

PART I
CHARTER*

* **Editors Note:** Printed herein is the Charter of the City of St. Marys as set forth in 1981 Ga. Laws, page 4763. Original section number designations have been retained. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets. Pursuant to O.C.G.A. § 36-32-1, the term "city court" has been changed to "municipal court" throughout this Code.

Article 1. Incorporation, Powers, Boundaries

Sec. 1-101. Incorporation; name.
Sec. 1-102. General powers.
Sec. 1-103. Specific powers; certain powers enumerated.
Sec. 1-104. Construction of powers.
Sec. 1-105. Boundaries; official map.
Sec. 1-106. Section captions; rules of construction.

Article 2. The Mayor and Council

Chapter 1. General Provisions

Sec. 2-101. Creation; number; term of office; compensation.
Sec. 2-102. Qualifications of office.
Sec. 2-103. Conflict of interest; interest in contracts.
Sec. 2-104. Duties of council members.

Chapter 2. Powers of the Mayor and Council

Sec. 2-201. Legislative powers.
Sec. 2-202. Execution of powers.
Sec. 2-203. Independent audits.
Sec. 2-204. Inquiries and investigations.

Chapter 3. Mayor and Mayor Pro Tempore

Sec. 2-301. Mayor; powers and duties.
Sec. 2-302. Mayor pro tempore; election; term; duties.

Chapter 4. Organization and Procedure

Sec. 2-401. Annual organizational meeting.
Sec. 2-402. Rules; quorum; voting; journal of minutes.
Sec. 2-403. Meetings; regular and special.
Sec. 2-404. Introduction, consideration, and enactment of legislation.
Sec. 2-405. Revision of legislation; veto.
Sec. 2-406. Code of technical regulations.

Article 3. Election and Removal

Chapter 1. Conduct of Elections

Sec. 3-101. Applicability of general laws.
Sec. 3-102. Regular elections; time for holding.

Chapter 2. Vacancies and Removal from Office

Sec. 3-201. Occurrence of vacancies.

Sec. 3-202. Filling vacancies.
Sec. 3-203. Impeachment.

Article 4. Organization and Administration

Chapter 1. General Provisions

Sec. 4-101. City offices, departments, and agencies.
Sec. 4-102. Administrative organization.
Sec. 4-103. Boards and commissions.

Chapter 2. City Officers

Sec. 4-201. City clerk; appointment; duties; compensation.
Sec. 4-202. Finance director; appointment; duties; compensation.
Sec. 4-203. City attorney; appointment; qualifications; duties; compensation.
Sec. 4-204. City manager; appointment; qualifications; duties; compensation.

Chapter 3. Personnel

Sec. 4-301. Merit system.

Article 5. Finance and Fiscal

Chapter 1. Taxation and Other Revenue

Sec. 5-101. Ad valorem tax; grant of authority.
Sec. 5-102. Sanitary tax.
Sec. 5-103. Occupation and business taxes.
Sec. 5-104. Business licenses; permits; fees.
Sec. 5-105. Excise taxes; wholesale and retail dealers.
Sec. 5-106. Insurance premiums taxes and licenses.
Sec. 5-107. Service charges.
Sec. 5-108. Special assessments.
Sec. 5-109. Interpretation; other taxes.
Sec. 5-110. Collection of delinquent taxes and fees.

Chapter 2. Borrowing and Indebtedness

Sec. 5-201. General obligation bonds.
Sec. 5-202. Revenue bonds.
Sec. 5-203. Short-term notes.
Sec. 5-204. Improvement bonds.

Chapter 3. Fiscal Control

Sec. 5-301. Fiscal year; municipal budget preparation and submission.
Sec. 5-302. Municipal appropriations; ordinance required.
Sec. 5-303. Supplementary appropriations.
Sec. 5-304. Deficits.

Chapter 4. Purchasing, Contracting, and Disposition of Property

Sec. 5-401. Contracting procedures.
Sec. 5-402. Purchasing procedures.

Article 6. Municipal Court

Sec. 6-101. Municipal court created.
Sec. 6-102. Presiding officer; qualifications; compensation; oath.
Sec. 6-103. Court sessions; jurisdiction; powers.
Sec. 6-104. Appeals; procedure; rules and regulations.

Article 7. General Provisions

Sec. 7-101. Reserved.
Sec. 7-102. Ordinances and regulations.

Sec. 7-103. Reserved.

Sec. 7-104. City officers and employees.

Sec. 7-105. Severability.

Sec. 7-106. Reserved.

ARTICLE 1.

INCORPORATION, POWERS, BOUNDARIES

Section 1-101. Incorporation; name.

The City of St. Marys, Georgia, and the inhabitants thereof shall continue to be a body politic and corporate under the name of the City of St. Marys, hereinafter at times referred to as the "city." The city shall be the legal continuation and successor to the city as heretofore incorporated, shall continue to be vested with all of the property and rights of property which now belong to the city, and shall have perpetual succession.

Section 1-102. General powers.

(a) The city shall have all the powers, duties, rights, privileges, and immunities vested in the city now or hereafter granted to municipal corporations by the Constitution, by the general laws of the State of Georgia, and by this Charter. The city shall exercise and enjoy all powers of self-government not specifically prohibited by the Constitution, the general laws of the State of Georgia, or by this Charter, including all powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, and general welfare of the city and of its inhabitants and all implied powers necessary to carry into execution all powers granted as fully and completely as if these powers were enumerated in this Charter.

(b) The city may sue and be sued; may contract and be contracted with; may acquire and hold any property, real and personal as may be devised, bequeathed, sold, or in any manner conveyed or dedicated to or otherwise acquired by it and, from time to time, may hold or invest or sell or dispose of any of its property; and may have a common seal and alter it at will.

(c) No enumeration of particular powers in this Charter shall be held to be exclusive of others nor restrictive of general words and phrases granting powers but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

Section 1-103. Specific powers; certain powers enumerated.

(a) The city may acquire, construct, operate, and maintain, by condemnation or otherwise, inside or outside the city limits, public ways, streets, sidewalks, parks, public grounds, cemeteries, public buildings, libraries, sanitary landfill, sewers, drains, sewage treatment or waterworks systems, electrical or gas systems, airports, hospitals, and charitable, educational, flood control, recreational, sport, curative, corrective, detentional, penal, and medical institutions, areas, and facilities, and any other public improvement. The city by ordinance may establish and enforce rules and regulations necessary to preserve order, peace, and dignity on any property or facilities so acquired inside or outside the corporate limits of the city.

