

## PART I - CHARTER <sup>[1]</sup>

<sup>(1)</sup> **Editor's note**— Printed herein is the city's Charter as set forth in 1973 Ga. Laws, page 3581. 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 capitalization, spelling, style of numbers, citations to state statutes and style of headings and catchlines has been used. Additions made for clarity are indicated by brackets.

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#### **Sec. 1.10. - Incorporation.**

This act shall constitute a new Charter for Garden City (hereinafter at times referred to as "the city") repealing and replacing the Charter as provided by an act approved March 24, 1941 (1941 Ga. Laws, page 1461), as amended. The City of Garden City, Georgia, in the County of Chatham, and the inhabitants thereof shall continue to be a body politic and corporate under the same name and style of Garden City, Georgia. Under that name, said city shall continue to be vested with all the property and rights of property which now belong to the corporation; shall have perpetual succession; may sue and be sued; may contract and be contracted with; may acquire and hold such 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, sell, or dispose of the same; may have a common seal and alter and renew the same at will; and may exercise in conformity with this Charter all municipal

powers, functions, rights, privileges, and immunities of every name and nature whatsoever.

**Sec. 1.11. - Corporate boundaries.** <sup>[2]</sup>

<sup>(2)</sup> 1974 Ga. Laws, page 3154, extended the corporate limits of the city by adding a new section to be known as section 1.11(c). 1978 Ga. Laws, page 4132, added another subsection (c) to section 1.11 without repealing or providing for the disposition of the previous subsection (c). At the discretion of the editor, both subsection designations have been retained.

(a) The corporate limits of Garden City, Georgia, shall include all that territory within the following described boundaries:

Beginning at a point located on the southern right-of-way line of the Pipemakers Canal at its intersection with the eastern right-of-way line of U.S. Highway No. 17; thence from said point of beginning continuing eastwardly along the southern right-of-way line of Pipemakers Canal to its intersection with the properties of the Georgia Ports Authority; thence in a southwestwardly direction along the western property line of the Georgia Ports Authority to a point where the Georgia Ports Authority property line intersects the eastern right-of-way line of U.S. Highway No. 17; thence in a southeastwardly direction along the eastern right-of-way line of U.S. Highway No. 17 to a point where said right-of-way line intersects the existing corporate limits of the City of Savannah; thence following the existing corporate limits of the City of Savannah in a northwesterly direction for a distance of approximately 600 feet, more or less, to a point where said corporate limits of the City of Savannah intersects the southeast right-of-way line of U.S. Highway 80; thence in a southwestwardly direction along the southeastern and southern right-of-way line of U.S. Highway 80 to a point at which said southern right-of-way line of U.S. Highway No. 80 intersects the eastern right-of-way line of the Seaboard Coast Line Railroad; thence in a northwesterly direction along the eastern right-of-way line of the Seaboard Coast Line Railroad to a point where the eastern right-of-way line of the Seaboard Coast Line Railroad right-of-way intersects the southern right-of-way line of Pipemakers Canal; thence in an easterly direction along the southern right-of-way line of Pipemakers Canal to a point where said southern right-of-way line of the Pipemakers Canal intersects the western right-of-way line of Georgia Highway No. 21; thence in a northwesterly direction along the western right-of-way line of Georgia Highway No. 21 to a point at which the western right-of-way line of Georgia Highway No. 21 intersects the southern right-of-way line of Bourne Avenue; running thence eastwardly across Georgia Highway No. 21 to a point where the eastern right-of-way line of Georgia Highway No. 21 intersects the southern right-of-way line of Bourne Avenue; thence running in a southeastwardly direction along the eastern right-of-way line of Georgia Highway No. 21 to the point at which the eastern right-of-way line of Georgia Highway No. 21 intersects the southern right-of-way line of Pipemakers Canal; thence in an easterly direction along the southern right-of-way line of Pipemakers Canal to a point at which the southern right-of-way line of Pipemakers Canal intersects the western right-of-way line of U.S. Highway No. 17; running thence generally northwardly along the western right-of-way line to a point at which the western line of the right-of-way of U.S. Highway No. 17 meets the present corporate limits of the City of Port Wentworth; thence running eastwardly and across U.S. Highway No. 17 along the southern corporate limits of the City of Port Wentworth to the eastern right-of-way line of U.S. Highway No. 17; thence southerly along the eastern right-of-way line of U.S. Highway No. 17 to a point at which the western right-of-way line of U.S. Highway No. 17 intersects the southern right-of-way line of the Pipemakers Canal, being the point of beginning; for a more complete description, reference is hereby made to a plat prepared by Hussey, Gay & Bell, C.E., dated February 19, 1973, entitled "Corporate Limits of Garden City, Georgia," and

recorded in the office of the clerk of superior court of Chatham County, Georgia, in Plat Record Book W, Folio 169, and which by reference thereto is made a part hereof.

The current boundaries of Garden City, at all times, shall be shown on a map, a written description or any combination thereof, to be retained permanently in the office of the clerk of council and to be designated, as the case may be: "Map (or Description) of the Corporate Limits of Garden City, Georgia." Alterations in these boundaries shall be indicated by appropriate entries upon or addition to such map or description. Such entries or additions shall be made by and under the direction of the mayor. Photographic, typed, or other copies of such map or description certified by the clerk of council shall be admitted in evidence in all courts and shall have the same force and effect as the original map or description.

(b) The mayor and councilmen may provide for the redrawing of any such map. A redrawn map shall supersede for all purposes the earlier map or maps which it is designated to replace.

(c) In addition to the present corporate limits of Garden City, Georgia, as they exist at the time of the approval of this subsection, the corporate limits of Garden City shall also include the following described tract of land:

All that certain tract of land situate, lying and being in the 8th G.M. district of Chatham County, Georgia, described as follows: Beginning at the point of intersection of the southern right-of-way line of the Pipemakers Canal and the easterly right-of-way line of Georgia State Highway No. 21 which intersection is the point of beginning; running thence from said point of beginning north along the eastern right-of-way line of Georgia State Highway No. 21 for a distance of 2,250 feet, more or less, to a point where the northern right-of-way line of the continuation of State Route 307 intersects the eastern right-of-way line of Georgia State Highway No. 21; running thence eastwardly along a straight line for a distance of 5,250 feet, more or less, to a point located on the western right-of-way line of U.S. Highway No. 17, said point being located where the present corporate limits of the City of Port Wentworth and Garden City meet on U.S. Highway No. 17; running thence southwardly along the western right-of-way line of U.S. Highway No. 17 for a distance of 2,230 feet, more or less, to a point where the western right-of-way line of U.S. Highway No. 17 intersects the southern right-of-way line of the Pipemakers Canal; running thence westwardly along the southern right-of-way line of Pipemakers Canal for a distance of 5,400 feet, more or less, to a point where the southern right-of-way line of Pipemakers Canal intersects the eastern right-of-way line of Georgia State Highway No. 21, being the point of beginning; said tract of land being shaded as shown on a plat made by Hussey, Gay & Bell, Consulting Engineers, dated January 28, 1974, and revised February, 1974, and recorded in the office of the clerk of the superior court of Chatham County, Georgia, in Plat Record Book X, Folio 140, and entitled "Plan Showing Area to be Annexed by Garden City, Georgia," and to which specific reference is specifically made for a more particular description of the property described herein and which by reference is made a part hereof.

