

House Bill 1135 (AS PASSED HOUSE AND SENATE)

By: Representative Hatchett of the 155<sup>th</sup>

A BILL TO BE ENTITLED

AN ACT

1 To provide a new charter for the Town of Dexter; to provide for incorporation, boundaries,  
2 and powers of the municipality; to provide for a governing authority and the powers, duties,  
3 authority, election, terms, vacancies, compensation, expenses, qualifications, and  
4 prohibitions relative to members of such governing authority; to provide for inquiries and  
5 investigations; to provide for oaths, organization, meetings, procedures, quorum, and voting;  
6 to provide for ordinances and codes; to provide for the signing, authenticating, recording, and  
7 codification of ordinances; to provide for a mayor and the powers and duties of such office;  
8 to designate the mayor the chief executive officer of the town; to provide for mayoral  
9 approval or veto of ordinances and procedures thereto; to provide for a mayor pro tempore  
10 and certain duties, powers, and other matters relative thereto; to provide for administrative  
11 affairs and responsibilities; to provide for boards, commissioners, and authorities; to provide  
12 for a town attorney, a town clerk, and other personnel and matters relating thereto; to provide  
13 for a municipal court and the judge or judges thereof and other matters relative to those  
14 judges; to provide for the court's jurisdiction, powers, practices, and procedures; to provide  
15 for the right of appeal; to provide for elections and removal from office of elected officials;  
16 to provide for finance, taxation, licenses, and fees; to provide for franchises, service charges,  
17 and assessments; to provide for bonded and other indebtedness; to provide for municipal  
18 contracts and purchasing; to provide for appropriation and budgeting procedures; to provide

H. B. 1135

- 1 -

19 for audits; to provide for the conveyance of property and interests therein; to provide for  
20 bonds for officials; to provide for existing ordinances, resolutions, and rules; to provide for  
21 pending matters; to provide rules for construction; to provide for severability; to provide for  
22 other matters relative to the foregoing; to repeal a specific Act; to repeal conflicting laws;  
23 and for other purposes.

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

25 ARTICLE I  
26 INCORPORATION AND POWERS

27 SECTION 1.10.

28 Name.

29 This town and the inhabitants thereof are reincorporated by the enactment of this charter and  
30 are hereby constituted and declared a body politic and corporate under the name and style  
31 Town of Dexter, Georgia, and by that name shall have perpetual succession.

32 SECTION 1.11.

33 Corporate boundaries.

34 (a) The boundaries of the town shall be those existing on the effective date of the adoption  
35 of this charter with such alterations as may be made from time to time in the manner  
36 provided by law. The boundaries of the town at all times shall be shown on a map, a written  
37 description, or any combination thereof to be retained permanently in the town hall and to  
38 be designated, as the case may be: "Official Map (or Description) of the corporate limits of  
39 the Town of Dexter, Georgia." Photographic, typed, or other copies of such map or

40 description certified by the town clerk shall be admitted as evidence in all courts and shall  
41 have the same force and effect as the original map or description.

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

45 **SECTION 1.12.**

46 Powers and construction.

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

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

54 **SECTION 1.13.**

55 Examples of powers.

56 The powers of the town may include, but are not limited to:

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

- 62 (2) Appropriations and Expenditures. To make appropriations for the support of the  
63 government of the town; to authorize the expenditure of money for any purposes authorized  
64 by this charter and for any purpose for which a municipality is authorized by the laws of  
65 the State of Georgia; and to provide for the payment of expenses of the town;
- 66 (3) Building Regulation. To regulate and to license the erection and construction of  
67 buildings and all other structures; to adopt building, housing, plumbing, fire safety,  
68 electrical, gas, and heating and air conditioning codes; and to regulate all housing, and  
69 building trades;
- 70 (4) Business Regulation and Taxation. To levy and to provide for the collection of  
71 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized  
72 by Title 48 of the O.C.G.A., or other such applicable laws as are or may hereafter be  
73 enacted; to permit and regulate the same; to provide for the manner and method of payment  
74 of such regulatory fees and taxes; and to revoke such permits after due process for failure  
75 to pay any town taxes or fees;
- 76 (5) Condemnation. To condemn property, inside or outside the corporate limits of the  
77 town, for present or future use and for any corporate purpose deemed necessary by the  
78 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such  
79 other applicable laws as are or may hereafter be enacted.
- 80 (6) Contracts. To enter into contracts and agreements with other governmental entities and  
81 with private persons, firms, and corporations;
- 82 (7) Emergencies. To establish procedures for determining and proclaiming that an  
83 emergency situation exists within or without the town, and to make and carry out all  
84 reasonable provisions deemed necessary to deal with or meet such an emergency for the  
85 protection, safety, health, or well-being of the citizens of the town;
- 86 (8) Environmental Protection. To protect and preserve the natural resources, environment,  
87 and vital areas of the town, the region, and the state through the preservation and  
88 improvement of air quality, the restoration and maintenance of water resources, the control

89 of erosion and sedimentation, the management of stormwater and establishment of a  
90 stormwater utility, the management of solid and hazardous waste, and other necessary  
91 actions for the protection of the environment;

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

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

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

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

109 (13) Health and Sanitation. To prescribe standards of health and sanitation and to provide  
110 for the enforcement of such standards;

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

115 to provide for commitment of such persons to any county work camp or county jail by  
116 agreement with the appropriate county officials;

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

120 (16) Municipal Agencies and Delegation of Power. To create, alter, or abolish  
121 departments, boards, offices, commissions, and agencies of the town, and to confer upon  
122 such agencies the necessary and appropriate authority for carrying out all the powers  
123 conferred upon or delegated to the same;

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

127 (18) Municipal Property Ownership. To acquire, dispose of, lease, and hold in trust or  
128 otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or  
129 outside the property limits of the town;