(b) The city shall have power and authority to grant franchises, easements, and rights-of-way over,

in, under, and on the public streets, lanes, alleys, sidewalks, and parks and other property of said city on such terms and conditions as the mayor and council may fix, except that they shall not grant an exclusive franchise for any purpose, and no franchise shall be granted unless the city receives just and adequate compensation therefor.

(c) In addition to the powers now or hereafter granted to municipalities by law, the city shall have all of the following powers:

- (1) *Authority to contract with industrial or development authority.* The City of St. Marys, by and through its governing authority, shall have the power to contract with any duly created industrial or development authority, or both, for the operation, maintenance, and use of any public project, public building, or other public facility including, and not limited to, parking lots, garages, or other parking structures or projects, buildings, or facilities essential for the public purposes of development and promotion of civic and cultural growth, public welfare, trade, commerce, education, amusement, recreation, or other public purposes in the City of St. Marys.
- (2) *Authority to contract with water and sewer authority.* The City of St. Marys, by and through its governing authority, is authorized to contract with any duly created water and sewer authority for the purposes of operating, maintaining, and providing water and sewer services to the City of St. Marys and its citizens.
- (3) *Appropriations for relief of poor and for charitable purposes.* The mayor and council shall have power, by appropriate action, to appropriate money for the relief of the poor and for charitable purposes as they may deem proper.
- (4) *Nuisances on vacant lots; definition.* Any property in the City of St. Marys on which weeds, debris, trash, or waste matter has been allowed to accumulate to such extent that the presence of such matter on the vacant property creates conditions likely to cause a fire or spreading of fire or an imminent danger to the health or welfare of the adjacent community by the spread of disease or epidemic shall be subject to be declared a nuisance and abated in the manner herein set out.
- (5) *Same; abatement.* Proceedings for the abatement of the nuisance declared in the above section shall be initiated as provided by ordinance or, in the alternative, the city marshal shall cause summons to be issued from the City Court of the City of St. Marys, directed to the owner, if known and a resident of the City of St. Marys, or, if the owner is a nonresident but said property is under the management of an agent of the owner, resident of St. Marys, shall be directed to such agent to show cause why the nuisance should not be abated. Said notice to set out the particulars in what manner said vacant lot constitutes a nuisance, and the same shall be personally served on the owner, if a resident, and upon his agent if he is not a resident; and, if the owner is unknown and his residence is unknown, with no resident agent in charge of said property, then by publication one time in a newspaper of general circulation, published in the City of St. Marys, five days before the date of the hearing; such summons and notice shall state the time and place of the hearing to be had in the City Court of the City of St. Marys.
- (6) *Same; judgment against offender.* If on said hearing before the judge it shall be adjudged that the said nuisance should be abated, the judgment of said judge shall provide that, unless said

nuisance be abated within five days by the party proceeded against, the director of public safety or his assistants shall be authorized to enter upon said vacant property and abate said nuisance by cleaning off and removing the matter thereon constituting the nuisance, which shall be done by said city authorities at the expense of the owner and charged against the property and judgment for costs of court.

- (7) *Same; costs and expenses; collection.* In the event the director of public safety or his assistants abate said nuisance, the actual cost and expense to said city in clearing away and removing said matter declared to be a nuisance shall be declared a charge and a lien upon the said property on which said nuisance was abated. Said charge and lien shall be fixed in the following manner: Upon the abatement of said nuisance, the director of public safety shall render a written statement to the owner of said property, if known, or to the owner's agent if the owner be a nonresident, or, if the residence of the owner be unknown, by publication in a newspaper of general circulation in the City of St. Marys, by being published one time, showing the actual cost of abating said nuisance and demanding the payment of said expense, and, if the same be not paid within 30 days from the date of said notice, the director of public safety shall certify to the mayor and council a statement showing the actual cost of abating said nuisance and the cost of advertising; and the mayor and council are authorized by ordinance to declare said charge and expense a lien against the real estate on which said nuisance was abated, which lien or charge may be enforced by execution, levy, and sale in the manner as executions now authorized under the provisions of the Charter of the City of St. Marys for street improvements. The property owner shall have the same rights and defense to the said execution as now exist in defense of executions issued under assessments for paving of streets.
- (8) *Same; cleanliness and safety of premises; authority to provide.* The mayor and council of the City of St. Marys shall have the authority and power, in the interest of health, sanitation, and the public safety and welfare, to provide for the clearing, cleaning off, and making and keeping sanitary and free from fire or other hazards any and all real property, either vacant or improved, within the corporate limits of the City of St. Marys; to provide for the removal from such property all debris, grass, weeds, or other growth, or other unsanitary or combustible matter or materials; to provide for the height and trimming of hedges, shrubbery, and other growth; to fix and to impose penalties upon owner and occupants of property in respect to such requirements; to provide for the performance of such services by the city and for the assessment and collection of charges therefor, for the creation and assessment of liens against property and the owners and occupants thereof so served, and for the collection and enforcement of such liens the same as assessments for taxes, paving of streets and sidewalks, and other liens of the city are now executed and enforced; and further that the said mayor and council of the City of St. Marys be and they hereby are authorized and empowered to adopt such ordinances or resolutions or other acts of a like nature to enforce this provision of the city Charter.
- (9) *Authority to assess for cost of improvements.*
- (A) The mayor and council shall be authorized to make special assessments with or without petition, after a public hearing, against benefited property within the corporate limits of the city for:

- (i) Constructing, reconstructing, paving, widening, installing curbs and gutters, and otherwise building and improving streets;
 - (ii) Constructing, reconstructing, paving, widening, and otherwise building or improving sidewalks in any public street;
 - (iii) Constructing, reconstructing, extending, and otherwise building or improving water systems;
 - (iv) Constructing, reconstructing, extending, and otherwise building or improving sanitary sewer lines; and
 - (v) Constructing, reconstructing, extending, and otherwise building or improving sewage disposal systems.
- (B) Assessments may be made on the basis of:
- (i) The frontage abutting on the project at an equal rate per foot of frontage; or
 - (ii) The area of land served, or subject to being served, by the project, at an equal rate per unit of area; or
 - (iii) The value added to the land served by the project or subject to being served by it, being the difference between the appraised value of the land without improvements as shown on the tax records of the county and the appraised value of the land with improvements according to the appraisal standards and rules adopted by the county at its last revaluation, at an equal rate per dollar of value added; or
 - (iv) The number of lots served, or subject to being served, where the project involves extension of an existing system to a residential or commercial subdivision, at an equal rate per lot; or
 - (v) A combination of two or more of these bases.

