265 (b) There shall be a municipal general election biennially in odd-numbered years on the  
 266 Tuesday next following the first Monday in November.

267 (c) There shall be elected the mayor and two council members at one election and at every  
 268 other election thereafter which shall be held according to the sequence presently in place in  
 269 the city. The remaining council member seats shall be filled at the election alternating with  
 270 the first election so that a continuing body is created.

271 (d) The members of the city council shall serve for terms of four years and until their  
 272 respective successors are elected and qualified. The term of office of each member of the  
 273 city council shall begin on the first day of January immediately following the election of such



274 member unless general law authorizes or requires the term to begin at the first organizational  
275 meeting in January or upon some other date.

276 (e) No person shall be eligible to serve as mayor or council member unless that person shall  
277 have been a resident of the city for 12 months prior to the date of election, be at least  
278 twenty-one (21) years of age at the time of election, and be a qualified voter of the city. Each  
279 person elected shall continue to reside in the city during that member's period of service, and  
280 he or she shall continue to be registered and qualified to vote in municipal elections of the  
281 city throughout the term of office.

282 (f) The mayor and each council member shall be installed in office by taking and subscribing  
283 the following oath: 'I do solemnly swear that I will faithfully discharge the duties devolved  
284 upon me as mayor and/or council member of the City of Hiram, Georgia; that I will faithfully  
285 execute and enforce the laws of the City of Hiram to the best of my ability, skill, and  
286 knowledge; and that I will do all in my power to promote the general welfare of the  
287 inhabitants of the City of Hiram and common interest thereof.' The mayor and each council  
288 member shall also take all other oaths as required by the laws of the State of Georgia. All  
289 oaths of office or other oaths required to be taken by the mayor or a council member shall  
290 be administered by the mayor, city attorney, city clerk, the municipal judge or judges of the  
291 city, the judge of the probate court of Paulding County, Georgia, or any other person allowed  
292 by the laws of the State of Georgia to administer such oaths.

293 (g) The salary of the mayor and each council member shall be as established from time to  
294 time by home rule ordinance and in accordance with all other State law provisions.

## 295 **SECTION 2.2.**

### 296 Meetings of the city council; quorum; procedures.

297 (a) The city council shall have full power to fix the time, place, and rules of procedure for  
298 their regular sessions and any other meetings called. The regular meetings shall be held at  
299 such time and place as prescribed by ordinance or resolution.

300 (b) The city council is hereby authorized and empowered to adopt such ordinances,  
301 resolutions, and regulations as it may deem proper not in conflict with the Constitution and  
302 laws of the United States and the State of Georgia.

303 (c) Three council members, excluding the mayor, shall constitute a quorum and shall be  
304 authorized to transact the business of the city council. Except as otherwise provided in this  
305 charter and so long as a quorum exists, the affirmative vote of a majority of the council  
306 members present shall be required for the adoption of any ordinance, resolution, or motion.

307 (d) No member of the city council shall abstain from voting on any matter properly brought  
308 before the city council for official action except when such council member has a conflict

309 of interest which is disclosed in writing prior to or at the meeting and made a part of the  
310 minutes. Any member of the city council present and eligible to vote on a matter and refusing  
311 to do so for any reason other than a properly disclosed and recorded conflict of interest shall  
312 be deemed to have acquiesced or concurred with the members of the majority who did vote  
313 on the question involved.

314 (e) Acts of the city council that will have the force and effect of law shall be enacted by  
315 ordinance. Every proposed ordinance should be introduced in writing and in the form  
316 required for final adoption. A copy of proposed ordinances shall be maintained for public  
317 inspection by the city clerk.

318 (f) An ordinance may be introduced by any council member at a regular or special meeting  
319 of the city council. An ordinance may be adopted at its meeting of introduction or may be  
320 deferred for further consideration.

321 (g) Every ordinance adopted by the city council shall be presented promptly by the city clerk  
322 to the mayor for signature.

323 (h) Except where in direct conflict with the provisions of this act, the charter, or the law, all  
324 ordinances, resolutions, and regulations now in force in the city shall remain in full force and  
325 effect unless and until repealed or superseded by other ordinances, resolutions, and  
326 regulations adopted by the city council or as otherwise permitted by this act and the charter.

327

### **SECTION 2.3.**

328

The office of mayor.