130 (19) Municipal Property Protection. To provide for the preservation and protection of  
131 property and equipment of the town, and the administration and use of same by the public,  
132 and to prescribe penalties and punishment for violations thereof;

133 (20) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell, and dispose  
134 of public utilities, including but not limited to a system of waterworks, sewers and drains,  
135 sewage disposal, stormwater management, gas works, electric light plants, cable television  
136 and other telecommunications, transportation facilities, public airports, and any other  
137 public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and  
138 penalties, and to provide for the withdrawal of service for the refusal or failure to pay the  
139 same;

140 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or  
141 private property;

- 142 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to  
143 the authority of this charter and the laws of the State of Georgia;
- 144 (23) Planning and Zoning. To provide comprehensive town planning for development by  
145 zoning; and to provide subdivision regulation and the like as the town council deems  
146 necessary and reasonable to insure a safe, healthy, and anesthetically pleasing community;
- 147 (24) Police and Fire Protection. To exercise the power of arrest through duly appointed  
148 police officers and to establish, operate, or contract for a police and firefighting agency;
- 149 (25) Public Improvements. To provide for the acquisition, construction, building,  
150 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,  
151 cemeteries, markets and market houses, public buildings, libraries, public housing, airports,  
152 hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,  
153 recreational, conservation, sport, curative, corrective, detentional, penal, and medical  
154 institutions, agencies, and facilities, and to provide any other public improvements, inside  
155 or outside the corporate limits of the town; to regulate the use of public improvements; and  
156 for such purposes, property may be acquired by condemnation under Title 22 of the  
157 O.C.G.A., or such other applicable laws as are or may hereafter be enacted;
- 158 (26) Public Peace. To provide for the prevention and punishment of loitering, disorderly  
159 conduct, drunkenness, riots, and public disturbances;
- 160 (27) Public Transportation. To organize and operate such public transportation systems  
161 as are deemed beneficial;
- 162 (28) Public Utilities and Services. To grant franchises or make contracts for, or impose  
163 taxes on public utilities and public service companies; and to prescribe the rates, fares,  
164 regulations, and standards and conditions of service applicable to the service to be provided  
165 by the franchise grantee or contractor, insofar as not in conflict with valid regulations of  
166 the Public Service Commission;
- 167 (29) Regulation of Roadside Areas. To prohibit or regulate and control the erection,  
168 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and

169 all other structures of obstructions upon or adjacent to the rights of way of streets and roads  
170 or within view thereof, within or abutting the corporate limits of the town; and to prescribe  
171 penalties and punishment for violation of such ordinances;

172 (30) Removal of Public Hazards. To provide for the destruction and removal of any  
173 building or other structure which is or may become dangerous or detrimental to the public;

174 (31) Retirement. To provide and maintain a retirement plan and other employee benefit  
175 plans and programs for officers and employees of the town;

176 (32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade  
177 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise  
178 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and  
179 walkways within the corporate limits of the town; and to grant franchises and right of way  
180 throughout the streets and roads, and over bridges and viaducts for the use of public  
181 utilities; and to require real estate owners to repair and maintain in a safe condition the  
182 sidewalks adjoining their lots or lands, and to impose penalties for failure to do so;

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

190 (34) Solid Waste Disposal. To provide for the collection and disposal of garbage, rubbish,  
191 and refuse, and to regulate the collection and disposal of garbage, rubbish, and refuse by  
192 others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper,  
193 and other recyclable materials, and to provide for the sale of such items;

194 (35) Special Areas of Public Regulation. To regulate or prohibit junk dealers, the  
195 manufacture and sale of intoxicating liquors; to regulate the transportation, storage, and use

196 of combustible, explosive, and inflammable materials, the use of lighting and heating  
197 equipment, and any other business or situation which may be dangerous to persons or  
198 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical  
199 performances, exhibitions, and shows of any kind, by taxation or otherwise; to license and  
200 tax professional fortunetelling, palmistry, and massage parlors; and to restrict adult  
201 bookstores to certain areas;

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

204 (37) Taxes. To levy and provide for the assessment, valuation, revaluation, and collection  
205 of taxes on all property subject to taxation; and to levy and collect such other taxes as may  
206 be allowed now or in the future by law;

207 (38) Taxicabs. To the extent permitted by general law, regulate and license vehicles  
208 operated for hire in the town; to limit the number of such vehicles; to require the operators  
209 thereof to be licensed; to require public liability insurance on such vehicles in the amounts  
210 to be prescribed by ordinance; and to regulate the parking of such vehicles;

211 (39) Urban Development. To organize and operate an urban redevelopment program;

212 (40) Other Powers. To exercise and enjoy all other powers, functions, rights, privileges,  
213 and immunities necessary or desirable to promote or protect the safety, health, peace,  
214 security, good order, comfort, convenience, or general welfare of the town and its  
215 inhabitants; and to exercise all implied powers necessary or desirable to carry into  
216 execution all powers granted in this charter as fully and completely as if such powers were  
217 fully stated herein; and to exercise all powers now or in the future authorized to be  
218 exercised by other municipal governments under other laws of the State of Georgia; and  
219 no listing of particular powers in this charter shall be held to be exclusive of others, nor  
220 restrictive of general words and phrases granting powers, but shall be held to be in addition  
221 to such powers unless expressly prohibited to municipalities under the Constitution or  
222 applicable laws of the State of Georgia.