Whenever the basis selected for assessment is either area or value added, the mayor and council may provide for the laying out of benefit zones according to the distance of benefited property from the project being undertaken and may establish differing rates of assessment to apply uniformly throughout each benefit zone.

For each project, the mayor and council shall endeavor to establish an assessment method from among the bases set out in this section which will most accurately assess each lot or parcel of land according to the benefit conferred upon it by the project. The council's decision as to the method of assessment shall be final and conclusive and not subject to further review or challenge.

(C) The procedures for execution of the power and authority granted herein shall be as prescribed by ordinance or resolution of the mayor and council.

- (10) *Territorial jurisdiction.* For all police purposes, such as peace, good order, health, morals, the control and regulation over the water pipes, valves, hydrants, meters, and accessories used in supplying of water wherever extended, or through which water is served and supplied by the City of St. Marys waterworks outside the city limits of St. Marys, and for the full distance of all said water pipes, and for the full length of said mains, and for all pipes and service connections extending therefrom, and for a distance of 300 feet on all sides of said mains or pipes, the City of St. Marys shall have jurisdiction of the enforcement of all ordinances, rules, and regulations of said city, having for their purpose the exercise and control over the water service supplied by said city; and furthermore, the city shall have the right to make laws, rules, and regulations for the control of water service wherever supplied inside or outside of the city limits and to fix penalties for the violation thereof. Any person guilty of the violation of any of the ordinances, rules, and regulations of the City of St. Marys enacted for said purposes as aforesaid, within the jurisdiction as above extended, shall be subject to the jurisdiction of the Recorder's Court of the City of St. Marys in the same manner as for offenses committed within the city limits.
- (11) *Rules and regulations.* The mayor and council of the City of St. Marys be, and they are, hereby authorized and empowered to make rules and regulations not inconsistent with law for the regulation of its waterworks system and also to require the owner of any improved real estate within the corporate limits of said city to provide suitable water closet accommodations upon such improved premises, whenever in their judgment and discretion such improvements are necessary or proper to preserve the health or protect the sanitary interests of the citizens of any neighborhood or community of said city and also to prevent the use of water from wells and any and all places in said city for domestic purposes, whenever in their discretion they deem it necessary or proper to preserve the health of the citizens of any neighborhood or community within the corporate limits of said city.

(Ord. of 2-14-05, § 1)

Section 1-104. Construction of powers.

The powers of the city shall be constructed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of the city.

Section 1-105. Boundaries; official map.

The corporate boundaries of the city shall be the same as those of the City of St. Marys as provided by law and existing on the effective date of this Charter, or as hereafter lawfully changed. The city shall maintain a current map and written legal description indicating the boundaries of the city. Photographic, typed, or other copies of the map or description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

Editors Note: The corporate limits of the city were changed pursuant to 1986 Ga. Laws, page 4128 and 1987 Ga. Laws, page 5035. The legal descriptions of the various tracts set forth in such acts have been omitted from this codification.

Section 1-106. Section captions; rules of construction.

(a) The captions of the several sections of this Charter are informative only and are not to be construed as a part thereof.

(b) The word "shall" in this Charter is intended to be mandatory and the word "may" is to be permissive.

(c) In the construction of this Charter, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the adopting body:

- (1) *City.* The words "the city" or "this city" shall mean the City of St. Marys, Georgia.
- (2) *County.* The words "the county" or "this county" shall mean the County of Camden, Georgia.
- (3) *Governing body or governing authority.* The words "governing body" or "governing authority" shall mean the mayor and council of the City of St. Marys, Georgia.
- (4) *Number.* Words used in the singular include the plural, and the plural includes the singular number.
- (5) *Other officials or officers, etc.* Whenever reference is made to officials, boards, commissions, departments, etc., by title only, i.e., "mayor," "city council," "city clerk," they shall be deemed to refer to officials of the City of St. Marys, Georgia.
- (6) *Person.* The word "person" shall extend and be applied to firms, partnerships, associations, organizations, and body politic and corporate, or any combination thereof, as well as to individuals.
- (7) *State.* The words "the state" or "this state" shall be construed to mean the State of Georgia.
- (8) *Judge.* The word "judge" shall mean judge of the Municipal Court of St. Marys, Georgia.

ARTICLE 2.

THE MAYOR AND COUNCIL*

*Code reference--Mayor and council, § 2-36 et seq.

CHAPTER 1.

GENERAL PROVISIONS

Section 2-101. Creation; number; term of office; compensation.

- (a) There shall be a mayor and council composed of the mayor and six councilmembers elected as

provided in Article 3 of this Charter for four-year terms of office, except as provided in Article 3. Each councilmember shall hold a designated council post, the posts to be numbered one through six. All terms of office shall begin on the first Thursday after January 1 of the year following election to such office.

(b) The mayor shall be compensated in the amount of \$700.00 per month, and councilmembers shall be compensated in the amount of \$500.00 per month. No additional compensation shall be paid for lost time from work.

(c) In addition, the mayor and each member of the council shall be entitled to receive their actual and necessary expenses incurred in the performance of the duties of their office.

(d) The mayor and council are hereby authorized to fix the salary, compensation, and expenses of the mayor and each member of the council in accordance with the provisions of an Act known as "The Municipal Home Rule Act of 1965" (Ga. Laws 1965, p. 298), as now or hereafter amended. (1982 Ga. Laws, page 5333; 1996 Ga. Laws, page 4100; Ord. of 7-12-99, § 1)

Editors Note: With regard to determining the current status of provisions in this Charter relating to the length of municipal office terms, see O.C.G.A. § 21-3-63.

Section 2-102. Qualifications of office.

(a) To be eligible for election as mayor or as councilmember, a person at the time of qualification must:

- (1) Have attained the age of 21 years;
- (2) Have resided in the city for not less than one year immediately preceding the date of qualification for office and must continue in such residence during the term of office;
- (3) Be a qualified elector of the city; and
- (4) Meet any other requirements as may be established by general state law.

(b) The office of any elected official shall be declared vacant upon such elected official's qualifying in a general primary, general election, special primary, or special election for another state, Camden County, or municipal elective office or qualifying for the United States House of Representatives or Senate if the term of the office for which such official is qualifying begins more than 30 days prior to the expiration of such official's present term of office. The vacancy created in such office shall be filled as provided in section 3-202. (1981 Ga. Laws, page 4763; 1996 Ga. Laws, page 4100)

Section 2-103. Conflict of interest; interest in contracts.