329 (a) The mayor shall be the chief elected officer of the city and as such shall have the  
330 following powers and duties:

331 (1) To preside at all meetings of the city council and be recognized as the official head and  
332 spokesperson of the city for service of process and ceremonial purposes;

333 (2) To vote on matters before the city council only in case of a tie;

334 (3) To sign timely, for and on behalf of the city, all contracts, ordinances, instruments, and  
335 other documents authorized by the city council and which are required to be in writing,  
336 unless otherwise directed or authorized by the city council;

337 (4) To administer oaths and to take affidavits; and

338 (5) To fulfill such other duties as authorized by the city council.

339 (b) Annually at the first meeting of the new calendar year, the city council shall elect one  
340 of the council members to serve as the mayor pro tempore who shall, in the absence of the  
341 mayor, perform the duties and exercise all the rights, power, and privileges of the office of  
342 the mayor in accordance with this charter.

343

**SECTION 2.4.**

344

## Vacancies; filling vacancies.

345 (a) The office of mayor or council member shall become vacant upon the death, resignation,  
346 removal from office, forfeiture of office, or occurrence of any event specified by the  
347 Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such other applicable laws  
348 as are or may hereafter be enacted.

349 (b) If less than 12 months remains in the unexpired term, a vacancy in the office of council  
350 member shall be filled for the remainder of the unexpired term by appointment of any citizen  
351 of the city eligible to hold such office by vote of the majority of the remaining members of  
352 the city council. The person appointed shall then serve until the next regular council member  
353 election at which time, as a part of that election, a person shall be elected to fill the vacated  
354 post. If such vacancy occurs 12 months or more prior to the expiration of the term of that  
355 office, it shall be filled for the remainder of the unexpired term by a special election, as  
356 provided for in accordance with Titles 21 and 45 of the O.C.G.A., or other such laws as are  
357 or may hereafter be enacted governing municipal elections. This provision shall also apply  
358 to a temporary vacancy created by the suspension from office of the council member as may  
359 be permitted now or hereafter by this charter or the laws of the city or the State of Georgia.

360 (c) Should a mayoral vacancy occur within 12 months preceding the expiration of the  
361 mayor's term of office, then the vacancy shall be filled by the mayor pro tempore or by any  
362 council member appointed for that purpose whereupon the position of mayor shall be filled  
363 until the next mayoral election at which time a person shall be elected to the office of mayor  
364 as generally provided by the charter and pursuant to all applicable law. If such a vacancy  
365 occurs 12 months or more prior to the expiration of the term of that office, it shall be filled  
366 for the remainder of the unexpired term by a special election in accordance with Titles 21 and  
367 45 of the O.C.G.A, or other such laws as are or may hereafter be enacted governing  
368 municipal elections. This provision shall also apply to a temporary vacancy created by the  
369 suspension from office of the mayor as may be permitted now or hereafter by this charter or  
370 the laws of the city or the State of Georgia.

371

**SECTION 2.5.**

372

## City manager.

373 (a) The city council shall, by majority vote of its members, appoint a city manager for an  
374 indefinite term and shall set his or her compensation. The city manager shall be appointed  
375 solely on the basis of that person's executive and administrative qualifications, including  
376 relevant experience. In lieu of appointment for an indefinite term, the city council is

377 authorized, but not required, to enter into an employment contract with the city manager for  
378 a term of no more than four years. Any such contract shall contain as an essential term the  
379 express right of the city council to terminate the city manager's employment at any time for  
380 any reason not prohibited by law or for no reason whatsoever. Such contract may provide  
381 for payment of up to six months' severance pay at the city manager's then current rate of  
382 compensation if termination is not made on the basis of grounds specified in the contract that  
383 would void entitlement to severance. Under no circumstances shall any contractual  
384 entitlement to severance pay be deemed a right to continued employment as city manager.