223 **SECTION 1.14.**

224 Exercise of powers.

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

229 **ARTICLE II**  
230 **GOVERNMENT STRUCTURE**

231 **SECTION 2.10.**

232 Town council creation; number; election.

233 The governing authority of the government of this town, except as otherwise specifically  
234 provided in this charter, shall be vested in a town council to be composed of a mayor and five  
235 councilmembers. The town council established shall in all respects be a successor to and  
236 continuation of the governing authority under prior law. The town council may also be  
237 referred to as "the council." The mayor and councilmembers shall be elected in the manner  
238 provided by general law and this charter. The council shall be composed of five members  
239 elected by the voters of the town at large, in accordance with the provision of Article V of  
240 this charter. The mayor pro tempore shall be elected as provided in Section 2.32 of this  
241 charter.

242

**SECTION 2.11.**

243

Town council terms and qualifications for office.

244 The mayor and members of the town council shall serve four-year terms of office and until  
245 their respective successors are elected and qualified. No person shall be eligible to serve as  
246 mayor or councilmember unless that person shall have been a resident of the town for 12  
247 months prior to the date of his or her election as mayor or councilmember. The mayor and  
248 each councilmember shall continue to reside in the town during his or her period of service  
249 and each shall also be registered and qualified to vote in municipal elections of this town for  
250 the duration of his or her service. Municipal elections will be held in odd-numbered years.  
251 The terms of the councilmembers will be staggered with the mayor and three  
252 councilmembers elected in one municipal election and two councilmembers elected the  
253 following municipal election.

254

**SECTION 2.12.**

255

Vacancy; filling of vacancies.

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

260 (b) If the office of mayor shall become vacant as denoted in subsection (a) of this section,  
261 the mayor pro tempore will fill the office until a special election can be held in accordance  
262 with Chapter 2 of Title 21 of the O.C.G.A. the "Georgia Election Code," as now or hereafter  
263 amended to fill the unexpired term. When the office of any councilmember shall become  
264 vacant as denoted in subsection (a) of this section, the mayor shall at the next regular meeting  
265 of the council, appoint, with the consent and advice, of at least three of the councilmembers,

266 a person with all the qualifications required of an elected councilmember, to fill such  
267 vacancy for the unexpired term.

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

270 **SECTION 2.13.**

271 Compensation and expenses.

272 The mayor and councilmembers shall receive compensation and expenses for their services  
273 as provided by ordinance which is guided by Chapter 35 of Title 36 of the O.C.G.A.

274 **SECTION 2.14.**

275 Holding other office; voting when financially interested.

276 (a) Elected and appointed officers of the town are trustees and servants of the residents of  
277 the town and shall act in a fiduciary capacity for the benefit of such residents.

278 (b) Except as authorized by law, the mayor or any councilmember shall not hold any other  
279 town office or town employment during the term for which that person was elected.

280 (c) Neither the mayor nor any member of the town council shall vote upon, sign, or veto any  
281 ordinance, resolution, contract, or other matter in which that person is financially interested.

282 (d) Any elected official, appointed officer, or employee who shall have any financial  
283 interest, directly or indirectly, in any contract or matter pending before or within any  
284 department of the town shall disclose such interest to the town council. The mayor or any  
285 councilmember who has a financial interest in any matter pending before the town council  
286 shall disclose such interest and such disclosure shall be entered on the records of the town  
287 council, and that official shall disqualify himself or herself from participating in any decision  
288 or vote relating thereto. Any elected official, appointed officer, or employee of any agency

289 or political entity to which this charter applies who shall have any financial interest, directly  
290 or indirectly, in any contract or matter pending before or within such entity shall disclose  
291 such interest to the governing body of such agency or entity.

292 (e) Penalties for violation.

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

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

300 **SECTION 2.15.**

301 Inquiries and investigations.

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

308 **SECTION 2.16.**

309 General power and authority of the town council.

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

312 (b) In addition to all other powers conferred upon it by law, the council shall have the  
313 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and  
314 regulations, not inconsistent with this charter and the Constitution and laws of the State of  
315 Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,  
316 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,  
317 or well-being of the inhabitants of the Town of Dexter and may enforce such ordinances by  
318 imposing penalties for violation thereof.

319 **SECTION 2.17.**

320 Eminent domain.

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

329 **SECTION 2.18.**

330 Organizational meetings.

331 The meeting shall be called to order by the mayor or town clerk and the oath of office shall  
332 be administered to newly elected members by a judicial officer authorized to administer  
333 oaths and shall, to the extent that it comports with federal and state law, be as follows:

334 "I do solemnly swear that I will faithfully perform the duties of (mayor) (councilmember)  
335 of this town and that I will support and defend the charter thereof as well as the  
336 Constitution and laws of the State of Georgia and of the United States of America. I am  
337 not the holder of any unaccounted for public money due this state or any political  
338 subdivision or authority thereof. I am not the holder of any office of trust under the  
339 government of the United States, any other state, or any foreign state which I by the laws  
340 of the State of Georgia am prohibited from holding according to the Constitution and laws  
341 of Georgia. I have been a resident of the Town of Dexter for the time required by the  
342 Constitution and laws of this state and by the municipal charter. I will perform the duties  
343 of my office in the best interest of the Town of Dexter to the best of my ability without  
344 fear, favor, affliction, reward, or expectation thereof."

345 **SECTION 2.19.**

346 Regular and special meetings.

347 (a) The town council shall hold regular meetings at such times and places as shall be  
348 prescribed by ordinance.

349 (b) Special meetings of the town council may be held on call of the mayor or three members  
350 of the town council. Notice of such special meetings shall be served on all other members  
351 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such  
352 notice to councilmembers shall not be required if the mayor and all councilmembers are  
353 present when the special meeting is called. Such notice of any special meeting may be  
354 waived by a councilmember in writing before or after such a meeting, and attendance at the  
355 meeting shall also constitute a waiver of notice on any business transacted in such  
356 councilmember's presence. Only the business stated in the call may be transacted at the  
357 special meeting.