It shall be unlawful for the mayor or any member of the council to be interested, either directly or indirectly, in any contract with the city on any public work or improvement or in furnishing supplies of any kind for the use of the city or in any transaction in any way involving the expenditure of the money of the city, except as may be approved in advance by the consent of a majority of the other members of the mayor and council. Violation of this section shall render any such contract or transaction void unless subsequently approved by a majority of the mayor and council at a regular or special meeting.

Section 2-104. Duties of council members.

All council members shall attend faithfully to their duties which shall include, but not be limited to, faithful, consistent and regular attendance at all duly scheduled or called meetings. Willful failure to attend for reasons other than temporary illness, disability or scheduling conflicts may result in a resolution invoking the provisions of O.C.G.A. § 45-5-1.
(Ord. of 2-14-05, § 2)

CHAPTER 2.

POWERS OF THE MAYOR AND COUNCIL

Section 2-201. Legislative powers.

The municipal government of the city and all powers of the city shall be vested in the mayor and council. The mayor and council shall be the legislative body of the city.

Section 2-202. Execution of powers.

The mayor and council shall have full power and authority to provide for the execution of all powers, functions, rights, privileges, duties, and immunities of the city, its officers, agencies, or employees granted by this Charter or by state law.

Section 2-203. Independent audits.

The mayor and council shall provide for an independent annual audit of all city accounts and may provide for more frequent or continuing audits as it deems necessary. Audits shall be made by a certified public accountant or firm of certified public accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. The mayor and council may also provide for special independent audits of any office, department, board, commission, or other agency of the city.

Section 2-204. Inquiries and investigations.

The mayor and council may make inquiries and investigations into the affairs of the city and the conduct of any department, office, or agency of the city or any joint or independent commission, board, or authority of the city. For this purpose, the mayor and council may subpoena witnesses, administer oaths, take testimony, and require the production of evidence in the same manner as the Superior Court of Camden County. Any person who fails or refuses to obey a subpoena issued in the exercise of this power by the mayor and council may be held in contempt by a majority vote of all members of the mayor and council and punished as provided for contempt of municipal court. Appeal to the Superior Court of Camden County from a council contempt conviction shall be allowed as for any conviction in the municipal court.

CHAPTER 3.

MAYOR AND MAYOR PRO TEMPORE

Section 2-301. Mayor; powers and duties.

- (a) The mayor shall be the chief executive officer of the city and shall have general supervision over its affairs.
- (b) The mayor shall:
 - (1) See that the laws and ordinances of the city are faithfully carried out and executed within the city;
 - (2) Examine, audit, and approve all accounts against the city before payment;
 - (3) Exercise the power of veto as provided in Section 2-405 of Chapter 4 of this article;
 - (4) Keep the councilmembers advised from time to time of the general condition of the city;
 - (5) Recommend such measures as the mayor may deem necessary or expedient for the welfare of the city;
 - (6) Preside over the meetings of the council and call the council together at any time when deemed necessary by him;
 - (7) Vote on all matters when there is an equal division of the councilmembers; and
 - (8) Perform such other duties as required by the council.

Section 2-302. Mayor pro tempore; election; term; duties.

At the first regular meeting of each year, the mayor and council shall choose one of the councilmembers to serve as mayor pro tempore and, in the absence or disqualification of the mayor, he shall perform all the acts and duties vested in the office of mayor by law. In the event of a vacancy in the office of the mayor by reason of death, resignation, or other cause, the mayor pro tempore shall serve as mayor until a successor to the office of mayor is selected and qualified.

CHAPTER 4.

ORGANIZATION AND PROCEDURE

Section 2-401. Annual organizational meeting.

- (a) The first regular meeting in January of each year shall be the annual organizational meeting of the mayor and council.
- (b) At this meeting, any newly elected or reelected members of the mayor and council shall each qualify to take office by taking the following oath of office:

"I do solemnly swear (or affirm) that I will truly perform to the best of my abilities the duties of (mayor or councilmember, as the case may be) by adopting and enforcing such measures as in my judgment shall be best calculated to promote the general welfare of the inhabitants of the City of St. Marys and the common interest thereof."

(c) At the annual organizational meeting, the mayor and council shall make any appointments and selections as may be required by this Charter or by ordinance.
(Ord. of 2-14-05, § 3)

Section 2-402. Rules; quorum; voting; journal of minutes.

(a) The mayor, or mayor pro tempore, and council, by a motion approved by a majority vote of all members, may adopt any rules of procedure and order of business or amendments thereto that are consistent with this Charter and ordinances of the city.

(b) The mayor and four of the members of council shall constitute a quorum for the transaction of business, unless a vacancy exists on the council, in which case the mayor and three members of council shall suffice to constitute a quorum. A number less than a majority may adjourn from time to time. All actions of the mayor and council shall require the affirmative vote of a majority of the council members present, except that disqualification or abstention shall not operate to frustrate, prevent or impede the transaction of business.

(c) A journal of minutes shall be maintained, and every official action of the mayor and council shall be recorded therein. The journal shall be a public record. All actions shall require the recording of yeas and nays of each member in the journal for any votes taken by the mayor and council.
(Ord. of 2-14-05, § 4)

Section 2-403. Meetings; regular and special.

(a) The mayor and council shall fix the date and time of regular meetings of the mayor and council by ordinance and there shall be at least one regular meeting each month.

(b) Special meetings of the mayor and council may be held on call of the mayor or a majority of all councilmembers other than the mayor. Notice of a special meeting shall be served on all other members personally, or by telephone personally, or otherwise notified as fully as is reasonably possible in advance of the meeting. This notice to councilmembers shall not be required if all councilmembers are present when the special meeting is called. This notice of a special meeting may be waived by a councilmember in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice on any business transacted in the councilmember's presence or with his or her prior knowledge. Except by majority vote of the councilmembers attending the special meeting, only the business stated in the call may be transacted at the special meeting, and no action at a special meeting shall be valid unless the requirements of this section are met.

(c) All meetings of the mayor and council shall be public to the extent required by general state law and notice to the public of special meetings shall be made fully as is reasonably possible prior to the meetings.

Code reference--Meetings, § 2-36 et seq.

Section 2-404. Introduction, consideration, and enactment of legislation.

(a) Every official act of the mayor and council which is to become law shall be by ordinance and shall begin with the words: "Be it, and it is, hereby ordained by the Mayor and Council of the City of St. Marys." All other acts of the mayor and council shall be by resolution or shall take such other form as prescribed by rules of the mayor and council.