(1974 Ga. Laws, page 3154)

(c) Effective as of December 31, 1978, the corporate limits of Garden City shall include the present corporate limits of said city and shall include the following described property which is now adjacent to the present city limits and boundaries of Garden City, to wit:

All that certain tract of land situate, lying and being in Chatham County, Georgia, described as follows: Beginning at a point where the present western corporate limits and the eastern

right-of-way line of the Seaboard Coastline Railroad intersect the northwest right-of-way line of U.S. Highway 80; thence from said point of beginning running in a southwesterly direction along the northwest right-of-way line of U.S. Highway 80 and along the northwest right-of-way line of the Viaduct to a point where the northwest right-of-way line of U.S. Highway 80 and the Viaduct intersects the south right-of-way line of the Central of Georgia Railroad Company; thence following the southern right-of-way line of the Central of Georgia Railroad Company in a westerly direction for a distance of approximately 13,500 feet, more or less, to a point where the south right-of-way line of the Central of Georgia Railroad Company intersects the eastern right-of-way line of Dean Forest Road; thence in a southerly direction along the eastern right-of-way line of Dean Forest Road for a distance of 4,100 feet, more or less, to a point where the eastern right-of-way line of Dean Forest Road intersects the northern right-of-way line of the Seaboard Coastline Railroad Company; thence following the northern right-of-way line of the Seaboard Coastline Railroad in a southeasterly direction for a distance of 8,900 feet, more or less, to a point where the northern right-of-way line of the Seaboard Coastline Railroad intersects the northwest right-of-way line of the Savannah-Ogeechee Canal; thence in a northeasterly and eastern direction along the northwestern and northern right-of-way line of the Savannah-Ogeechee Canal for a distance of 6,200 feet, more or less, to a point where the northwestern and northern right-of-way line of the Savannah-Ogeechee Canal intersects the southwestern right-of-way line of the Seaboard Coastline Railroad right-of-way line; thence in a northwesterly direction along the southwestern right-of-way line of the Seaboard Coastline Railroad for a distance of 2,100 feet, more or less, to a point where the southwestern right-of-way line of the Seaboard Coastline Railroad Company intersects the southern right-of-way line of U.S. Highway 80; thence running along the southern right-of-way line of U.S. Highway 80 in an easterly direction for a distance of 3,500 feet, more or less, to a point where the southern right-of-way line of U.S. Highway 80 intersects the western right-of-way line of the Dundee Canal; thence in a southerly direction along the western right-of-way line of the Dundee Canal for a distance of 700 feet, more or less, to a point where the western right-of-way line of the Dundee Canal intersects the northwestern right-of-way line of Market Street; thence continuing in a southwesterly direction along the northwest right-of-way line of Market Street and a prolongation of said line for a distance of 2,650 feet, more or less, to a point where said line intersects the northeast right-of-way line of the Central of Georgia Railroad Company; thence in a northwesterly and northerly direction along the northeast right-of-way line of the Central of Georgia Railroad Company for a distance of 1,100 feet, more or less, to the southern right-of-way line of U.S. Highway 80; thence continuing across U.S. Highway 80 on a straight line to the point of beginning.

(1978 Ga. Laws, page 4132)

(d) The mayor and councilmen of Garden City shall have full power and authority to purchase in their discretion any sewer facilities and water systems which may have been installed in any area annexed to the corporate limits of Garden City by subsection (c) of this section. In the event that the city should elect to purchase said facilities or systems or any portion thereof, and there is disagreement as to the compensation to be paid for such facilities and system, then the city shall have the authority to acquire said water and sewer systems, or any portion thereof, by condemnation, the method and procedure for the condemnation of such property being the same as now or hereafter provided by the laws of Georgia in condemnation proceedings.

(1978 Ga. Laws, page 4132)

(e) The governing authority of Garden City is hereby authorized to charge a fee as determined by said governing authority for city services furnished the annexed area as described by subsection (c) of this

section, such services including, but not limited to, sewerage, water and garbage collection. The fees charged for said services in said annexed area may vary from the charges for the same services in the heretofore existing corporate limits of Garden City, and said governing authority is hereby authorized to establish different charges and fees for such services in the annexed area and to collect the same under such rules and regulations as it shall establish.

(1978 Ga. Laws, page 4132)

(f) In addition to the present corporate limits of Garden City, Georgia, as they exist at the time of the approval of this subsection, the corporate limits of Garden City shall also include the following described tract of land:

All that certain tract of land situate, lying and being in the 8th G.M. district of Chatham County, Georgia, described as follows: Beginning at the point of the intersection of the southerly right-of-way line of the Pipemakers Canal and the easterly right-of-way line of Georgia State Highway No. 21 which point is the point of beginning; running thence from said point of beginning north along the easterly right-of-way line of Georgia State Highway No. 21 for a distance of 2,160 feet, more or less, to a point where the easterly right-of-way line of Georgia State Highway No. 21 intersects the southerly right-of-way line of Bourne Avenue (State Route No. 307); running thence along the southerly right-of-way line of Bourne Avenue (State Route No. 307) across Georgia State Highway No. 21 to the intersection of the westerly right-of-way line of Georgia State Highway No. 21 and the southerly right-of-way line of Bourne Avenue (State Route No. 307), and westerly along the southerly right-of-way line of Bourne Avenue (State Route No. 307), all for a distance of 2,455 feet, more or less, to the easterly railroad right-of-way boundary for the Seaboard Coastline Railroad Company's single main track; running thence southeastwardly along the easterly railroad right-of-way boundary of the Seaboard Coastline Railroad Company's single main track a distance of 2,742 feet, more or less, to a point where the easterly right-of-way boundary for the Seaboard Coastline's single main track intersects the southerly right-of-way line of the Pipemakers Canal; running thence easterly along the southerly right-of-way line of the Pipemakers Canal to a point where the southerly right-of-way line of the Pipemakers Canal intersects the easterly right-of-way line of Georgia Highway No. 21, being the point of beginning; said tract of land being shown upon a plat made by Hussey, Gay and Bell, Consulting Engineers, dated November 11, 1982, and recorded in the office of the clerk of the superior court of Chatham County, Georgia, in Plat Record Book 4-P, Folio 106, and entitled "Plan Showing Area to be Annexed by Garden City, Georgia," and to which reference is specifically made for a more particular description of the property described herein and which by reference is made a part hereof.

(1983 Ga. Laws, page 3868)

(g) In addition to the present corporate limits of Garden City, Georgia, as they exist at the time of the approval of this subsection, the corporate limits of Garden City shall also include the following described tract of land:

All that certain tract of land situate, lying and being in the 8th G.M. District of Chatham County, Georgia, described as follows: Beginning at a point where the southerly right-of-way line of Georgia State Highway No. 307 (Bourne Avenue) intersects the easterly right-of-way line of the Seaboard Coastline Railroad Company, said point being the northwesterly corner of the existing Garden City corporate limits; running thence from said point of beginning North 28°14'13" West along the easterly right-of-way line of the Seaboard Coastline Railroad Company across Georgia

State Highway No. 307 (Bourne Avenue) for a distance of 108.94 feet, more or less, to a point located at the intersection of the northerly right-of-way line of Georgia State Highway No. 307 (Bourne Avenue) and the easterly right-of-way line of the Seaboard Coastline Railroad Company; thence North 28°14'13" West along said easterly right-of-way line of Seaboard Coastline Railroad Company right-of-way line a distance of 2,841.93 feet to a point; thence North 70°46'20" East for a distance of 2,426.26 feet, more or less, to a point located on the westerly right-of-way line of the Seaboard Coastline Railroad Company; thence South 19°14'28" East along said westerly right-of-way line of the Seaboard Coastline Railroad Company a distance of 3,314.58 feet, more or less, to a point on the northerly right-of-way line of Georgia State Highway No. 307 (Bourne Avenue); thence South 19°14'28" East along the westerly right-of-way line of the Seaboard Coastline Railroad Company across Georgia State Highway No. 307 (Bourne Avenue) for a distance of 103.24 feet, more or less, to a point located at the intersection of the southerly right-of-way line of Georgia State Highway No. 307 (Bourne Avenue) and the westerly right-of-way line of the Seaboard Coastline Railroad Company; thence running South 85°08'25" West along the southerly right-of-way line of Georgia State Highway No. 307 (Bourne Avenue), which southerly right-of-way line is the present existing Garden City corporate limits, for a distance of 2,030 feet, more or less, to a point where said southerly right-of-way line of Georgia State Highway No. 307 intersects the easterly right-of-way line of the Seaboard Coastline Railroad Company, being the point of beginning; said tract of land being shown upon a plat made by Hussey, Gay & Bell, Consulting Engineers, dated January 15, 1986, and recorded in the office of the Clerk of Superior Court of Chatham County, Georgia, in Plat Record Book 7-P, Folio 130, and entitled "Plat showing area to be annexed by Garden City, Georgia," and to which reference is specifically made for a more particular description of the property described herein and which by reference is made a part hereof.