385 (b) The city manager shall be the chief executive and administrative officer of the city. The  
386 city manager shall be responsible to the city council for the administration of all city affairs  
387 entrusted to the position by or under this charter. The city manager shall have the following  
388 powers and duties:

389 (1) To appoint all department heads, subject to the approval of the city council, and  
390 otherwise to appoint and, when he or she deems it necessary for the good of the city,  
391 suspend or remove all other city employees and administrative officers, except as otherwise  
392 provided by law or personnel ordinances adopted pursuant to this charter. The city  
393 manager may authorize any administrative officer who is subject to the city manager's  
394 direction and supervision to exercise these powers with respect to subordinates in that  
395 officer's department, office, or agency;

396 (2) To direct and supervise the administration of all departments, offices, and agencies of  
397 the city, except as otherwise provided by this charter or by law;

398 (3) To attend all city council meetings and have the right to take part in discussion, but not  
399 vote;

400 (4) To see that all laws, provisions of this charter, and acts of the city council, subject to  
401 enforcement by the city manager or by officers subject to the city manager's direction and  
402 supervision, are faithfully executed;

403 (5) To prepare and submit the annual operating budget and capital budget to the city  
404 council. Once approved for the following fiscal year, any increase in the appropriations  
405 for these budgets, whether accomplished through a change in anticipated revenues or  
406 through a transfer of appropriations among departments, shall require the approval of the  
407 city council. Such amendment shall be adopted by ordinance or resolution;

408 (6) To submit a quarterly summary of the finances and administrative activities of the city  
409 to the city council, and to make available to the city council and public a complete report  
410 on the finances and administrative activities of the city as of the end of each fiscal year;

411 (7) To prescribe, require, publish, and implement standards of administrative management  
412 and operating procedures to be followed and adhered to by all offices, departments, boards,

413 commissions, authorities, and other agencies of the city which are subject to the city  
414 manager's supervision;

415 (8) To act as the purchasing agent of the city;

416 (9) To make such other studies, reports, and investigations as the city council may require  
417 concerning the operations of city departments, offices, and agencies subject to the city  
418 manager's direction and supervision;

419 (10) To keep the city council fully advised as to the future needs of the city, and make  
420 such recommendations to the city council concerning the affairs of the city as he or she  
421 deems desirable; and

422 (11) To perform other such duties as are specified in this charter or as may be required by  
423 the city council.

424 (c) The city manager shall have full authority to execute the city's annual operating budget  
425 and capital budget. Establishment of all special funds and authorization of expenditures from  
426 the special funds shall require approval of the city council. The city council shall also  
427 approve any operating or capital budget amendments requiring use of funds from the  
428 contingency special fund.

429 (d) Except for the purpose of inquiries and investigations, the mayor and council members  
430 shall not give orders or directions to any city employees who are subject to the direction and  
431 supervision of the city manager, either publicly or privately, directly or indirectly.

432 (e) The city council may remove the city manager from office in accordance with the  
433 following procedures:

434 (1) Because the city manager serves at the will of the city council, the city council may  
435 terminate or suspend the city manager at any time, with or without cause, through the  
436 adoption of a preliminary resolution with the affirmative vote of a majority of its members.  
437 A copy of the resolution shall be delivered promptly to the city manager;

438 (2) Within five days after a copy of the resolution is delivered to the city manager, he or  
439 she may file a written request for a public hearing with the city council. This hearing shall  
440 be held within 30 days after the request is filed. The city manager may file a written reply  
441 not later than five days before the hearing with the city council;

442 (3) If the city manager has not requested a public hearing within the time specified in  
443 paragraph (2) of this subsection, the city council may adopt a final resolution for removal,  
444 which may be made effective immediately, by an affirmative vote of a majority of all its  
445 members. If the city manager has requested a public hearing, the city council may adopt  
446 a final resolution for removal, which may be made effective immediately, by an affirmative  
447 vote of a majority of all its members at any time after the public hearing; and

448 (4) The city manager shall continue to receive his or her salary until the effective date of  
449 a final resolution of removal. In those instances in which the city council has exercised its

450 discretion and entered into an employment contract with the city manager that provides for  
451 severance pay under certain conditions, termination may result in payment of severance  
452 pay in accordance with the contract terms.

453 (f) By letter filed with the city clerk, the city manager shall designate a qualified city  
454 administrative officer to exercise the powers and perform the duties of city manager during  
455 his or her temporary absence or disability. During such absence or disability, the city council  
456 may revoke such designation at any time and appoint another officer of the city to serve until  
457 the city manager shall return.

458 (g) Upon removal or vacancy or prior to the time the city council appoints a city manager  
459 upon absence or disability, the city council shall appoint a temporary city manager by  
460 majority vote of its members.