(b) The manner and procedure for introduction of ordinances shall be determined by rules of the mayor and council. Passage of ordinances shall require the affirmative vote of a majority of the council members present.
(Ord. of 2-14-05, § 5)

Code reference--Enactment of ordinances, § 2-49.

Section 2-405. Revision of legislation; veto.

The mayor shall have the revision of all ordinances, motions, orders, or resolutions passed by the council. The mayor shall have four days after the same shall have been passed by the council in which to file in writing with the city clerk the veto of such ordinances, motions, orders, or resolutions to which the mayor shall dissent; but the council within 30 days thereafter shall have the power to pass such ordinances, motions, orders, or resolutions, notwithstanding such veto, by an affirmative vote of four of the six members of the council, at a meeting of such body, to be taken by yeas and nays and entered upon the minutes.

Section 2-406. Code of technical regulations.

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

(b) Any requirements for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations as well as the adopting ordinance.

(c) A copy of each adopting code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the city clerk.

(d) Copies of any adopted code of technical regulations shall be made available by the city clerk for distribution or for purchase by the public at a reasonable price.

Code reference--Buildings and building regulations, ch. 18.

ARTICLE 3.

ELECTION AND REMOVAL

CHAPTER 1.

CONDUCT OF ELECTIONS*

* **Editors Note:** With regard to determining the current status of provisions in this Charter relating to municipal elections, reference should be made to the Georgia Municipal Election Code, O.C.G.A. § 21-3-51.

Section 3-101. Applicability of general laws.

All municipal, general, or special elections and primaries shall be held and conducted in accordance with the Georgia Municipal Election Code, Title 34A of the Code of Georgia (Ga. Laws 1968, p. 885), as now or hereafter amended.

Section 3-102. Regular elections; time for holding.

(a) For the purpose of electing council members, the City of St. Marys shall consist of one election district with six numbered posts. Each person seeking election as a council member shall designate the post for which he or she seeks election. The candidate receiving a plurality of the votes cast for the designated city council post shall be elected. All council members shall be elected for terms of four years and until their successors are elected and qualified.

(b) The mayor shall be elected from the city at large by a plurality of the votes cast to fill such office for a term of four years and until his or her successor is elected and qualified.

(c) All municipal elections shall be nonpartisan and the names of candidates shall be listed alphabetically upon the ballot without party label.
(1996 Ga. Laws, page 4100; Ord. of 2-14-05, §§ 6--10)

Code reference--Polling place, § 2-86.

CHAPTER 2.

VACANCIES AND REMOVAL FROM OFFICE

Section 3-201. Occurrence of vacancies.

A vacancy in the office of mayor or council member occurs when a duly elected person fails to qualify or when a person who has been duly elected and qualified either dies, resigns, becomes disabled, changes his legal residence to a location outside the boundaries of the city, abandons his office, or is removed from office. The provisions of O.C.G.A. § 45-5-1 shall govern the procedures to be employed in declaring the office vacant. Vacancies shall be filled as provided in section 3-202 of this Charter.
(Ord. of 2-14-05, § 11)

Section 3-202. Filling vacancies.

When a vacancy occurs in the office of the mayor or any council member as a result of death, removal, disqualification, resignation, abandonment, or other cause, and the unexpired term of office exceeds six months in duration, it shall be the duty of the remaining members of the offices of mayor and council member to call a special election, pursuant to the Georgia Municipal Election Code, to elect a successor and fill the vacancy. The

election shall be held as provided by law, and the cost of the election shall be defrayed by the governing authority. In the event more than one vacancy exists, the remaining members of the offices of mayor and council member shall have the power to fill one such vacancy on a temporary interim basis, and pending such special election, in order that a quorum for the transaction of business may be obtained. (1989 Ga. Laws, page 4646; Ord. of 2-14-05, § 12)

Section 3-203. Impeachment.

The mayor and council shall have the sole right to try all impeachments. When sitting for the purpose they shall be under oath of affirmation. When the mayor is tried the judge of the municipal court of St. Marys or any judge of superior court in this state shall preside, and no person shall be convicted without the concurrence of two-thirds of the full council, and judgment shall not extend further than removal from and disqualification to hold any office of honor, trust, or profit in the City of St. Marys; but any party so convicted shall be liable to indictment and trial and upon conviction shall be punished as prescribed by law.

ARTICLE 4.

ORGANIZATION AND ADMINISTRATION

CHAPTER 1.

GENERAL PROVISIONS

Section 4-101. City offices, departments, and agencies.

Except as provided by this Charter, the offices, departments, and agencies of the city shall be created and established by ordinance, and the offices and departments shall be responsible for the performance of the functions and services enumerated therein. The operations and responsibilities of city departments and agencies may be distributed among any divisions or bureaus which shall consist of any officers and employees as may be provided by ordinance or administrative regulations consistent therewith.

Section 4-102. Administrative organization.

The mayor and council may by ordinance organize, combine, consolidate, or discontinue any offices, departments, agencies, or divisions of the city government as it may from time to time deem desirable and consistent with this Charter.

Code reference--Administration, ch. 2.

Section 4-103. Boards and commissions.

(a) The mayor and council may by ordinance, unless otherwise provided by law, create boards and commissions which may perform the duties prescribed including, but not limited to, making studies, conducting research and investigations, holding hearings, and preparing recommendations as to needed ordinances and resolutions and for any other purposes authorized.

(b) The mayor and council may provide by ordinance, unless otherwise provided by law, for the

manner of appointment, makeup, and composition of boards and commissions, their periods of existence, and for the compensation of their members and employees, in whole or in part. The mayor and council may provide by ordinance for reimbursement of the actual and necessary expenses incurred by the members of boards and commissions in the performance of their official duties. The mayor and council shall have the authority to annually appropriate money derived from taxation, contributions, or otherwise for and to boards and commissions to provide for their operation, either in whole or in part.

(c) Any vacancy in the office of any member of a board or commission shall be filled for the unexpired term in the manner prescribed for original appointment.

(d) Any member of a board or commission may be removed from office for cause by a majority vote of all of the councilmembers.

(e) Each board and commission may establish bylaws, rules, and regulations not inconsistent with this Charter, ordinances, or applicable state law as it deems appropriate and necessary for its internal organization, election of officers, and the conduct of its affairs, copies of which shall be filed with the city clerk and approved by the mayor and council prior to their being effective.

Code reference--Boards and commissions, § 2-111 et seq.

Related laws reference--Airport authority, art. I.

CHAPTER 2.