(1986 Ga. Laws, page 4578)

(h) In addition to the present corporate limits of Garden City, Georgia, as they exist at the time of the approval of this act, the corporate limits of Garden City shall also include the following described tract of land:

All that certain tract of land situate, lying, and being in the 8th G.M. District of Chatham County, Georgia, described as follows: Beginning at a point where the northerly right-of-way line of U.S. Highway No. 80 intersects with the easterly right-of-way line of the Seaboard Coastline Railroad Company; running thence from said point of beginning in a northwesterly direction along the easterly right-of-way line of the Seaboard Coastline Railroad Company to a point where the easterly right-of-way of the Seaboard Coastline Railroad Company intersects with the northerly right-of-way line of Georgia State Highway No. 307 (Bourne Avenue); running thence in a westerly direction along the northerly right-of-way line of Georgia State Highway No. 307 (Bourne Avenue) to a point where it intersects with the corporate limits of the City of Savannah; running thence in a general westerly direction along the corporate limits of the City of Savannah to a point where it intersects with the southwesterly right-of-way line of the Central of Georgia Railroad; running thence in a southeasterly direction along the southwesterly right-of-way line of the Central of Georgia Railroad to a point where the southwesterly right-of-way line of the Central of Georgia Railroad intersects with the northerly right-of-way line of U.S. Highway No. 80; running thence in an easterly direction along the northerly right-of-way line of U.S. Highway No. 80 to a point where the northerly right-of-way line of U.S. Highway No. 80 intersects with the easterly right-of-way line of the Seaboard Coastline Railroad Company, being the point of beginning.

(1992 Ga. Laws, page 7036)

**Sec. 1.12. - Powers defined.**

- (a) The government of Garden City shall have all rights, powers, privileges and authority herein conferred or herein enlarged, and such other powers as may be necessary or desirable including all rights, powers, privileges and authority whether expressed or implied that may now or hereafter be granted to municipal corporations by the Constitution of Georgia and laws of this state.
- (b) The rights, powers, privileges and authority heretofore enjoyed, herein retained or herein claimed shall subsist, notwithstanding the repeal of any law, until any such right, power, privilege or authority be altered or taken away by amendment to this Charter.
- (c) The city in addition to the rights, powers, privileges and authority expressly conferred upon it by this Charter, shall have the right, power, privilege and authority to exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, morals, and general welfare of said government and its habitants and to exercise all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully enumerated herein and to do and perform all of the acts pertaining to its local affairs, property and government, which are necessary or proper in the legitimate exercise of its corporate powers and governmental functions.
- (d) No enumeration of any right, power, privilege or authority hereinafter made, and no repeal of any law under which the government derives any rights, power, privilege or authority, shall be construed as limiting or abolishing any right, power, privilege or authority hereinabove set forth.
- (e) The corporate powers of the government of Garden City, to be exercised by the mayor and councilmen, shall, without limiting the foregoing, include the following:
- (1) To levy and to provide for the assessment, valuation, revaluation, and collection of taxes on property as provided herein;
  - (2) To levy and to provide for the collection of license fees and taxes on privileges, occupations, trades and professions, and to provide for the manner and method of payment of such licenses and taxes;
  - (3) To make appropriations for the support of the government of the city, to authorize the expenditure of money for any purposes authorized by this Charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia, and to provide for the payment of expenses of the city;
  - (4) To appropriate and borrow for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized by this Charter or the laws of the State of Georgia;
  - (5) To acquire, dispose of, and hold in trust or otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;
  - (6) To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the city and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose;
  - (7) To condemn property, inside or outside the corporate limits of the city for present or future use, and for any corporate purpose deemed necessary by the mayor and councilmen, under

O.C.G.A. title 36, as now or hereafter amended, or under other applicable public acts as are or may be enacted;

(8) To acquire, lease, construct, operate, maintain, sell and dispose of public utilities, including but not limited to a system of waterworks, sewers and drains, sewage disposal, gas works, electric light plants, transportation facilities, public airports, and any other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties and withdrawal of service for refusal or failure to pay same and the manner in which such remedies shall be enforced;

(9) To grant franchise or make contracts for public utilities and public services, not to exceed periods of 35 years; to prescribe the rates, fares, regulations and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with such regulations by the public service commission;

(10) To lay out, open, extend, widen, narrow, establish or change the grade of, abandon, or close, construct, pave, curb, gutter, adorn with shade trees, otherwise improve, maintain, repair, clean, prevent erosion of, and light roads, alleys and walkways within the corporate limits of the city;

(11) To grant franchises and rights-of-way throughout the streets and roads, and over the bridges and viaducts, for the use of public utilities;

(12) To provide for the acquisition, construction, building, operation and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, sewers, drains, sewerage treatment, airports, hospitals, and charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal and medical institutions, agencies, and facilities; and any other public improvements, inside or outside the corporate limits of the city; and to regulate the use thereof, and for such purposes, property may be acquired by condemnation under O.C.G.A. title 36, as now or hereafter amended, or other applicable public acts, as are or may be enacted;

(13) To require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands; and to enact ordinances establishing the terms and conditions under which such repairs and maintenance shall be effected, including the penalties to be imposed for failure to do so;

(14) To regulate the erection and construction of building and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes and to regulate all housing, building, and building trades; to license all building trades, and to license the construction and erection of buildings and all other structures;

(15) To provide for the prevention and punishment of drunkenness, riots, and public disturbances;

(16) To regulate or prohibit junk dealers; to regulate and control pawnshops; the manufacture, sale or transportation of intoxicating liquors; the use and sale of firearms; and to regulate the transportation, storage and use of combustible, explosive and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property;

(17) To regulate and control the conduct of peddlers, and itinerant trades, theatrical performances, exhibitions, shows of any kind whatever, by taxation or otherwise;



- (18) To license, tax, regulate, or prohibit professional fortunetelling or palmistry;
- (19) To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings and any and all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within view thereof, within or abutting the corporate limits of the city and to prescribe penalties and punishment for violation of such ordinances;
- (20) To prescribe standards of health and sanitation and to provide for the enforcement of such standards;
- (21) To regulate the emission of smoke or other exhaust which pollutes the air and to prevent the pollution of natural streams which flow within the corporate limits of the city;
- (22) To fix and establish fire limits and from time to time to extend, enlarge or restrict same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection, and to firefighting, and to prescribe penalties and punishment for violation thereof;
- (23) To provide for the destruction and removal of any building or other structure which may or might become dangerous or detrimental to the public;
- (24) To provide for the collection and disposal of garbage, rubbish and refuse and to regulate the collection and disposal of garbage, rubbish and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials and to provide for the sale of such items;
- (25) To levy, fix, assess, and collect a garbage, refuse and trash collection and disposal and other sanitary service charge, tax, or fee, for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business therein benefiting from such services; to enforce the payment of such charges, taxes or fees, and to provide for the manner and method of collecting such service charges;
- (26) To levy a fee, charge or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a sewage disposal plant and sewerage system, and to levy on the users of sewers and the sewerage system a sewer service charge, fee or sewer tax for the use of the sewers; and to provide for the manner and method of collecting such service charges and for enforcing payment of same;
- (27) To charge, impose and collect a sewer connection fee or fees, and to charge the same from time to time; such fees to be levied on the users connecting with the sewerage system;
- (28) To define, regulate and prohibit any act, practice, conduct or use of property which is detrimental, or likely to be detrimental, to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards;
- (29) To define a nuisance and provide for its abatement whether on public or private property;
- (30) To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public, and to prescribe penalties and punishment for violations thereof;
- (31) To establish minimum standards for and to regulate building, construction and repair,

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electrical wiring and equipment, gas installation and equipment, plumbing, and housing, for the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards;

(32) To provide that persons given jail sentences in the municipal court shall work out such sentence in any public works or on the streets, roads, drains and squares in the city; or to provide for commitment of such persons to the city jail or any county correctional institution or jail by agreement with the appropriate county officials;

(33) To adopt ordinances and regulations for the prevention of disorderly conduct, public drunkenness and disturbing the peace in the corporate limits of the city and to prohibit the playing of lotteries therein, and to prohibit or regulate by ordinance such other conduct and activities within said city which, while not constituting an offense against the laws of this state, is deemed by the mayor and councilmen to be detrimental and offensive to the peace and good order of the city or to the welfare of the citizens thereof;