358 (c) All meetings of the town council shall be public to the extent required by law and notice  
359 to the public of special meetings shall be made fully as is reasonably possible as provided by  
360 Chapter 14 of Title 50 of the O.C.G.A., or other such applicable laws as are or may hereafter  
361 be enacted.

362 **SECTION 2.20.**

363 Rules of procedure.

364 (a) The town council shall adopt its rules of procedure and order of business consistent with  
365 the provision of this charter and shall provide for keeping a journal of its proceedings, which  
366 shall be a public record.

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

370 **SECTION 2.21.**

371 Quorum voting.

372 (a) Three councilmembers along with the mayor or mayor pro tempore shall constitute a  
373 quorum and shall be authorized to transact business of the town council. Voting on the  
374 adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal,  
375 but any member of the town council shall have the right to request a roll call vote and such  
376 vote shall be recorded in the journal. Except as otherwise provided in this charter, the  
377 affirmative vote of three councilmembers shall be required for the adoption of any ordinance,  
378 resolution, or motion.

379 (b) No member of the town council shall abstain from voting on any matter properly brought  
380 before the council for official action except when such councilmember has a conflict of

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

386 **SECTION 2.22.**

387 Ordinance form; procedures.

388 (a) Every proposed ordinance should be introduced in writing and in the form required for  
389 final adoption. No ordinance shall contain a subject which is not expressed in its title. The  
390 enacting clause shall be "It is hereby ordained by the governing authority of the Town of  
391 Dexter" and every ordinance shall so begin.

392 (b) An ordinance may be introduced by any councilmember and be read at a regular or  
393 special meeting of the town council. Ordinances shall be considered and adopted or rejected  
394 by the town council in accordance with the rules which it shall establish; provided, however,  
395 an ordinance shall not be adopted the same day as introduced except for emergency  
396 ordinances provided in Section 2.24 of this charter. Upon introduction of any ordinance, the  
397 clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and  
398 shall file a reasonable number of copies in the office of the clerk and at such other public  
399 places as the town council may designate.

400 **SECTION 2.23.**

401 Action requiring an ordinance.

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

404  
405

**SECTION 2.24.**

Emergencies.

406 (a) To meet a public emergency affecting life, health, property, or public peace, the town  
407 council may convene on call of the mayor or any councilmembers and promptly adopt an  
408 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a  
409 franchise; regulate the rate charged by any public utility for its services; or authorize the  
410 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance  
411 shall be introduced in the form prescribed for ordinances generally, except that it shall be  
412 plainly designated as an emergency ordinance and shall contain, after the enacting clause,  
413 a declaration stating that an emergency exists, and describing the emergency in clear and  
414 specific terms. An emergency ordinance may be adopted, with or without amendment, or  
415 rejected at the meeting at which it is introduced, but the affirmative vote of at least three  
416 councilmembers shall be required for adoption. It shall become effective upon adoption or  
417 at such later times as it may specify. Every emergency ordinance shall automatically stand  
418 repealed 30 days following the date upon which it was adopted, but this shall not prevent  
419 reenactment of the ordinance in the manners specified in this section if the emergency still  
420 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance  
421 in the same manner specified in this section for this section for adoption of emergency  
422 ordinances.

423 (b) Such meetings shall be open to the public to the extent required by law and notice to the  
424 public of emergency meetings shall be made as fully as reasonably possible in accordance  
425 with Chapter 14 of Title 50 of the O.C.G.A., or such other applicable laws as are or may  
426 hereafter be enacted.

427

**SECTION 2.25.**

428

Codes of technical regulations.

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

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

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

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

440

**SECTION 2.26.**

441

Signing; authenticating; recording; codification; printing.

442 (a) The clerk shall authenticate by the clerk's signature and record in full in a properly  
443 indexed book kept for that purpose, all ordinances adopted by the council.

444 (b) The town council shall provide for the preparation of a general codification of all the  
445 ordinances of the town having the force and effect of law. The general codification shall be  
446 adopted by the town council by ordinance and shall be published promptly, together with all  
447 amendments thereto and such codes of technical regulations and other rules and regulations  
448 as the town council may specify. This compilation shall be known and cited officially as  
449 "The Code of the Town of Dexter, Georgia." Copies of the code shall be furnished to all

450 officers, departments, and agencies of the town, and made available for purchase by the  
451 public at a reasonable price as fixed by the town council.

452 (c) The town council shall cause each ordinance and each amendment to this charter to be  
453 printed promptly following its adoption, and the printed ordinances and charter amendments  
454 shall be made available for purchase by the public at a reasonable price to be fixed by the  
455 town council. Following publication of the first code under this charter and at all times  
456 thereafter, the ordinances and charter amendments shall be printed in substantially the same  
457 style as the code currently in effect and shall be suitable in form for the incorporation therein.  
458 The town council shall make such further arrangements as deemed desirable with  
459 reproduction and distribution of any current changes in or additions to codes of technical  
460 regulations and other rules and regulations included in the code.

461 **SECTION 2.27.**

462 Election of mayor; forfeiture; compensation.

463 The mayor shall be elected and serve for a term of four years and until a successor is elected  
464 and qualified. The mayor shall be a qualified elector of this town and shall have been a  
465 resident of the town for 12 months preceding the election. The mayor shall continue to  
466 reside in this town during the period of service. The mayor shall forfeit the office on the  
467 same grounds and under the same procedure as for councilmembers. The compensation of  
468 the mayor shall be established in the same manner as for councilmembers.

469 **SECTION 2.28.**

470 Chief executive officer.

471 The mayor shall be the chief executive of this town. The mayor shall possess all of the  
472 executive and administrative power granted to the town under the constitution and laws of

473 the State of Georgia, and all the executive and administrative powers contained in this  
474 charter.