CITY OFFICERS

Section 4-201. City clerk; appointment; duties; compensation.

(a) The mayor and council shall appoint a city clerk, and such assistant clerk or clerks as they deem appropriate, who shall hold office for an indefinite term or until a successor is appointed and qualified.

(b) The city clerk shall be clerk of the mayor and council, shall attend all meetings of the mayor and council and keep the minutes, books, and files of each, shall attest to the mayor's signature on all official documents, shall sign and issue all executions and other writs and processes for the collection of taxes due the city, and shall perform such other duties as may be required by the mayor and council.

(c) The compensation of the city clerk shall be fixed by the mayor and council.

(d) The city clerk shall be included in any system of personnel administration based upon merit principles which may be adopted pursuant to Chapter 3 of this article.

(e) On a day-to-day basis, the city clerk shall be subject to direction, supervision, and oversight of the city manager.

(Ord. of 2-14-05, § 13)

Section 4-202. Finance director; appointment; duties; compensation.

(a) The mayor and council shall appoint a finance director who shall hold office for an indefinite term, or until a successor is appointed and qualified.

(b) The finance director shall oversee the collection of all fines, taxes, and other money due the city, shall attend to the issuance of all licenses and permits, and shall perform such other duties as may be required by the mayor and council.

(c) The compensation of the finance director shall be fixed by the mayor and council.

(d) The finance director shall be included in any system of personnel administration based upon merit principles which may be adopted pursuant to Chapter 3 to this article.

(e) On a day-to-day basis, the finance director shall be subject to the direction, supervision, and oversight of the city manager.
(Ord. of 2-14-05, §§ 14, 15)

Section 4-203. City attorney; appointment; qualifications; duties; compensation.

(a) The mayor and council shall annually appoint a city attorney who shall hold office for one year, or until a successor is appointed and qualified.

(b) The city attorney shall be an active member of the State Bar of Georgia in good standing.

(c) The city attorney shall be legal counsel to the city and shall perform any other duties as may be provided by ordinance.

(d) The compensation of the city attorney shall be fixed by the mayor and council.

Code reference--City attorney tasking, § 2-58.

Section 4-204. City manager; appointment; qualifications; duties; compensation.

(a) A city manager shall be appointed by a majority vote of all councilmembers for a term set by contract with the city manager.

(b) The city manager shall be chosen solely on the basis of executive, administrative, and managerial qualifications with special reference to actual experience in or knowledge of accepted practices in respect to the duties of the office hereinafter set forth. At the time of appointment, the city manager need not be a resident of the city or the state but during the tenure of office shall reside within the geographical limits of the 29th District, G.M., Camden County, Georgia.

(c) No councilmember shall receive this appointment during the term for which the member was elected nor within one year after the expiration of that term.

(d) The mayor and council may remove the city manager by such procedure as may be set out in the city manager's contract with the city.

(e) The mayor shall serve as acting city manager to exercise the powers and perform the duties of the city manager during any temporary absence or disability, which disability shall be acknowledged by a motion adopted by a majority vote of all councilmembers.

(f) The city manager shall:

(1) Be the chief administrative officer of the city;

(2) Be responsible to the mayor and council for the proper administration of all affairs of the city;

(3) Appoint and, when necessary for the good of the city, suspend or remove all officers and employees of the city except as otherwise provided by state law, this Charter, or personnel ordinances of the city;

(4) Be authorized to delegate the appointment and removal powers in paragraph (3) above to each department head of the city for that department;

(5) Prepare and submit an operating and capital improvements budget annually to the mayor and council;

(6) Prepare and submit to the mayor and council, at the end of each fiscal year, a report on the administrative and financial activities of the city for the preceding year;

(7) Make any other reports on the operation of any aspect of the city operation as the mayor and council may request by motion; and

(8) Perform any other duties and exercise any other powers as directed by ordinance consistent with this Charter and state law.

(g) The city manager shall appoint and remove all department heads with the consent of the mayor and council adopted by motion and may personally serve as department head of any and all departments.

(h) The city manager shall enter into contracts only with the consent of the mayor and council adopted by motion or as authorized by ordinance.

CHAPTER 3.

PERSONNEL

Section 4-301. Merit system.

(a) The mayor and council may establish by ordinance a system of personnel administration based upon merit principles. The system shall be divided into a classified and an unclassified service which shall comprise such positions as provided by ordinance.

(b) The mayor and council may adopt by ordinance rules and regulations to govern the classification

of positions, appointment, promotion, transfer, layoff, removal and discipline of employees, employee qualifications, terms and conditions of employment, pay, retirement and benefits, and other measures that promote the hiring and retaining of capable, diligent, honest, career employees.

Code reference--Personnel, ch. 74.

ARTICLE 5.

FINANCE AND FISCAL

CHAPTER 1.

TAXATION AND OTHER REVENUE*

*Code reference--Taxation, ch. 90.

Related laws reference--Homestead exemption, art. II; stabilized tax program, art. III.

Section 5-101. Ad valorem tax; grant of authority.

For the purpose of raising revenue for the support and maintenance of the city government and for other corporate purposes, the mayor and council shall be authorized to access, levy, and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to taxation for state and county purposes under the laws of this state and to provide for the manner and method in which such taxes shall be collected.

Section 5-102. Sanitary tax.

The mayor and council shall have power and authority to levy and collect a sanitary tax against all real estate owned, held, and possessed in the City of St. Marys. Said sanitary tax shall be fixed or assessed by the mayor and council by resolution or ordinance and may be collected either monthly, quarterly, semiannually, or annually, in the discretion of the mayor and council; and when said sanitary tax is levied it shall be a lien on the property against which it is assessed and shall be collected by the issuance of executions against said property or the owners thereof, or both.

Section 5-103. Occupation and business taxes.

The mayor and council shall have the power and authority to levy and collect any occupation and business taxes that are not prohibited by the Constitution and general law of Georgia. These taxes may be levied on any person, firm, partnership, company, or corporation which transacts business in the city or practices or offers to practice any trade, business, calling, avocation, or profession within the corporate limits of the city. For such purpose, these taxes may be levied and imposed on a fixed rate or gross receipts basis or any combination thereof. The mayor and council may classify businesses, occupations, professions, or callings for the purpose of these taxes in any manner as is reasonable. The mayor and council shall have the authority to provide by ordinance for the return or registration for taxation of any trade, business, calling, avocation, or profession

subject to a tax. Payment of these taxes may be compelled as provided in Section 5-110 of this chapter.

Section 5-104. Business licenses; permits; fees.