(34) To regulate and license, or prohibit the keeping or running at large of animals and fowl and to provide for the impoundment of same, if in violation of any ordinance or lawful order; also to provide for their disposition by sale, gift, or humane destruction, when not redeemed as provided by ordinance; to provide punishment for violation of any ordinance enacted hereunder;

(35) To regulate the operation of motor vehicles and exercise control over all traffic, including parking, upon or across the streets, roads, alleys and walkways of the city;

(36) To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate and rent parking spaces in public ways for the use of such vehicles;

(37) To provide and maintain a system of pensions and retirement for officers and employees of the city;

(38) To levy and provide for the collection of special assessments against abutting property for paving, curbing, and guttering streets, paving sidewalks, installing drainage systems and any other public improvements;

(39) To enter into contracts and agreements with other governmental entities and with private persons, firms and corporations providing for services to be furnished and payments to be made therefor;

(40) To create, alter or abolish departments, boards, offices, commissions and agencies of the city, and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to same;

(41) To make, ordain and establish such bylaws, ordinances, rules and regulations as shall appear necessary for the security, welfare, convenience and interest of the city and the inhabitants thereof, and for preserving the health, peace, order and good government of the city;

(42) To provide penalties for violations of any ordinance adopted pursuant to the authority of this Charter and the laws of the State of Georgia;

(43) To exercise the power of arrest through duly appointed policemen;

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

(Ord. of 6-18-07, § 1)

**Sec. 1.13. - Construction.**

The powers of the city shall be construed liberally and in favor of the city. The specific mention or failure to mention particular powers in this Charter shall not be construed as limiting in any way the general power of the city as stated in this Charter. It is the intention hereof to grant the city full power and right to exercise all governmental authority necessary for the effective operation and conduct of the city and all of its affairs.

**Sec. 1.14. - Exercise of powers.**

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

**Sec. 1.15. - [Continuation of] ordinances.**

All ordinances, bylaws, rules and regulations now in force in the city not inconsistent with this Charter, are hereby declared valid and of full effect and force until amended or repealed by the mayor and councilmen.

## **ARTICLE II. - LEGISLATIVE BRANCH <sup>[3]</sup>**

<sup>(3)</sup> **Editor's note**— House Bill No. 297, § 1, adopted Jan. 20, 2009, repealed former Art. II, §§ 2.10—2.27, and enacted a new Art. II as set out herein. Former Art. II pertained to similar subject matter and derived from 1973 Ga. Laws, page 3581 and 1981 Ga. Laws, page 3776.

[Sec. 2.01. - Power and authority vested in the city council.](#)

[Sec. 2.02. - Eligibility, terms, and composition.](#)

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[Sec. 2.18. - Codes of technical regulations.](#)

[Sec. 2.19. - Authentication and recording; codification; printing of ordinances and resolutions.](#)

### **Sec. 2.01. - Power and authority vested in the city council.**

All powers of the city shall be vested in the city council except as otherwise provided by law or this Charter, and the city council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.

(H.B. No. 297, § 1, 1-20-09)

### **Sec. 2.02. - Eligibility, terms, and composition.**

(a) *Eligibility.* No person shall be eligible to serve as mayor or council member unless he or she has been a resident of the city for a period of one year immediately prior to the date of the election of the mayor or member of council; continues to reside therein during his or her period of service; is registered and qualified to vote in municipal elections of Garden City; and meets the qualifications required of members of the Georgia House of Representatives, as are now or may in the future be prescribed by the Constitution of Georgia.

(b) *Terms.* The term of office of elected officials shall be four years. Elections shall be in accordance with article VI of this Charter.

(c) *Composition.* The council shall be composed of one member, excluding the mayor, elected by the voters of the city at large and one member from each of the five city council districts elected by the voters of those districts, as provided in article VI of this Charter. The mayor shall be elected as provided in subsection (b) of section 2.03 of this Charter.

(H.B. No. 297, § 1, 1-20-09)

### **Sec. 2.03. - Mayor.**

(a) *Powers and duties.* The mayor shall be a voting member of the city council and shall attend and preside at meetings of the city council, represent the city in intergovernmental relationships, appoint with the advice and consent of the city council the members of citizen advisory boards and commissions, present an annual state of the city message, appoint the members and officers of the city council committees, assign subject to the consent of the city council agenda items to committees, and perform other duties specified by the city council. The mayor shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties.

(b) *Election.* Commencing with the general election on the Tuesday following the first Monday in November, 2011, the city shall elect a mayor at large for a term of four years. After each regular election, the city council shall meet for organization at its first regular meeting next following the meeting where the oath of office has been administered. If the at-large city council member has been elected at the recent election, such member shall be appointed as mayor pro tempore and shall serve

in such capacity for a term of four years and until his or her successor is elected and qualified. The mayor pro tempore shall act as mayor during any absence or disability of the mayor but shall only vote once on matters before the council, and, if a vacancy occurs in the office of mayor, shall become mayor for the remainder of the unexpired term. The city council shall also, by majority vote of all the members, elect one of their number, other than the mayor or mayor pro tempore, to be president of council who shall temporarily assume the mayor's position in the event that the mayor and mayor pro tempore are both unavailable, but who shall not, by virtue of being president of council, become mayor in the event that any vacancy occurs in such office. The president of council shall serve for a term of two years and until his or her successor is elected and qualified. If either the mayor pro tempore or president of council leaves office before his or her respective term has expired, he or she shall be replaced by a majority vote of the city council at any regular meeting of council.

(H.B. No. 297, § 1, 1-20-09)

**Sec. 2.04. - Compensation and expenses.**

(a) Effective January 1, 2010, the mayor shall receive monthly compensation in the amount of \$500.00 and council members shall each receive monthly compensation in the amount of \$300.00 for their respective services which may thereafter be increased or decreased by ordinance passed pursuant to the applicable provisions of the O.C.G.A.

(b) The mayor and the city council members shall receive their actual and necessary expenses incurred in the performance of their duties of office.

(H.B. No. 297, § 1, 1-20-09)

**Sec. 2.05. - Prohibitions.**

(a) *Holding other office.* Except where authorized by law, no city council member shall hold any other elected public office during the term for which the member was elected to the council. No city council member shall hold any other city office or employment during the term for which the member was elected to the city council. No former the city council member shall hold any compensated appointive office or employment with the city until one year after the expiration of the term for which the member was elected to the city council, unless granted a waiver by the city's ethics board. Nothing in this section shall be construed to prohibit the city council from selecting any current or former the city council member to represent the city on the governing board of any regional or other intergovernmental agency.

(b) *Appointments and removals.* Neither the city council nor any of its members shall in any manner control or demand the appointment or removal of any city administrative officer or employee whom the city manager or any subordinate of the city manager is empowered to appoint, but the city council may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.

(c) *Interference with administration.* Except for the purpose of inquiries and investigations under section 2.09 of this Charter, the city council and its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately.

(d) *Conflict of interest.* No member of the city council shall vote upon any question in which he or she

is financially interested.

(H.B. No. 297, § 1, 1-20-09)

**Sec. 2.06. - Vacancies; forfeiture of office; filling of vacancies.**

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

(b) *Forfeiture of office.* A council member shall forfeit that office if the council member:

- (1) Fails to meet the residency requirements;
- (2) Violates any express prohibition of this Charter;
- (3) Is convicted of a crime involving moral turpitude; or
- (4) Fails to attend three consecutive regular meetings of the city council without being excused by the council.

(c) *Removal from office.*

(1) A council member 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.

(2) Removal of a council member pursuant to paragraph (1) of this subsection shall be accomplished one of the following methods:

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

(B) By an order of the Superior Court of Chatham County, Georgia, following a hearing on a complaint seeking such removal brought by any resident of the city.

(d) *Filling of vacancies.* Subject to section 2.03 of this Charter providing that the mayor pro tempore shall fill any vacancy in the mayor's office, in the event that the office of a council member shall become vacant for any cause whatsoever, said vacancy in office shall be filled by appointment by the remaining members of council.