## 461 **SECTION 2.6.**

### 462 Other city officers; administrative personnel.

463 (a) The following positions are re-established by this charter to be filled by persons  
464 appointed by the city council: city clerk and city attorney. The following positions are  
465 re-established by this charter to be filled by persons appointed as provided in this charter by  
466 the city manager: city operations director and police chief. Those selected for these positions  
467 shall be appointed solely on the basis of their respective administrative and professional  
468 qualifications, including relevant experience. The city council shall prescribe the  
469 compensation to be provided for the services to be rendered by these positions. Those  
470 selected to fill these positions shall execute the duties and responsibilities entrusted to them  
471 by the position held and as required by this charter, any ordinance, resolution, or directive  
472 of the city council or the city manager, and as required by applicable state and federal law.

473 (b) Except as otherwise provided in this charter, the city council shall have the authority to  
474 establish, abolish, alter, consolidate, or leave vacant all non-elective offices, positions of  
475 employment, departments, and agencies of the city as deemed necessary for the proper  
476 administration of the affairs and government of the city.

477 (c) Except as otherwise permitted by this charter and only pursuant to an agreement in  
478 writing executed by the city, the persons appointed to non-elective positions pursuant to this  
479 charter or otherwise employed by the city shall serve in an at-will capacity and are subject  
480 to removal or suspension at any time unless otherwise provided by law, ordinance, or an  
481 agreement in writing executed by the city.

482

**SECTION 2.7.**

483

Boards; commissions; authorities.

484 (a) The city council is empowered to establish by ordinance any boards, commissions, and  
485 authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the city  
486 council deems appropriate, and shall establish by ordinance the composition, period of  
487 existence, and duties and powers thereof.

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

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

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

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

499 (f) No member of a board, commission, or authority shall assume office until that person has  
500 executed and filed with the city clerk an oath obligating the person to faithfully and  
501 impartially perform the duties of that member's office, such oath to be prescribed by  
502 ordinance and administered by the mayor.

503 (g) All members of a board, commission, or authority serve at-will and may be removed at  
504 any time by a vote of the city council unless otherwise provided by law.

505 (h) Except as otherwise provided by this charter or by law, each board, commission, or  
506 authority of the city shall elect one of its members as chair and one member as vice-chair,  
507 and may elect as its secretary one of its own members or may appoint as secretary an  
508 employee of the city. As it deems appropriate and necessary for the fulfillment of its duties  
509 or the conduct of its affairs, each board, commission, or authority of the city government may  
510 establish such bylaws, rules, and regulations not inconsistent with this charter, ordinances  
511 of the city, or law. Copies of such bylaws, rules, and regulations shall be filed with the city  
512 clerk.





547 served as executed by any officer as authorized by this charter or by law. The municipal  
548 court shall have the authority to issue search warrants as provided by law.

549 (h) The municipal court judge shall be authorized to issue warrants for the arrest of persons  
550 charged with offenses against any ordinance of the city, and the municipal court judge shall  
551 have the same authority as a magistrate of the state to issue warrants for offenses against state  
552 laws committed within the city.

553 (i) The municipal court is specifically vested with all of the judicial jurisdiction and judicial  
554 powers throughout the entire area of the city granted by state laws generally to municipal  
555 courts, including such laws as authorize the abatement of nuisances.

### 556 **SECTION 3.3.**

557 Municipal court judge; associate judge; oath.

558 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,  
559 or stand-by judges as deemed appropriate by the city council and provided for by ordinance.

560 (b) No person shall be qualified or eligible to serve as a municipal court judge unless that  
561 person shall have attained the age of 21 years, shall be a member of the State Bar of Georgia,  
562 and shall possess all qualifications required by law. All municipal court judges shall be  
563 appointed by the city council annually and may be removed from office prior to the end of  
564 annual appointment only for cause. All municipal court judges shall serve until a successor  
565 is appointed and qualified.

566 (c) Compensation of the municipal court judges shall be fixed by ordinance.

567 (d) Before assuming office, each municipal court judge shall take an oath, given by the  
568 mayor, attesting that the judge will honestly and faithfully discharge the duties of the office  
569 to the best of that person's ability and without fear, favor, or partiality. The oath shall be  
570 entered upon the minutes of the city council.

### 571 **SECTION 3.4.**

572 Convening.

573 The municipal court shall be convened at regular intervals as established and publicized by  
574 the court.

575 **SECTION 3.5.**

576 Appeals.

577 The right of certiorari from the decisions and judgments of the municipal court shall exist in  
578 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under  
579 the sanction of a judge of the Superior Court of Paulding County under the laws of the State  
580 of Georgia regulating the granting and issuance of writs of certiorari.