475 **SECTION 2.29.**

476 Powers and duties of mayor.

477 (a) As the chief executive of this town, the mayor shall:

478 (1) See all laws and ordinances of the town are faithfully executed;

479 (2) Appoint and remove all officers, department heads, and employees of the town, except  
480 as otherwise provided in this charter;

481 (3) Exercise supervision over all executive and administrative work of the town and  
482 provide for the coordination of administrative activities;

483 (4) Prepare and submit to the town council a recommended operating budget and capital  
484 budget;

485 (5) Submit to the town council at least once a year a statement covering the financial  
486 conditions of the town, and from time to time, such other information as the town council  
487 may request;

488 (6) Recommend to the town council such measures relative to the affairs of the town,  
489 improvement of the government, and promotion of the welfare of its inhabitants as the  
490 mayor may deem expedient;

491 (7) Call special meetings of the town council as provided for in subsection (b) of  
492 Section 2.19 of this charter;

493 (8) Approve or disapprove ordinances as provided in Section 2.31 of this charter;

494 (9) Provide for an annual audit of all accounts of the town;

495 (10) Require any department or agency of the town to submit written reports whenever the  
496 mayor deems it expedient; and

497 (11) Perform such other duties as may be required by law, this charter, or by ordinance.

498 (b) The mayor at his or her discretion may appoint a professional administrator, to be known  
499 as the town administrator, to assist the mayor in carrying out the daily operations of the town.

500 **SECTION 2.30.**

501 Limitation on terms of service.

502 There shall be no limit on the number of terms that a person can serve in the office of mayor  
503 or councilmember.

504 **SECTION 2.31.**

505 Submission of ordinances to the mayor; veto power.

506 (a) Every ordinance adopted by the town council shall be presented promptly by the clerk  
507 to the mayor.

508 (b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the clerk  
509 with or without the mayor's approval, or with the mayor's disapproval. If the ordinance has  
510 been approved by the mayor, it shall become law upon its return to the clerk; if the ordinance  
511 is neither approved nor disapproved, it shall become law at twelve o'clock noon on the tenth  
512 calendar day after adoption; if the ordinance is disapproved, the mayor shall submit to the  
513 town council through the clerk a written statement of reasons for the veto. The clerk shall  
514 record upon the ordinance the date of its delivery to and receipt from the mayor.

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

518 (d) The mayor may disapprove or reduce any item or items of appropriation in any  
519 ordinance. The approved part or parts of any ordinance making appropriations shall become  
520 law, and the part or parts disapproved shall not become law unless subsequently passed by

521 the town council over the mayor's veto as provided herein. The reduced part or parts shall  
522 be presented to the town council as though disapproved and shall not become law unless  
523 overridden by the council as provided in subsection (c) of this section.

524

**SECTION 2.32.**

525

Mayor pro tempore; selection; duties.

526 (a) By a majority vote, the town council shall elect a councilmember to serve as mayor pro  
527 tempore.

528 (b) The mayor pro tempore shall preside at all meetings of the town council.

529 (c) In the event of the mayor's physical or mental disability, suspension from office, or  
530 absence, the mayor pro tempore shall assume the duties and powers of the mayor.

531 (d) The town council by a majority vote shall elect a new presiding officer from among its  
532 members for any period in which the mayor pro tempore is disabled, absent, or acting as  
533 mayor. Any such absence or disability shall be declared by majority vote of all  
534 councilmembers. When serving as mayor, the mayor pro tempore shall not vote as a member  
535 of the council.

536

**ARTICLE III**

537

**ADMINISTRATIVE AFFAIRS**

538

**SECTION 3.10.**

539

Administrative and service departments.

540 (a) Except as otherwise provided in this charter, the town council, by ordinance, shall  
541 prescribe the functions or duties, and establish, abolish, alter, consolidate, or leave vacant all

542 nonelective offices, positions of employment, departments, and agencies of the town, as  
543 necessary for the proper administration of the affairs and government of this town.

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

547 (c) All appointive officers and directors of departments shall receive compensation as  
548 prescribed by ordinance or resolution.

549 (d) There shall be a director of each department or agency who shall be its principal officer.  
550 Each director shall, subject to the direction and supervision of the mayor, be responsible for  
551 the administration and direction of the affairs and operations of that director's department or  
552 agency.

553 (e) All appointive officers and directors under the supervision of the mayor shall be  
554 nominated by the mayor with confirmation of appointment by the town council. All  
555 appointive officers and directors shall be employees at will and subject to removal or  
556 suspension at any time by the mayor unless otherwise provided by law or ordinance.

557 **SECTION 3.11.**

558 **Boards, commissions, and authorities.**

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

563 (b) All members of boards, commissions, and authorities of the town shall be appointed by  
564 the town council for such terms of office and in such manner as shall be provided by  
565 ordinance, except where other appointment is prescribed by this charter or by law.

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

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

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

573 (f) No member of a board, commission, or authority shall assume office until that person has  
574 executed and filed with the clerk of the town an oath obligating himself or herself to  
575 faithfully and impartially perform the duties of that member's office, such oath to be  
576 prescribed by ordinance and administer by the mayor.

577 (g) All board members serve at will and may be removed at any time by a vote of four  
578 members of the town council unless otherwise provided by law.

579 (h) Except as otherwise provided by this charter or by law, each board, commission, or  
580 authority of the town shall elect one of its members as chairperson and one member as  
581 vice-chairperson, and may elect as its secretary one of its own members or may appoint as  
582 secretary an employee of the town. Each board, commission, or authority of the town  
583 government may establish such bylaws, rules, and regulations, not inconsistent with this  
584 charter, ordinances of the town, or law, as it deems appropriate and necessary for the  
585 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and  
586 regulations shall be filed with the clerk.