(H.B. No. 297, § 1, 1-20-09)

**Sec. 2.07. - Judge of qualifications.**

The city council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office. In order to exercise these powers, the city council shall have power to

subpoena witnesses, administer oaths, take testimony, and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the city at least one week in advance of the hearing.

(H.B. No. 297, § 1, 1-20-09)

**Sec. 2.08. - Clerk of council.**

The city manager shall appoint, subject to confirmation by the city council, an officer of the city who shall have the title of clerk of council. The clerk of council shall give notice of the city council meetings to its members and the public, keep the journal of its proceedings, and perform such other duties as are assigned by this Charter or by the council or by state law.

(H.B. No. 297, § 1, 1-20-09)

**Sec. 2.09. - Investigations.**

Following the adoption of an authorizing resolution, the city council is authorized to make inquiries and investigations into the affairs of the city and the conduct of any department, office, or agency thereof, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The inquiries and investigations authorized may only be conducted by the council, not individual council members, and only for the purpose of an official investigation. Additionally, these powers shall be limited to use by the city council and shall not be delegated to boards or panels composed of private citizens. A person's failure or refusal to obey a lawful order issued in the exercise of these powers by the council shall be punished as provided by ordinance.

(H.B. No. 297, § 1, 1-20-09)

**Sec. 2.10. - Independent audit.**

The city council shall provide for an independent annual audit of all city accounts and may provide for more frequent audits as it deems necessary. Such audits shall be carried out in accordance with Code section 36-81-7 of the O.C.G.A.

(H.B. No. 297, § 1, 1-20-09)

**Sec. 2.11. - General power and authority of the council.**

(a) Except as otherwise provided by law or by this Charter, the city council shall be vested with all the powers of government of Garden City as provided in article I of this Charter.

(b) In addition to all other powers conferred upon it by law, the city council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, and rules and regulations, not inconsistent with this Charter, the Constitution, and the laws of the state, which it shall deem necessary, expedient, or helpful for peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of Garden City and may enforce such ordinances by imposing penalties for violation thereof.

(c) The city council may by ordinance create, change, alter, abolish, or consolidate offices, agencies, and departments of the city and may assign additional functions to any of the offices, agencies, and departments expressly provided for by this Charter.

(d) The city council may, by ordinance or resolution, delegate or assign to a city manager such powers, functions, and duties as are conferred upon the council by this Charter and such delegation of powers may, by ordinance or resolution, be terminated, altered, or otherwise changed as the city council shall deem necessary, expedient, or helpful in the conduct of the affairs of the city.

(H.B. No. 297, § 1, 1-20-09)

**Sec. 2.12. - Organization.**

(a) On the first Monday after January 1 following each regular city election, the city council shall hold a special meeting at which the oath of office shall be administered to the mayor and council members as follows:

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

(b) The city council shall meet for organization at its first regular meeting next following the meeting where the oath of office has been administered. If the at-large city council member has been elected at the recent election, such member shall be designated mayor pro tempore who shall serve for a term of four years and until his or her successor is elected and qualified. In addition, the city council by majority vote of all the members thereof shall elect one of their number to be president of council who shall serve for a term of two years and until his or her successor is elected and qualified.

(c) The city manager, subject to confirmation by city council, shall appoint a clerk of council to keep a journal of its proceedings and to maintain in a safe place all records and documents pertaining to the affairs of the city and to perform such other duties as may be required by law or as the council may direct.

(d) The city council may appoint a tax collector to collect all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of this Charter and the ordinances of the city consistent therewith. The tax collector shall diligently comply with and enforce all general laws of Georgia relating to the collection, sale, or foreclosure of taxes by municipalities.

(e) The city council may appoint a city accountant to perform the duties of an accountant.

(H.B. No. 297, § 1, 1-20-09)

**Sec. 2.13. - Regular and special meetings.**

(a) The city council shall hold regular meetings at such times and places as prescribed by ordinance. The council may recess any regular meeting and continue such meeting on any weekday or hour it may fix and may transact any business at such continued meeting that may be transacted at any regular



meeting.

(b) Special meetings of the city council may be held on call of the mayor or four members of the city council. Notice of such meetings shall be served on all other members personally, or by telephone personally, or shall be left at their residence at least 24 hours in advance of the meeting. Such notice shall not be required if the mayor and all council members are present when the special meeting is called. Notice of any special meeting may be waived in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice of any special meeting. Only the business stated in the call may be transacted at the special meeting.

(c) All meetings of the council shall be public, except where otherwise provided by law, and notice to the public of special meetings shall be made fully as is reasonably possible pursuant to code section 50-14-1 of the O.C.G.A. or other such applicable laws as are or may hereafter be enacted.

(H.B. No. 297, § 1, 1-20-09)

**Sec. 2.14. - Rules of procedure.**

The city council shall adopt its rules of procedure and order of business consistent with the provisions of this Charter and shall provide for keeping a journal of its proceedings, which shall be a public record.

(H.B. No. 297, § 1, 1-20-09)

**Sec. 2.15. - Quorum; voting.**

(a) Four council members shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of ordinances shall be taken by voice vote and the ayes and nays shall be recorded in the journal, but any member of council shall have the right to request a roll-call vote. Except as otherwise provided in this Charter, a majority vote of the quorum shall be required for the adoption of any ordinance, resolution, or motion.

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

(H.B. No. 297, § 1, 1-20-09)

**Sec. 2.16. - Action requiring an ordinance.**

(a) Except as herein provided, every official action of the city council which is to become law shall be by ordinance. Each proposed ordinance or resolution shall be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "The council of Garden City hereby ordains...."

(b) An ordinance may be introduced by any member of the city council and read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the council in accordance with the rules which it shall establish; provided, however, ordinances shall not be adopted until the next regular meeting of the council following the meeting of their initial introduction, except ordinances may be adopted at the first meeting where they are originally introduced upon the

affirmative vote of all council members present. The clerk of council shall read the heading of the ordinance and shall file a copy in the office of the clerk of council. As soon as practicable after adoption, the clerk of council shall have the ordinance and a notice of its adoption published and made available to the public at a reasonable price.

(c) Except as otherwise provided in this Charter, every adopted ordinance shall become effective upon adoption or at any later date specified therein.

(d) As used in this section, the term 'publish' means to print in the contemporary means of information sharing, which includes but is not limited to, one or more newspapers of general circulation in the city, and, if available, in a website: (1) the ordinance or a brief summary thereof and (2) the places where copies of it have been filed and the times when they are available for public inspection and purchase at a reasonable price.

(H.B. No. 297, § 1, 1-20-09)

**Sec. 2.17. - Emergency ordinances.**

(a) To meet a public emergency affecting life, health, property or the public peace, the city council may adopt one or more emergency ordinances, but such ordinances may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five council members shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one authorizing the borrowing the money shall automatically stand repealed as of the sixty-first day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this Sec. if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this Sec. for adoption of emergency ordinances.

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

(H.B. No. 297, § 1, 1-20-09)

**Sec. 2.18. - Codes of technical regulations.**

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

(1) The requirements of section 2.16 of this Charter 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; and

(2) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk of council pursuant to section 2.19 of this Charter.

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

(H.B. No. 297, § 1, 1-20-09)

**Sec. 2.19. - Authentication and recording; codification; printing of ordinances and resolutions.**

(a) *Authentication and recording.* The clerk of council shall authenticate by signing and shall record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the city council.

(b) *Codification.* The city council shall provide for the preparation of a general codification of all city ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published together with this Charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the state, and such codes of technical regulations and other rules and regulations as the council may specify. This compilation shall be known and cited officially as the Garden City Code. Copies of the code shall be furnished to city officers, placed in libraries and public offices, and, if available, on a website for free public reference and made available for purchase by the public at a reasonable price fixed by the council.

(c) *Printing of ordinances and resolutions.* The city council shall cause each ordinance and resolution having the force and effect of law and each amendment to this Charter to be printed promptly following its adoption, and the printed ordinances, resolutions, and charter amendments shall be distributed or sold to the public at reasonable prices as fixed by the council. Following publication of the first City Code and at all times thereafter, the ordinances, resolutions, and charter amendments shall be printed in substantially the same style as the Code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the codes of technical regulations and other rules and regulations included in the Code.