581 **SECTION 3.6.**

582 Rules of court.

583 With the approval of the city council, the municipal court judge shall have full power and  
584 authority to make reasonable rules and regulations necessary and proper to secure the  
585 efficient and successful administration of the municipal court; provided, such rules shall  
586 conform to the requirements of the Uniform Rules for Municipal Courts adopted by the  
587 Georgia Supreme Court. The rules and regulations made or adopted shall be filed with the  
588 city clerk, shall be available for public inspection, and, upon request, a copy shall be  
589 furnished to all defendants in municipal court proceedings at least 48 hours prior to said  
590 proceedings.

591

592 **ARTICLE IV**

593 **ELECTIONS**

594 **SECTION 4.1.**

595 Applicability of general law.

596 All primaries and elections shall be held and conducted in accordance with the 'Georgia  
597 Election Code,' Chapter 2 of Title 21 of the O.C.G.A., as now or hereafter amended.

598 **SECTION 4.2.**

599 General elections; timing.

600 There shall be a municipal general election biennially in odd-numbered years on the Tuesday  
601 next following the first Monday in November.

602 **SECTION 4.3.**

603 Nonpartisan elections.

604 Political parties shall not conduct primaries for city offices and all names of candidates for  
605 city offices shall be listed without party designations.

606 **SECTION 4.4.**

607 Election by plurality.

608 The person receiving a plurality of the votes cast for any city office shall be elected.

609 **SECTION 4.5.**

610 Other election provisions.

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

614 **SECTION 4.6.**

615 Removal from office.

616 (a) Removal of an elected official of the city shall be governed by this section except as  
617 otherwise provided by this charter or required by state or federal law.

618 (b) Removal from office is required for any one or more of the causes provided in Title 45  
619 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

620 (c) Removal of an officer pursuant to this section shall be accomplished by one of the  
621 following methods:

622 (1) Following an evidentiary hearing by the city. In the event an elected officer is sought  
623 to be removed by the action of the city council, such officer shall be entitled to a written  
624 notice specifying the ground or grounds for removal and to a public hearing which shall  
625 be held not less than ten days after the service of such written notice. The city council shall  
626 provide by ordinance for the manner in which such hearings shall be held. Any elected  
627 officer sought to be removed from office as herein provided shall have the right of appeal  
628 from the decision of the city council to the Superior Court of Paulding County. Such  
629 appeal shall be governed by the rules governing appeals to the superior court by writ of  
630 certiorari; or

631 (2) By an order of the Superior Court of Paulding County following a hearing on a  
 632 complaint seeking such removal brought by any resident of the City of Hiram.

633 **ARTICLE V**

634 **FINANCE.**

635 **SECTION 5.1.**

636 Property tax.

637 The city council may assess, levy, and collect an ad valorem tax on all real and personal  
 638 property within the corporate limits of the city that is subject to such taxation by the state and  
 639 county. The purpose of such tax shall be to raise revenues to defray the costs of operating  
 640 the city government or of providing governmental services, for the repayment of principal  
 641 and interest on general obligations, and for any other public purpose as determined by the  
 642 city council in its discretion.

643 **SECTION 5.2.**

644 Millage rate; due dates; payment methods.

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

649 **SECTION 5.3.**

650 Occupation and business taxes.

651 By ordinance, the city council shall have the power to levy such occupation or business taxes  
 652 as are not prohibited by law. The city council may classify businesses, occupations, or  
 653 professions for the purpose of such taxation in any way which may be lawful and may  
 654 compel the payment of such taxes as provided in Section 5.9 of this charter.

655 **SECTION 5.4.**

656 Regulatory fees; permits.

657 By ordinance, the city council shall have the power to require businesses or practitioners  
 658 doing business within this city to obtain a permit for such activity from the city and pay a  
 659 reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect

660 the total cost to the city of regulating the activity, and if unpaid, shall be collected as  
661 provided in Section 5.9 of this charter.