587 **SECTION 3.12.**

588 Town attorney.

589 (a) The town council and mayor shall appoint a town attorney, together with such assistant  
590 town attorneys as may be authorized, and shall provide for the payment of such attorney or

591 attorneys for services rendered to the town. The town attorney shall be responsible for  
592 providing for the representation and defense of the town in all litigation in which the town  
593 is a party; may be the prosecuting officer in the municipal court; shall attend the meetings  
594 of the town council as directed; shall advise the town council, mayor, and other officers and  
595 employees of the town concerning legal aspects of the town's affairs; and shall perform such  
596 other duties as may be required by virtue of the person's position as town attorney.

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

600 **SECTION 3.13.**

601 Town clerk.

602 The town council and mayor shall appoint a town clerk, also known as "the clerk," who shall  
603 not be a councilmember. The town clerk shall be custodian of the official town seal and  
604 town records; maintain town council records required by this charter; and perform such other  
605 duties as may be required by the town council.

606 **SECTION 3.14.**

607 Position classification and pay plans.

608 The mayor shall be responsible for the preparation of position classification and pay plan  
609 which shall be submitted to the town council for approval. Such plan shall apply to all  
610 employees of the town and any of its agencies, departments, boards, commissions, or  
611 authorities. When a pay plan has been adopted, the town council shall not increase or  
612 decrease the salary range applicable to any position except by amendment of such pay plan.

613 For the purposes of this section, all elected and appointed town officials are not town  
614 employees.

615 **SECTION 3.15.**  
616 Personnel policies.

617 All employees of the town serve at will and may be removed from office at any time unless  
618 otherwise provided by law or ordinance.

619 **ARTICLE IV**  
620 **JUDICIAL BRANCH**

621 **SECTION 4.10.**  
622 Creation; name.

623 There shall be a court to be known as the municipal court of the Town of Dexter.

624 **SECTION 4.11.**  
625 Chief judge; associate judge.

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

628 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless  
629 that person shall have attained the age of 21 years, shall be a member of the State Bar of  
630 Georgia, and shall possess all qualifications required by law. All judges shall be appointed  
631 by the town council and shall serve until a successor is appointed and qualified.

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

633 (d) Judges shall serve terms and may be removed from office as provided pursuant to  
634 general law.

635 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge  
636 shall honestly and faithfully discharge the duties of the office to the best of that person's  
637 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of  
638 the town council.

639 **SECTION 4.12.**

640 Convening.

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

642 **SECTION 4.13.**

643 Jurisdiction; powers.

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

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

648 (c) The municipal court may fix punishment for each offense within its jurisdiction not  
649 exceeding a fine of \$1,000.00 or imprisonment for 180 days or both such fine and  
650 imprisonment; in addition to the foregoing, the municipal court may impose alternative  
651 sentencing as now or hereafter provided by law.

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

- 655 (e) The municipal court shall have authority to establish bail and recognizances to ensure  
656 the presence of those charged with violations before said court and shall have discretionary  
657 authority to accept cash or personal or real property as surety for the appearance of persons  
658 charged with violations. Whenever any person shall give bail for that person's appearance  
659 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge  
660 presiding at such time, and an execution issued thereon by serving the defendant and the  
661 defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the  
662 event that cash or property is accepted in lieu of bond for security for the appearance of a  
663 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,  
664 the cash so deposited shall be on order of the judge declared forfeited to the town, or the  
665 property so deposited shall have a lien against it for the value forfeited which lien shall be  
666 enforceable in the same manner and to the same extent as a lien for town property taxes.
- 667 (f) The municipal court shall have the same authority as superior courts to compel the  
668 production of evidence in the possession of any party; to enforce obedience to its orders,  
669 judgments, and sentences; and to administer such oaths as are necessary.
- 670 (g) The municipal court may compel the presence of all parties necessary to a proper  
671 disposal of each case by the issuance of summonses, subpoenas, and warrants which may be  
672 served as executed by any officer as authorized by this charter or by law.
- 673 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of  
674 persons charged with offenses against any ordinance of the town, and each judge of the  
675 municipal court shall have the same authority as a magistrate of the state to issue warrants  
676 for offenses against state laws committed within the town.

677 **SECTION 4.14.**

678 Appeal.

679 The right of appeal from the decision and judgment of the municipal court shall exist in all  
680 criminal cases and ordinance violation cases, and such appeals shall be conducted as  
681 provided under the laws of the State of Georgia regulating appeals from municipal courts.

682 **SECTION 4.15.**

683 Rules for court.

684 With the approval of the town council, the judge shall have authority to make reasonable  
685 rules and regulations necessary and proper to secure the efficient and successful  
686 administration of the municipal court; provided, however, that the town council may reject  
687 any rules and regulations adopted by the judge. Any rules and regulations made or adopted  
688 by the judge shall be filed with the town clerk, shall be available for public inspection, and,  
689 upon request, shall be furnished to all defendants in municipal court proceedings at least 48  
690 hours prior to said proceedings.

691 **ARTICLE V**

692 **ELECTIONS AND REMOVAL**

693 **SECTION 5.10.**

694 Applicability of general law.

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

697

**SECTION 5.11.**

698

Election of the town council and mayor.

699 (a) There shall be a municipal general election biennially in the odd years on the Tuesday  
700 next following the first Monday in November.

701 (b) There shall be elected the mayor and three councilmembers at one municipal general  
702 election and at every other regular municipal general election thereafter. The remaining town  
703 council seats shall be filled at the municipal general election alternating with the first  
704 municipal general election occurring under this charter so that a continuing body is created.

705 (c) The terms of office for the mayor and all councilmembers shall be four years.

706

**SECTION 5.12.**

707

Nonpartisan elections.

708 Political parties shall not conduct primaries for town offices and all names of candidates for  
709 town offices shall be listed without party designations.