(H.B. No. 297, § 1, 1-20-09)

### **ARTICLE III. - EXECUTIVE BRANCH <sup>[4]</sup>**

<sup>(4)</sup> **Editor's note**— House Bill No. 297, § 2, adopted Jan. 20, 2009, repealed former Art. III, §§ 3.10—3.30, and enacted a new Art. III as set out herein. Former Art. III pertained to similar subject matter and derived from 1973 Ga. Laws, page 3581 and 1981 Ga. Laws, page 3776.

[Sec. 3.01. - Appointment of the city manager; qualifications; compensation.](#)  
[Sec. 3.02. - Removal of city manager.](#)

[Sec. 3.03. - Acting city manager.](#)  
[Sec. 3.04. - Powers and duties of the city manager.](#)  
[Sec. 3.05. - Administrative and service departments.](#)  
[Sec. 3.06. - Boards, commissions, and authorities.](#)  
[Sec. 3.07. - City attorney.](#)  
[Sec. 3.08. - Consolidation of functions.](#)  
[Sec. 3.09. - Personnel policies.](#)

**Sec. 3.01. - Appointment of the city manager; qualifications; compensation.**

The city council by a majority vote of its total membership shall appoint a city manager for an indefinite term and fix the manager's compensation. The city manager shall be appointed solely on the basis of education and experience in the accepted competencies and practices of local government management. Minimum qualifications for the city manager shall be a master's degree with a concentration in public administration, public affairs, or public policy and two years' experience in an appointed managerial or administrative position in a local government or a bachelor's degree and five years of such experience. The manager need not be a resident of the city or state at the time of appointment but may reside outside the city while in office only with the approval of the council.

(H.B. No. 297, § 2, 1-20-09)

**Sec. 3.02. - Removal of city manager.**

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

(H.B. No. 297, § 2, 1-20-09)

**Sec. 3.03. - Acting city manager.**

By letter filed with the clerk of council, the city manager shall designate a city officer or employee to exercise the powers and perform the duties of city manager during the manager's temporary absence or disability; the city council may revoke such designation at any time and appoint another officer of the city to serve until the city manager returns.

(H.B. No. 297, § 2, 1-20-09)

**Sec. 3.04. - Powers and duties of the city manager.**

The city manager shall be the chief executive officer of the city, responsible to the city council for the management of all city affairs placed in the manager's charge by or under this Charter. The city manager shall:

- (1) Appoint and suspend or remove all city employees and appointed administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter. The city manager may authorize any administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;
- (2) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this Charter or by law;

- (3) Attend all the city council meetings. The city manager shall have the right to take part in discussion but shall not vote;
- (4) See that all laws, provisions of this Charter, and acts of the city council, subject to enforcement by the city manager or by officers subject to the manager's direction and supervision, are faithfully executed;
- (5) Prepare and submit the annual budget to the city council and implement the final budget approved by the city council to achieve the goals of the city;
- (6) Submit to the city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
- (7) Make such other reports as the city council may require concerning operations;
- (8) Keep the city council fully advised as to the financial condition and future needs of the city;
- (9) Make recommendations to the city council concerning the affairs of the city and facilitate the work of the city council in developing policy;
- (10) Provide staff support services for the mayor and council members;
- (11) Assist the council to develop long term goals for the city and strategies to implement these goals;
- (12) Encourage and provide staff support for regional and intergovernmental cooperation;
- (13) Promote partnerships among council, staff, and citizens in developing public policy and building a sense of community; and
- (14) Perform such other duties as are specified in this Charter or may be required by the city council.

(H.B. No. 297, § 2, 1-20-09)

**Sec. 3.05. - Administrative and service departments.**

- (a) Except as otherwise provided in this Charter, the city council may establish, abolish, merge, alter, leave vacant, or consolidate offices, positions of employment, departments, and agencies of the city as it shall deem necessary for the proper administration of the affairs and government of the city. The council shall prescribe the functions and duties of existing departments, offices, and agencies or of any departments, offices, and agencies hereafter created or established; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the function or duties of offices, positions of employment, departments, and agencies of the city.
- (b) The operations and responsibilities of each department now or hereafter established in the city shall be distributed among such divisions or bureaus as may be provided by the council. Each department shall consist of such officers, employees, and positions as may be provided by this Charter or by ordinance consistent therewith and shall be subject to the general supervision and guidance of the city manager.
- (c) Except as otherwise provided by this Charter or by law, the directors of departments and other

appointed officers of the city shall serve at the pleasure of the appointing authority. Vacancies occurring in an appointive office shall be filled in the same manner as prescribed by this Charter for an original appointment.

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

(e) All appointed officers and directors of departments shall receive such compensation as prescribed by the city council.

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

(g) All appointed officers and directors under the supervision of the city manager shall be selected by the city manager and shall be employees at will and subject to removal or suspension at any time by the city manager unless otherwise provided by law or ordinance.

(H.B. No. 297, § 2, 1-20-09)

**Sec. 3.06. - Boards, commissions, and authorities.**

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

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

(c) No member of any board, commission, or authority of the city shall hold any elective office in the city.

(d) Any vacancy in office of any member of a board, commission, or authority of the city shall be filled for the unexpired term in the manner prescribed herein for original appointment, except as otherwise provided by this Charter or any applicable state law.

(e) No member of any board, commission, or authority shall assume office until he or she shall have executed and filed with the clerk of council an oath obligating himself or herself to faithfully and impartially perform the duties of his or her office, such oath to be administered by the mayor.

(f) All members of a board, commission, or authority serve at will and may be removed from office for cause by a vote of four members of the council.

(g) Members of boards, commissions, and authorities may receive expenses in the performance of their official duties as approved by the council.

(h) The qualifications required of members of boards, commissions, and authorities shall be as prescribed by ordinance.

(i) Except as otherwise provided by this Charter or by applicable state law, each board, commission, and authority of the city government shall elect one of its members as chairperson and one member as vice chairperson for terms of one year and may elect as its secretary one of its own members or may appoint as secretary an employee of the city. Each board, commission, or authority of the city government may establish such bylaws, rules, and regulations, not inconsistent with this Charter, ordinances of the city, or applicable state law, as it deems appropriate and necessary for the conduct of its affairs, copies of which shall be filed with the clerk of council.

(H.B. No. 297, § 2, 1-20-09)

**Sec. 3.07. - City attorney.**

The city council shall appoint a city attorney, together with such assistant city attorneys as may be authorized by ordinance, and shall provide for the payment of such attorney or attorneys for services rendered to the city. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party; may be the judge in the municipal court; shall attend the meetings of the council as directed; shall advise the council, mayor, and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required of him or her by virtue of his or her position as city attorney.

(H.B. No. 297, § 2, 1-20-09)

**Sec. 3.08. - Consolidation of functions.**

The city council may consolidate any two or more of the positions of clerk of council, city tax collector, and city accountant or any other positions or may assign the functions of any one or more of such positions to the holder or holders of any other positions.

(H.B. No. 297, § 2, 1-20-09)

**Sec. 3.09. - Personnel policies.**

All employees serve at will and may be removed from office at any time unless otherwise provided by ordinance. The council shall adopt rules and regulations consistent with the Charter concerning personnel policies as may be necessary to provide for adequate and systematic handling of the personnel affairs of Garden City.

(H.B. No. 297, § 2, 1-20-09)

## **ARTICLE IV. - MUNICIPAL COURT <sup>[5]</sup>**

<sup>(5)</sup> **Editor's note**— Pursuant to O.C.G.A. § 36-32-1, the term "recorder's court" has been stricken and the term "municipal court" has been inserted in this Charter and throughout the Code of Ordinances.