662 **SECTION 5.5.**

663 Franchises.

664 (a) The city council shall have the power to grant franchises for the use of this city's streets  
665 and alleys to railroad companies, street railway companies, telephone companies, electric  
666 companies, electric membership corporations, cable television and other telecommunications  
667 companies, gas companies, transportation companies, solid waste disposal companies, and  
668 other similar organizations. The city council shall determine the duration, terms, whether the  
669 same shall be exclusive or nonexclusive, and the consideration for such franchises; provided,  
670 however, no franchise shall be granted for a period in excess of 35 years and no franchise  
671 shall be granted unless the city receives just and adequate compensation therefor. The city  
672 council shall provide for the registration of all franchises with the city clerk in a registration  
673 book kept by the city clerk. The city council may provide by ordinance for the registration  
674 within a reasonable time of all franchises previously granted.

675 (b) If no franchise agreement is in effect, the city council has the authority to impose a tax  
676 on gross receipts for the use of the city's streets and alleys to railroad companies, street  
677 railway companies, telephone companies, electric companies, electric membership  
678 corporations, cable television and other telecommunications companies, gas companies,  
679 transportation companies, and other similar organizations.

680 **SECTION 5.6.**

681 Service charges.

682 By ordinance, the city council shall have the power to assess and collect fees, charges,  
683 assessments, and tolls for sewers, sanitary and health services, or any other services provided  
684 or made available within and without the corporate limits of the city. If unpaid, such charges  
685 shall be collected as provided in Section 5.9 of this charter.

686 **SECTION 5.7.**

687 Special assessments.

688 By ordinance, the city council shall have the power to assess and collect the cost of  
689 constructing, reconstructing, widening, or improving any public way, street, sidewalk,  
690 curbing, gutters, sewers, storm sewers, drainage facilities, or other utility mains and

691 appurtenances from the abutting property owners. If unpaid, such charges shall be collected  
692 as provided in Section 5.9 of this charter.

693 **SECTION 5.8.**

694 Construction; other taxes and fees.

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

698 **SECTION 5.9.**

699 Collection of delinquent taxes and fees.

700 By ordinance, the city council may provide generally for the collection of delinquent taxes,  
701 fees, or other revenue due the city by whatever reasonable means as are not precluded by  
702 law. All taxes and assessments levied pursuant to this charter shall constitute a lien on the  
703 property subject to the tax or assessment, which lien shall rank with liens for property taxes.  
704 The city council may provide by ordinance for the dates when the taxes or fees are due; late  
705 penalties or interest; issuance and execution of fieri facias (fi. fas.); making delinquent taxes  
706 and fees personal debts of the persons required to pay the taxes or fees imposed; revoking  
707 city permits for failure to pay any city taxes or fees; and providing for the assignment or  
708 transfer of tax executions.

709 **SECTION 5.10.**

710 General obligation bonds.

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

715 **SECTION 5.11.**

716 Revenue bonds.

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

720 **SECTION 5.12.**

721 Short-term loans.

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

724 **SECTION 5.13.**

725 Lease-purchase contracts.

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

733 **SECTION 5.14.**

734 Fiscal year.

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

739 **SECTION 5.15.**

740 Preparation of budgets.

741 The city council may provide an ordinance on the procedures and requirements for the  
742 preparation and execution of an annual operating budget, a capital improvement plan, and  
743 a capital budget, including requirements as to the scope, content, and form of such budgets  
744 and plans.

745

**SECTION 5.16.**

746

Submission of operating budget to city council.

747 On or before a date fixed by the city council but not later than 90 days prior to the beginning  
748 of each fiscal year, the city manager shall submit to the city council a proposed operating  
749 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the  
750 city manager containing a statement of the general fiscal policies of the city, the important  
751 features of the budget, explanations of major changes recommended for the next fiscal year,  
752 a general summary of the budget, and such other pertinent comments and information. The  
753 operating budget and the capital budget hereinafter provided for, the budget message, and  
754 all supporting documents shall be filed in the office of the city clerk and shall be open to  
755 public inspection.

756

**SECTION 5.17.**

757

Action by city council on budget.

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

763 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal  
764 year not later than the first day of each fiscal year. If the city council fails to adopt the  
765 budget by this date, the amounts appropriated for operation for the current fiscal year shall  
766 be deemed adopted for the ensuing fiscal year on a month to month basis, with all items  
767 prorated accordingly until such time as the city council adopts a budget for the ensuing fiscal  
768 year. Adoption of the budget shall take the form of an appropriations ordinance setting out  
769 the estimated revenues in detail by source and making appropriations according to fund and  
770 by organizational unit, purpose, or activity as set out in the budget preparation ordinance  
771 adopted pursuant to this charter.