The mayor and council by ordinance shall have the authority to have any individual, person, firm, partnership, company, or corporation which transacts business in the city or practices or offers to practice any trade, business, calling, avocation, or profession therein to obtain a license or permit for these activities from the city and to pay a reasonable fee for the license or permit for the regulation of any activity not prohibited by general law. These fees may reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected as provided in Section 5-110. The mayor and council by ordinance may establish reasonable requirements for obtaining or keeping licenses as the public health, safety, and welfare necessitates, including but not limited to denial or revocation for any violation of federal or state law or city ordinances.

Code reference--Businesses, ch. 22.

Section 5-105. Excise taxes; wholesale and retail dealers.

The mayor and council shall have the authority to impose, assess, levy, and collect an excise tax upon the sale, transfer, or dispensing of beer, wine, or other alcoholic beverages by wholesale or retail dealers within the city.

Code reference--Alcoholic beverages, ch. 10.

Section 5-106. Insurance premiums taxes and licenses.

The mayor and council shall have the power and authority to impose and collect license fees and taxes on life insurance companies in the manner provided by an Act of the General Assembly of Georgia, approved February 20, 1964 (Ga. Laws 1964, p. 122), as now or hereafter amended, and on fire and casualty insurance companies in the manner provided by an Act of the General Assembly, approved April 12, 1968 (1968 Ga. Laws, page 3706), as now or hereafter amended.

Section 5-107. Service charges.

The mayor and council by ordinance shall have the authority to assess and collect fees, charges, and tolls for water, sewer, sanitary, and health services, or any other services rendered within and without the corporate limits of the city. If unpaid, these charges or fees shall be collected as provided in Section 5-110.

Section 5-108. Special assessments.

The mayor and council by ordinance shall have the authority to assess and collect the cost of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, drainage structures, or other utility mains and appurtenances from the abutting property owners under any terms and conditions as are reasonable. If unpaid, these charges shall be collected as provided in Section 5-110.

Code reference--Streets, sidewalks and other public places, ch. 82.

Section 5-109. Interpretation; other taxes.

The mayor and council shall be empowered to levy any other tax now or hereafter authorized by state law, and the specific mention of any right, power, or authority in this chapter shall not be construed as limiting in any way the general powers of the city to govern its local affairs.

Section 5-110. Collection of delinquent taxes and fees.

The mayor and council by ordinance may provide for the collection of delinquent taxes, fees, or other revenue due the city pursuant to authority granted by this Charter or by the Constitution and general laws of Georgia or by any other authority not precluded by the Constitution and general laws of Georgia. This authority shall include providing for the dates when the taxes, fees, or other revenues are due; late penalties or interest; issuance and execution of fi. fas.; creation and priority of liens; making delinquent taxes, fees, and other revenues personal debts of the persons required to pay the taxes, fees, or other revenues imposed; revoking city licenses for failure to pay any city taxes, fees, or other revenues; allowing exceptions for hardship; providing for the assignment or transfer of executions and collection of transferred executions; providing for the billing and collecting of principal, interest, and costs of delinquent executions as an addition to and a part of the annual ad valorem tax bill.

CHAPTER 2.

BORROWING AND INDEBTEDNESS

Section 5-201. General obligation bonds.

The mayor and council shall have the power to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this Charter or by the Constitution and general laws of the state. This bonding authority shall be exercised in accordance with state laws governing bond issuances by municipalities in effect at the time the issue is undertaken.

Section 5-202. Revenue bonds.

Revenue bonds may be issued by the mayor and council as now or hereafter authorized by state law.

Section 5-203. Short-term notes.

The mayor and council may issue short-term notes as now or hereafter authorized by state law.

Section 5-204. Improvement bonds.

(a) In order to facilitate the financing of any municipal improvements authorized by law, the mayor and council shall have authority to issue bonds of the city in the aggregate amount of assessment for the improvement then unpaid, which bond or bonds and the interest thereon shall in no event become a liability of the city or of the mayor and council issuing them.

(b) These bonds shall mature at a date and bear an interest rate as the council may determine by ordinance but in no event shall the rate of interest exceed that which the assessments are to bear.

(c) These bonds shall be signed by the mayor and attested by the city clerk and shall have the impression of the corporate seal of the city thereon and shall be payable at a place designated by ordinance.

(d) These bonds shall be designated as "improvement bonds" and shall, on the face thereof, recite the nature and location of the improvement for which they have been issued and shall recite that they are payable solely from assessments which have been levied upon the lots and tracts of land abutting upon or being the situs of the improvement made.

(e) These bonds shall be sold at not less than par and the proceeds thereof applied to the payment of the costs and expense of the improvement for which the bonds are issued or the bonds, in the amount that shall be necessary for that purpose, may be turned over and delivered to the contractor, in respect to the improvement at par value, in payment of the amount due on the contract and the portion thereof which shall be necessary to pay other expenses, incident to and incurred in providing for the improvements, shall be sold or otherwise disposed of as the mayor and council by ordinance shall direct.

CHAPTER 3.

FISCAL CONTROL

Section 5-301. Fiscal year; municipal budget preparation and submission.

The mayor and council shall establish a fiscal year for the city and all its agencies by ordinance unless otherwise provided by state or federal law.

Section 5-302. Municipal appropriations; ordinance required.

(a) The mayor and council shall annually appropriate by ordinance the funds necessary to operate all the various agencies and departments and to meet the expenses of the city for the next fiscal year as provided in the municipal budget.

(b) The mayor and council shall not appropriate funds for any given fiscal year which, in aggregate, exceed a sum equal to the amount of unappropriated surplus expected to have accrued in the city treasury at the beginning of the fiscal year together with an amount not greater than the total municipal receipts from existing revenue sources anticipated to be collected in the fiscal year less refunds as estimated in the budget report and amendments thereto.

(c) All appropriated funds, except for the mandatory appropriations required by law and those required to meet contractual obligations or the continued appropriation and authorization of state or federal grants, remaining unexpended and not contractually obligated at the expiration of the municipal appropriations ordinance, shall lapse.

Section 5-303. Supplementary appropriations.

(a) In addition to the appropriations made by the municipal appropriations ordinance and amendments thereto, the mayor and council may make additional appropriations which shall be known as

supplementary appropriations ordinances, provided no supplementary appropriations shall be made unless there is an unappropriated surplus in the city treasury or the revenue necessary to pay the appropriation has been collected into the general fund of the city treasury.

(b) In no event shall a supplementary appropriations ordinance continue in force and effect beyond the expiration of the municipal appropriations ordinance in effect when the supplementary appropriations ordinance was adopted and approved.