[Sec. 4.10. - Continuation.](#)

[Sec. 4.11. - Municipal court judge; municipal court judge pro tem.](#)

[Sec. 4.12. - Convening.](#)

[Sec. 4.13. - Jurisdiction; powers.](#)

[Sec. 4.14. - Appeal.](#)

[Sec. 4.15. - Rules for court.](#)

[Sec. 4.16. - Powers.](#)

#### **Sec. 4.10. - Continuation.**

The municipal court of Garden City shall continue as said court and shall have jurisdiction and authority to try offenses against the laws and ordinances of the city and to punish for a violation of the same. Such court shall have the power and authority to enforce its judgments by the imposition of such penalties as may be provided by law; to punish witnesses for nonattendance, and to punish also any person who may counsel or advise, aid, encourage or persuade another whose testimony is desired or material in any proceeding before said court, to go or move beyond the reach of the process of the court; to try all offenses within the territorial limits of the city constituting traffic cases which under the laws of Georgia are placed within the jurisdiction of municipal or police courts to the extent of and in accordance with the provisions of such laws and all laws subsequently enacted amendatory thereof. Said court shall be presided over by the municipal court judge. In the absence or disqualification of the municipal court judge, the municipal court judge pro tem shall preside and shall exercise the same powers and duties as the municipal court judge when so acting. Should both the municipal court judge and municipal court judge pro tem become disqualified, then the council may designate any member of the state bar of Georgia to preside with the same powers and duties as the municipal court judge when so acting.

#### **Sec. 4.11. - Municipal court judge; municipal court judge pro tem.**

(a) The council shall appoint a municipal court judge and one or more municipal court judges pro tem at its organization meeting to serve for terms of two years and until their successors are elected and qualified. The mayor may be a municipal court judge pro tem. The council shall fix the compensation of the municipal court judge and the municipal court judges pro tem.

(b) The municipal court judges pro tem shall serve in the absence or disability of the municipal court judge.

(c) Before entering on the duties of their offices, the municipal court judge and municipal court judges pro tem shall take an oath before an officer duly authorized to administer oaths in this state, that they will truly, honestly and faithfully discharge the duties of their offices to the best of their ability without fear, favor, or partiality. The oath shall be entered upon the minutes of the council.

(1982 Ga. Laws, page 4089)

#### **Sec. 4.12. - Convening.**

Said court shall be convened at such times as designated by ordinance or at such times as deemed necessary to keep current the dockets thereof.

#### **Sec. 4.13. - Jurisdiction; powers.**

(a) The municipal court shall try and punish for crimes against Garden City and for violation of its



ordinances. The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$500.00 or ten days in jail. The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for 12 months, or both, and[,] as an alternative to a fine or imprisonment, to sentence any offender upon conviction to community service for a period not exceeding 12 months. Persons sentenced to imprisonment may be taken to a confinement or correctional facility of either Garden City or Chatham County.

(b) 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 violations of state law.

(c) The municipal court shall have 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 give bail for his appearance and shall fail to appear at the time fixed for trial, his bond shall be forfeited by the municipal court judge presiding at such time, and an execution issued thereon by serving the defendant and his 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 municipal court judge declared forfeited to Garden 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.

(d) 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.

(e) The municipal court shall have the authority to administer oaths and to perform all other acts necessary or proper to the conduct of said court.

(f) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summons, subpoena and warrants which may be served as executed by any officer as authorized by this Charter or by state law.

(g) The municipal court is specifically vested with all the jurisdiction and powers throughout the entire area of Garden City granted by state laws generally to mayor's, municipal and police courts, and particularly by such laws as authorize the abatement of nuisances.

(1992 Ga. Laws, page 6521; 1995 Ga. Laws, page 3677)

<sup>(5)</sup> Code reference—Municipal court, ch. 54

## ARTICLE V. - ELECTIONS <sup>[6]</sup>

<sup>(6)</sup> **Editor's note**— House Bill No. 297, § 3, adopted Jan. 20, 2009, repealed former Art. V, §§ 5.10—5.16, and

enacted a new Art. V as set out herein. Former Art. V pertained to similar subject matter and derived from 1973 Ga. Laws, page 3581; Ord. of 9-6-77, §§ 1, 2 and 1991 Ga. Laws, page 3677.

[Sec. 5.10. - Applicability of general laws.](#)

[Sec. 5.11. - Qualifying; nomination and election of candidates; absentee ballots.](#)

[Sec. 5.12. - Effect of 2009 Charter amendment on current and future elections.](#)

[Sec. 5.13. - Districting.](#)

[Sec. 5.14. - Qualifications for mayor and the city council members.](#)

[Sec. 5.15. - Election of the city council reconstituted pursuant to the 2009 Charter amendment.](#)

[Sec. 5.16. - Registration of electors.](#)

[Sec. 5.17. - Primary election for selection of mayor and council by political parties prohibited.](#)

[Sec. 5.18. - Voter qualifications.](#)

#### **Sec. 5.10. - Applicability of general laws.**

The procedures and requirements for election of all elected officials of Garden City as to primary, special, or general elections shall be in conformity with the provisions of Chapter 2 of Title 21, the 'Georgia Election Code.'

(H.B. No. 297, § 3, 1-20-09)

#### **Sec. 5.11. - Qualifying; nomination and election of candidates; absentee ballots.**

The city council may, by ordinance, prescribe rules and regulations consistent with law governing qualifying fees, nomination of candidates, absentee ballots, write-in votes, challenge of votes, purging of registration lists, and such other rules and regulations as may be necessary for the conduct of elections in Garden City.

(H.B. No. 297, § 3, 1-20-09)

#### **Sec. 5.12. - Effect of 2009 Charter amendment on current and future elections.**

(a) The method of electing the mayor and the city council which existed immediately prior to the effective date of this Act shall stay in effect, but on and after the first Monday after January 1, 2012, the mayor and council shall be constituted as provided in this Act. The mayor and the city council of Garden City, Georgia, so constituted shall continue to have the same powers, duties, rights, obligations, and liabilities as existed immediately prior to the first Monday after January 1, 2012, subject to the provisions in this section.

(b) At the municipal election in November, 2009, those four candidates receiving the most votes for the four at-large council member positions which are to be filled pursuant to the terms of the Charter in effect immediately prior to the effective date of this Act shall be elected to serve terms of two years or until the election and qualification of their respective successors.

(c) The mayor whose term regularly expires on December 31, 2011, and any person selected to fill a vacancy in any such office shall continue to serve as such until the regular expiration of that term of office and upon the election and qualification of the mayor's successor.

(d) Those members of the city council whose terms regularly expire on December 31, 2011, and any persons selected to fill a vacancy in any such office shall continue to serve as such members until the regular expiration of their respective terms of office and upon the election and qualification of their

respective successors.

(e) On and after the first Monday after January 1, 2012, the city council shall consist of seven members, one being the mayor. Five members shall be elected from council districts described in section 5.13 of this Charter. One member shall be elected at large as provided in sections 5.14 and 5.15 of this Charter. The mayor shall be elected at large as provided in sections 5.13 and 5.15 of this Charter.

(H.B. No. 297, § 3, 1-20-09)

**Sec. 5.13. - Districting.**

(a) For purposes of electing members of the city council other than the mayor and the at-large councilmember, the city shall be divided into five (5) council districts. One member of the council shall be elected from each such district. The five council districts shall be and correspond to those five numbered districts described in the plan attached to and made a part of this ordinance and further identified as the Plan Name gardenprop3-Tiger2010. The components of the plan are as follows:

**DISTRICT 1**

Chatham GA County

**Census Tract 105.01**

Blocks 1014 through 1016, 1020

That part of Block 1022 which lies south of the Savannah

Ogeechee Canal and generally east of the Salt Creek Canal (which is also referred to as the eastern branch of the Horseshoe Canal and the northern extension thereof to the Savannah and Ogeechee Canal by a map dated June 11, 2008, and prepared by the Public Works and Park Services Department of Chatham County, Georgia).

Blocks 1023, 1026 through 1028, 1031, 1032

Blocks 3019, 3030 through 3038, 3043 through 3045

Blocks 4000 through 4009, 4011 through 4014, 4016, 4018

**Census Tract 106.03;b1;**

Blocks 1026, 1039 through 1041

**Census Tract 108.09**

Blocks 1019

**DISTRICT 2**

Chatham GA County

**Census Tract 105.01**

Blocks 1017 through 1019, 1021

That part of Block 1022 which lies north of the Savannah

Ogeechee Canal and generally west of the Salt Creek Canal (which is also referred to as the eastern branch of the Horseshoe Canal and the northern extension thereof to the Savannah and Ogeechee Canal by a map dated June 11, 2008, and prepared by the Public Works and Park Services Department of Chatham County, Georgia).