710

**SECTION 5.13.**

711

Election by plurality.

712 The person receiving a plurality of the votes cast for any town office shall be elected to such  
713 office.

714

**SECTION 5.14.**

715

Special elections; vacancies.

716

717

718

719

(a) In the event that the office of mayor shall become vacant as provided in Section 2.12 of this charter, the mayor pro tempore will serve as mayor until a special election can be held in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended to fill the balance of the unexpired term.

720

721

722

723

(b) In the event that the office of any councilmember shall become vacant, the mayor shall, at the next regular meeting of the town council, appoint, with the consent and advice of at least three of the remaining councilmembers, a person with all the qualifications required of an elected councilmember, to fill such vacancy for the unexpired term.

724

**SECTION 5.15.**

725

Other provisions.

726

727

728

Except as otherwise provided by this charter, the town council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

729

**SECTION 5.16.**

730

Removal of officers.

731

732

733

734

735

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

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

736 (1) Following a hearing at which an impartial panel shall render a decision. In the event  
737 an elected officer is sought to be removed by action of the town council, such officer shall  
738 be entitled to a written notice specifying the ground or grounds for removal and to a public  
739 hearing which shall be held not less than ten days after the service of such written notice.  
740 The town council shall provide by ordinance for the manner in which such hearings shall  
741 be held. Any elected officer sought to be removed from office as herein provided shall  
742 have the right of appeal from the decision of the town council to the Superior Court of  
743 Laurens County. Such appeal shall be governed by the same rules as govern appeals to the  
744 superior court from the probate court.

745 (2) By an order of the Superior Court of Laurens County following a hearing on a  
746 complaint seeking such removal brought by any resident of the Town of Dexter.

747 **ARTICLE VI**

748 **FINANCE**

749 **SECTION 6.10.**

750 **Property taxes.**

751 The town council may assess, levy, and collect an ad valorem tax on all real and personal  
752 property within the corporate limits of the town that is subject to such taxation by the state  
753 and county. This tax is for the purpose of raising revenues to defray the costs of operating  
754 the town government, of providing governmental services, for the repayment of principal and  
755 interest on general obligations, and for any other public purpose as determined by the town  
756 council in its discretion.

757 **SECTION 6.11.**

758 Millage rate; due dates; payment methods.

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

763 **SECTION 6.12.**

764 Occupation and business taxes.

765 The town council by ordinance shall have the power to levy such occupational or business  
766 taxes as authorized by law. The town council may classify businesses, occupations, or  
767 professions for the purpose of such taxation in any way which may be lawful and may  
768 compel the payment of such taxes as provided in Section 6.18 of this charter.

769 **SECTION 6.13.**

770 Regulatory fees; permits.

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

776 **SECTION 6.14.**

777 Franchises.

778 (a) The town council shall have the power to grant franchises for the use of this town's  
779 streets and alleys for the purposes of railroads, street railways, telephone companies, electric  
780 companies, electric membership corporations, cable television and other telecommunications  
781 companies, gas companies, transportation companies, and other similar organizations. The  
782 town council shall determine the duration, terms, whether the same shall be exclusive or  
783 nonexclusive, and the consideration for such franchises; provided, however, no franchise  
784 shall be granted for a period in excess of 35 years and no franchise shall be granted unless  
785 the town receives just and adequate compensation therefor. The town council shall provide  
786 for the registration of all franchises with the town clerk in a registration book kept by the  
787 town clerk. The town council may provide by ordinance for the registration within a  
788 reasonable time of all franchises previously granted.

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

794 **SECTION 6.15.**

795 Service charges.

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



820 **SECTION 6.19.**

821 General obligation bonds.

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

826 **SECTION 6.20.**

827 Revenue bonds.

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

831 **SECTION 6.21.**

832 Short-term loans.

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

835 **SECTION 6.22.**

836 Lease-purchase contracts.

837 The town may enter into multi-year lease, purchase, or lease-purchase contracts for the  
838 acquisition of goods, materials, real and personal property, services, and supplies provided  
839 the contract terminates without further obligation on the part of the municipality at the close

840 of the calendar year in which it was executed and at the close of each succeeding calendar  
841 year for which it may be renewed. Contracts must be executed in accordance with the  
842 requirements of Code Section 36-60-13 of the O.C.G.A., or other such applicable laws as are  
843 or may hereafter be enacted.

844 **SECTION 6.23.**

845 Fiscal year.

846 The town council shall set the fiscal year by ordinance. This fiscal year shall constitute the  
847 budget year and the year for financial accounting and reporting of each and every office,  
848 department, agency, and activity of the town government unless otherwise provided by state  
849 or federal law.

850 **SECTION 6.24.**

851 Preparation of budgets.

852 The town council shall provide an ordinance on the procedures and requirements for the  
853 preparation and execution of an annual operating budget, a capital improvement plan, and  
854 a capital budget, including requirements as to the scope, content, and form of such budgets  
855 and plans.

856 **SECTION 6.25.**

857 Submission of operating budget to town council.

858 On or before a date fixed by the town council, but not later than 60 days prior to the  
859 beginning of each fiscal year, the mayor shall submit to the town council a proposed  
860 operating budget for the ensuing fiscal year. The budget shall be accompanied by a message

861 from the mayor containing a statement of the general fiscal policies of the town, the  
862 important features of the budget, explanations of major changes recommended for the next  
863 fiscal year, a general summary of the budget, and such other pertinent comments and  
864 information. The operating budget and capital budget hereafter provided for, the budget  
865 message, and all supporting documents shall be filed in the office of the town clerk and shall  
866 be open to public inspection.