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



776 **SECTION 5.18.**

777 Tax levies.

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

784 **SECTION 5.19.**

785 Changes in appropriations.

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

790 **SECTION 5.20.**

791 Capital budget.

792 (a) On or before the date fixed by the city council but no later than 90 days prior to the  
793 beginning of each fiscal year, the city manager shall submit to the city council a proposed  
794 capital improvements plan with a recommended capital budget containing the means of  
795 financing the improvements proposed for the ensuing fiscal year. The city council shall have  
796 power to accept or reject the proposed plan and proposed budget, with or without  
797 amendments. The city council shall not authorize an expenditure for the construction of any  
798 building, structure, work, or improvement unless the appropriations for such project are  
799 included in the capital budget or the expenditure is necessary to meet needs in a public  
800 emergency as provided in this charter.

801 (b) By ordinance, the city council shall adopt the final capital budget for the ensuing fiscal  
802 year not later than the first day of each fiscal year. No appropriation provided for in a prior  
803 capital budget shall lapse until the purpose for which the appropriation was made shall have  
804 been accomplished or abandoned; provided, however, the city manager may submit  
805 amendments to the capital budget at any time during the fiscal year, accompanied by  
806 recommendations. Any such amendments to the capital budget shall become effective only  
807 upon adoption by ordinance.

808 **SECTION 5.21.**

809 Independent audit.

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

815 **SECTION 5.22.**

816 Contracting procedures.

817 No contract with the city shall be binding on the city unless it is in writing and:

- 818 (1) Signed by the mayor after being authorized by the city council and such authorization  
 819 entered in the city council journal of proceedings; or  
 820 (2) Is a contract wherein the value of the city's obligation does not exceed \$5,000.00, is  
 821 for an authorized budgeted expenditure, and is signed by the city manager in compliance  
 822 with such other restrictions upon his or her authority as the city council shall impose by  
 823 ordinance.

824 **SECTION 5.23.**

825 Purchasing.

826 By ordinance, the city council may prescribe procedures for a system of centralized  
 827 purchasing for the city.

828 **SECTION 5.24.**

829 Sale and lease of property.

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

832 (b) The city council may quitclaim any rights it may have in property not needed for public  
 833 purposes upon report by the city manager and adoption of a resolution, both finding that the  
 834 property is not needed for public or other purposes and that the interest of the city has no  
 835 readily ascertainable monetary value.

836 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place  
 837 of the city a small parcel or tract of land is cut off or separated by such work from a larger

838 tract or boundary of land owned by the city, the city council may authorize the mayor to sell  
 839 and convey said cut-off or separated parcel or tract of land to an abutting or adjoining  
 840 property owner or owners where such sale and conveyance facilitates the enjoyment of the  
 841 highest and best use of the abutting owner's property. Included in the sales contract shall be  
 842 a provision for the rights of way of said street, avenue, alley, or public place. Each abutting  
 843 property owner shall be notified of the availability of the property and given the opportunity  
 844 to purchase said property under such terms and conditions as set out by ordinance. All deeds  
 845 and conveyances heretofore and hereafter so executed and delivered shall convey all title and  
 846 interest the city has in such property, notwithstanding the fact that no public sale after  
 847 advertisement was or is hereafter made.

848

849

## ARTICLE VI

850

### GENERAL PROVISIONS

851

#### **SECTION 6.1.**

852

##### Bonds for officials.

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

856

#### **SECTION 6.2.**

857

##### Prior ordinances.

858 All ordinances, resolutions, rules, and regulations in force in the city on the effective date of  
 859 this charter and not inconsistent with this charter are declared valid and of full effect and  
 860 force until amended or repealed by the city council.

861

#### **SECTION 6.3.**

862

##### Pending matters.

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

867 **SECTION 6.4.**

868 Construction.

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

871 (b) The word 'shall' is mandatory and the word 'may' is permissive.

872 (c) The singular shall include the plural, the masculine shall include the feminine, and vice  
873 versa."

874 **SECTION 2.**

875 It shall be the duty of the governing authority of the city to require submission of this Act for  
876 approval pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended.

877 **SECTION 3.**

878 This Act shall become effective upon its approval by the Governor or upon its becoming law  
879 without such approval.

880 **SECTION 4.**

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