Section 5-304. Deficits.

If at any time during the year expenditures exceed revenues and a deficit is created, it shall be the duty of the mayor and council, before appropriating any other sum for any other purpose, to appropriate a sufficient sum to immediately discharge any such deficit which has occurred.

CHAPTER 4.

PURCHASING, CONTRACTING, AND DISPOSITION OF PROPERTY

Section 5-401. Contracting procedures.

The mayor and council shall prescribe by ordinance the procedures to be followed in the making of contracts which shall bind the city. All contracts and all ordinances which shall make or authorize contracts shall be approved as to form by the city attorney. The mayor, with council approval, shall sign and authorize all contracts, except as provided in subsection (h) of Section 4-204 of this Charter. The city clerk shall attest all contracts. The original of all contracts shall be maintained on file in the office of the city clerk.

Section 5-402. Purchasing procedures.

The mayor and council shall prescribe by ordinance the procedures for all purchases of real and personal property by the city. Competitive bidding shall be required for purchases and contracts and awards shall be made to the lowest or best bidder, except as where otherwise provided for by ordinance. Prior to the making of purchases and contracts, the availability of adequate funds shall be certified as provided by ordinance.

Code reference--Purchasing, § 2-286 et seq.

ARTICLE 6.

MUNICIPAL COURT*

*Code reference--Courts, ch. 38.

Section 6-101. Municipal court created.

There shall be a court to be known as the Municipal Court of the City of St. Marys.

Section 6-102. Presiding officer; qualifications; compensation; oath.

- (a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or standby associate judge as shall be provided by ordinance.
- (b) No person shall be qualified or eligible to serve as a judge of the municipal court unless such person shall have attained the age of 21 years and shall be a member of the State Bar of Georgia. All chief judges shall be appointed by the city council for terms of four years, which the first such four-year judgeship commencing on the date of the next appointment of the chief judge following the effective date of this provision.
- (c) Compensation for the judges shall be fixed by ordinance.
- (d) Before entering on the duties of his office, each judge shall take an oath given by the mayor that such judge will honestly and faithfully discharge the duties of the office to the best of such judge's ability without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council.
- (e) In the event of the absence or disability of the judge of the municipal court for any cause or during a vacancy in the office, such standby associate judge as shall be appointed by the mayor and council shall exercise all of the powers and discharge all of the duties of the judge until the return of the judge or the removal of disability or until the vacancy in office has been regularly filled.
(Ord. of 2-14-05, § 16)

Section 6-103. Court sessions; jurisdiction; powers.

- (a) The municipal court shall be convened at regular intervals as provided by ordinance, but the court shall convene at least once a month. All sessions of the municipal court shall take place in the council chambers at city hall.
- (b) Jurisdiction and powers shall be as follows:
 - (1) The municipal court shall try and punish violations of all city ordinances.
 - (2) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$100.00 or ten days in jail, or both.
 - (3) The city council may fix punishment for offenses within its jurisdiction as permitted by state law and not exceeding a fine of \$1,000.00 or imprisonment for not more than 365 days, or both.
Editors Note: O.C.G.A. § 36-35-6(a)(2)(B) restricts municipal corporations from extending home rule power over any action providing for confinement in excess of six months.
 - (4) The municipal court shall have authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violation of state law.
 - (5) The municipal court shall have the authority to establish bail and recognizances to insure the presence of those charged with violations before said court and shall have discretionary authority

to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall have made bail for such person's appearance and that person shall fail to appear at the time fixed for trial, such person's bond shall be forfeited by the judge presiding at such time and an execution shall be issued thereon by serving the defendant and defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge and declared forfeited to the city or the property so deposited shall have a lien against it for the value forfeited, which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

- (6) The municipal court shall have the authority to bind prisoners over to the appropriate court when it appears by probable cause that a state law has been violated.
- (7) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments, and sentences; and to administer such oaths as are necessary.
- (8) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summons, subpoenas, and warrants which may be served as executed by an officer as authorized by this Charter or by general state law.
- (9) The municipal court is specifically vested with all of the jurisdictions and powers throughout the entire area of this city granted by general state laws to mayors and recorder's and police courts and particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.

(Ord. of 11-15-83, § 1; Ord. of 2-14-05, § 17)

Code references--General penalty, § 1-12; courts, ch. 38.

Section 6-104. Appeals; procedure; rules and regulations.

(a) The right of appeal and any bond as may be required to secure the costs on appeal to the Superior Court of Camden County from the municipal court shall lie in the same manner and under the same procedure as generally prescribed for appeals and appeal bonds from the probate court, provided that any person who fails to file an appeal within ten days of the date of conviction shall be deemed to have waived the right. An appeal to the superior court shall be a de novo proceeding.

(b) With the approval of the mayor and council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court. The rules and regulations made or adopted shall be filed with the city clerk and shall be available for public inspection. All defendants shall have such procedural and substantive rights as are now or hereafter granted by the Georgia and United States Constitutions to defendants in similar courts.

ARTICLE 7.

GENERAL PROVISIONS

Section 7-101. Reserved.

Editors Note: Section 18 of an ordinance adopted Feb. 14, 2005, repealed former § 7-101 of the Charter in its entirety. Former § 7-101 pertained to terms of present officers and derived without amendment from the original Charter.

Section 7-102. Ordinances and regulations.

Existing ordinances, resolutions, rules and regulations of the city and its agencies now lawfully in effect not inconsistent with the provisions of this Charter shall remain effective until they have been repealed, modified, or amended.

Section 7-103. Reserved.

Editors Note: Section 18 of an ordinance adopted Feb. 14, 2005, repealed former § 7-103 of the Charter in its entirety. Former § 7-103 pertained to contracts and obligations and proceedings and derived without amendment from the original Charter.

Section 7-104. City officers and employees.

All elected or appointed officers and employees of the city immediately prior to the adoption of revisions shall continue in their positions until the end of their terms of office or if no term is provided, then as otherwise provided by this charter or ordinance.
(Ord. of 2-14-05, § 19)

Section 7-105. Severability.

If any provisions of this Charter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Charter which can be given effect without the invalid provision or application, and to this end the provisions of this Charter are declared to be severable.

Section 7-106. Reserved.

Editors Note: Section 18 of an ordinance adopted Feb. 14, 2005, repealed former § 7-106 of the Charter in its entirety. Former § 7-106 pertained to the repeal of the Act creating the 1910 Charter and derived without amendment from the original Charter.