867 **SECTION 6.26.**

868 Action by town council on budget.

869 (a) The town council may amend the operating budget proposed by the mayor; except, that  
870 the budget as finally amended and adopted must provide for all expenditures required by  
871 state law or by other provisions of this charter and for the debt service requirements for the  
872 ensuing fiscal year, and the total appropriations from any fund shall not exceed the estimated  
873 fund balance, reserves, and revenues.

874 (b) The town council by ordinance shall adopt the final operating budget for the ensuing  
875 fiscal year not later than the 31st day of January of each year. If the town council fails to  
876 adopt the budget by this date, the amounts appropriated for operation for the current fiscal  
877 year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all  
878 items prorated accordingly until such time as the town council adopts a budget for the  
879 ensuing fiscal year. Adoption of the budget shall take the form of an appropriations  
880 ordinance setting out the estimated revenues in detail by sources and making appropriations  
881 according to fund and by organizational unit, purpose, or activity as set out in the budget  
882 preparation ordinance adopted pursuant to Section 6.24 of this charter.

883 (c) The amount set out in the adopted operating budget for each organization unit shall  
884 constitute the annual appropriation for such, and no expenditure shall be made or

885 encumbrance created in excess of the otherwise unencumbered balance of the appropriations  
886 or allotment thereof, to which it is chargeable.

887 **SECTION 6.27.**

888 Tax levies.

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

895 **SECTION 6.28.**

896 Changes in appropriations.

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

901 **SECTION 6.29.**

902 Capital budget.

903 (a) On or before the date fixed by the town council, but no later than 60 days prior to the  
904 beginning of each fiscal year, the mayor shall submit to the town council a proposed capital  
905 improvements plan with a recommended capital budget containing the means of financing

906 the improvements proposed for the ensuing fiscal year. The town council shall have the  
907 power to accept, with or without amendments, or reject the proposed plan and proposed  
908 budget. The town council shall not authorize an expenditure for the construction of any  
909 building, structure, work, or improvement, unless the appropriations for such project are  
910 included in the capital budget, except to meet a public emergency as provided in Section 2.24  
911 of this charter.

912 (b) The town council shall adopt by ordinance the final capital budget for the ensuing fiscal  
913 year not later than the 31st day of January of each year. No appropriation provided for in a  
914 prior capital budget shall lapse until the purpose for which the appropriation was made shall  
915 have been accomplished or abandoned; provided, however, the mayor may submit  
916 amendments to the capital budget at any time during the fiscal year, accompanied by  
917 recommendations. Any such amendments to the capital budget shall become effective only  
918 upon adoption by ordinance.

919

**SECTION 6.30.**

920

## Independent audit.

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

926 **SECTION 6.31.**

927 Contracting procedures.

928 No contract with the town shall be binding on the town unless:

929 (1) It is in writing;

930 (2) It is drawn by or submitted to and reviewed by the town attorney, and as a matter of  
931 course, is signed by the town attorney to indicate such drafting or review; and

932 (3) It is made or authorized by the town council and such approval is entered in the town  
933 council journal of proceedings pursuant to Section 2.21 of this charter.

934 **SECTION 6.32.**

935 Centralized purchasing.

936 The town council shall by ordinance prescribe procedures for a system of centralized  
937 purchasing for the town.

938 **SECTION 6.33.**

939 Sale and lease of town property.

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

942 (b) The town council may quitclaim any rights it may have in property not needed for public  
943 purposes upon report by the mayor and adoption of a resolution, both finding that the  
944 property is not needed for public or other purposes and that the interest of the town has no  
945 readily ascertainable monetary value.

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

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

958 **ARTICLE VII**  
959 **GENERAL PROVISIONS**

960 **SECTION 7.10.**  
961 **Bonds for officials.**

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

965 **SECTION 7.11.**  
966 **Existing ordinances, resolutions, rules, and regulations.**

967 Existing ordinances, resolutions, rules, and regulations of this town not in conflict with this  
968 charter shall continue in force, unless repealed or amended, for two years from the effective  
969 date of this charter. During such two-year period, the town council shall review all such

970 provisions and shall readopt, repeal, or amend each, so that a codification as provided by  
971 subsection (b) of Section 2.26 of this charter is accomplished.

972 **SECTION 7.12.**

973 Existing personnel and officers.

974 Except as specifically provided otherwise by this charter, all personnel and officers of the  
975 town and their rights, privileges, and powers shall continue beyond the time this charter takes  
976 effect for a period of 90 days before or during which the existing town council shall pass a  
977 transition ordinance detailing the changes in personnel and appointive officers required or  
978 desired and arranging such titles, rights, privileges, and powers as may be required or desired  
979 to allow a reasonable transition.

980 **SECTION 7.13.**

981 Pending matters.

982 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,  
983 contracts, and legal administrative proceedings shall continue and any such ongoing work  
984 or cases shall be completed by such town agencies, personnel, or offices as may be provided  
985 by the town council.

986 **SECTION 7.14.**

987 Construction.

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

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

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

993 **SECTION 7.15.**

994 Severability.

995 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be  
996 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect  
997 or impair other parts of this charter unless it clearly appears that such other parts are wholly  
998 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the  
999 legislative intent in enacting this charter that each article, section, subsection, paragraph,  
1000 sentence, or part thereof be enacted separately and independent of each other.

1001 **SECTION 7.16.**

1002 Specific repealer.

1003 An Act to create a new charter for the town of Dexter, in the county of Laurens, State of  
1004 Georgia, to grant certain privileges to said town, approved August 15, 1910 (Ga. L. 1910, p.  
1005 600), is hereby repealed in its entirety and all amendatory acts thereto are likewise repealed  
1006 in their entirety. All other laws and parts of laws in conflict with this charter are hereby  
1007 repealed.

1008 **SECTION 7.17.**

1009 General repealer.

1010 All other laws and parts of laws in conflict with this Act are hereby repealed.