Blocks 2000, 2003, 2007, 2008, 2010 through 2013

Census Tract 106.03

Blocks 1023 through 1025, 1034 through 1038

DISTRICT 3

Chatham GA County

Census Tract 106.01

Blocks 4000 through 4005, 4007 through 4010

Blocks 6010, 6011

Census Tract 106.03

Blocks 1000, 1001, 1003 through 1006, 1008 through 1018, 1027 through 1033, 1042

Census Tract 107.00

Blocks 1328, 1329, 1332 through 1334

DISTRICT 4

Chatham GA County

Census Tract 106.01

Blocks 5000 through 5006

Blocks 6000 through 6009, 6012 through 6030

Census Tract 116.00

Blocks 1000 through 1002, 1008

DISTRICT 5

Chatham GA County

Census Tract 106.01

Blocks 1000 through 1010

Blocks 2000 through 2014

Blocks 3000 through 3023

Blocks 4011, 4012

(b) When used in the above-mentioned attachment, the term "Tract" and "BG (Block Group)" shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations in a Tract description which are beneath a "BG" heading shall mean and describe individual Blocks within a Block Group as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. Any part of the City of Garden City which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia. Any part of the City of Garden City which is described in that attachment as being in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such non-contiguous part shall instead be included within the district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

(H.B. No. 297, § 3, 1-20-09; Ord. No. 2011-13, § 1, 6-20-11)

**Sec. 5.14. - Qualifications for mayor and the city council members.**

(a) No persons shall be mayor or a member of the city council if that person is ineligible for such office pursuant to O.C.G.A. code section 45-2-1 O.C.G.A., any other general law applicable to that office, or any provision of this Charter.

(b) In order to be elected or appointed as a member of the city council from a district, that person must have resided in that council district for at least six months prior to the election or appointment thereto and, if elected, must receive a plurality of votes cast for that office in that district only and not at large. Only electors who are residents of the council district may vote for a member of the council for that district. At the time of qualifying for election as a member of the city council for a council district, each candidate for such office shall specify the council district for which that person is a candidate. A person elected or appointed as a member of the city council from a council district must continue to reside in that district during that person's term of office or that office shall become vacant.

(c) In order to be elected or appointed as an at-large member of the city council, a person must have resided in the city for at least one year prior to the election or appointment thereto and, if elected, must receive a plurality of votes cast in the entire city. Only electors who are residents of the city may vote for an at-large member of the council. A person elected or appointed as an at-large member of the city council must continue to reside in the city during that person's term of office or that office shall become vacant.

(d) In order to be elected or appointed as mayor, a person must have resided in the city for at least one year prior to election or appointment thereto and, if elected, must receive a plurality of votes cast for that office in the entire city. The mayor must continue to reside within the city during that person's term of office or that office shall become vacant.

(H.B. No. 297, § 3, 1-20-09)

**Sec. 5.15. - Election of the city council reconstituted pursuant to the 2009 Charter amendment.**

The mayor and members of council reconstituted pursuant to this Act shall be elected as follows:

- (1) The first members from Council Districts 1, 2, 3, 4, and 5 shall be elected at the general election on the Tuesday following the first Monday in November, 2011. Those members of the city council elected thereto from Council Districts 1 and 5 in 2011 shall take office the first Monday after the first day of January immediately following that election and shall serve for initial terms of office which expire December 31, 2013, and upon the election and qualification of their respective successors;
- (2) Members of the city council elected thereto from Council Districts 2, 3, and 4 in 2011 shall take office the first Monday after the first day of January immediately following an election and shall serve for initial terms of office which expire December 31, 2015, and upon the election and qualification of their respective successors;
- (3) The first at-large member shall be elected at the general election on the Tuesday following the first Monday in November, 2011. The at-large member so elected shall take office the first Monday after the first day of January immediately following that election. The at-large member shall serve for an initial term of office which expires on December 31, 2013;
- (4) The mayor shall be elected at the general election on the Tuesday following the first Monday in November, 2011. The mayor shall take office on the first Monday after the first day of January immediately following that election and shall serve for an initial term of office which expires on December 31, 2015, and upon the election and qualification of the mayor's successor; and
- (5) Those and all future successors to the mayor and members of the city council whose terms of office are to expire shall be elected at the time of the municipal general election immediately preceding the expiration of such terms, shall take office the first Monday after the first day of January immediately following that election and shall serve for terms of office of four years each. The mayor and members of the city council shall serve for the terms of office specified in this Sec. and until their respective successors are elected and qualified.

(H.B. No. 297, § 3, 1-20-09)

**Sec. 5.16. - Registration of electors.**

- (a) The council may elect either to maintain its own registration or provide for the registration of electors by resolution or other appropriate measure stating that any person who is a resident of the city and who is registered as an elector with the Board of Registrars of Chatham County and meets the municipal residency requirements shall be eligible to vote in a primary or election.
- (b) In the event the council does not elect to maintain its own registration, it may nevertheless appoint registrars as provided by law whose duties shall include the purging of the city's list of electors under the provisions of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'
- (c) No person shall vote in any Garden City primary or election unless he or she shall be a registered voter, qualified to vote in Chatham County elections, and qualified as required by law to vote in municipal elections in Garden City.

(H.B. No. 297, § 3, 1-20-09)

**Sec. 5.17. - Primary election for selection of mayor and council by political parties prohibited.**

No political party shall conduct primaries for the purpose of nominating candidates for the municipal election to elect the mayor and council members. Any person having the qualifications prescribed to be eligible to serve as mayor or council member shall become a candidate in the regular general election by filing his or her notice of candidacy with the municipal superintendent of elections in accordance with section 21-2-132 of the O.C.G.A.

(H.B. No. 297, § 3, 1-20-09)

**Sec. 5.18. - Voter qualifications.**

Any person who is a resident of the city and who is registered as an elector with the Board of Registrars of Chatham County and meets the municipal residency requirements shall be eligible to vote in the regular city election. No person shall vote in any city election unless he or she is a registered voter, qualified to vote in Chatham County elections, and qualified as required by law to vote in municipal elections in the city.

(H.B. No. 297, § 3, 1-20-09)

## **ARTICLE VI. - FINANCE AND FISCAL <sup>[7]</sup>**

<sup>(7)</sup> Code reference—Finance, § 2-261 et seq.

[Sec. 6.10. - Property taxes.](#)

[Sec. 6.11. - Tax levy.](#)

[Sec. 6.12. - Tax due dates and tax bills.](#)

[Sec. 6.13. - Collection of delinquent taxes.](#)

[Sec. 6.14. - Licenses; occupational taxes; excise taxes.](#)

[Sec. 6.15. - Sewer service charges.](#)

[Sec. 6.16. - Sanitary and health services charge.](#)

[Sec. 6.17. - Special assessments.](#)

[Sec. 6.18. - Transfer of executions.](#)

[Sec. 6.19. - Reserved.](#)

[Sec. 6.20. - General obligation bonds.](#)

[Sec. 6.21. - Revenue bonds.](#)

[Sec. 6.22. - Shortterm notes.](#)

[Secs. 6.23—6.29. - Reserved.](#)

[Sec. 6.30. - Fiscal year.](#)

[Sec. 6.31. - Submission of operating budget to city council.](#)

[Sec. 6.32. - The city council action on budget.](#)

[Sec. 6.33. - Property tax levies.](#)

[Sec. 6.34. - Additional appropriations.](#)

[Sec. 6.35. - Capital budget.](#)

[Secs. 6.36—6.39. - Reserved.](#)

[Sec. 6.40. - Contracting procedures.](#)

[Sec. 6.41. - Centralized purchasing.](#)

**Sec. 6.10. - Property taxes.**

All property subject to taxation for state or county purposes, assessed as of January 1 in each year, shall be subject to the property tax levied by Garden City. The council shall use the county assessment for the year in which the city taxes are to be levied and shall request the county to furnish appropriate information for such purpose.

**Sec. 6.11. - Tax levy.**

The council shall be authorized to levy an ad valorem tax on all taxable real and personal property within the corporate limits of the city for the purpose of raising revenues to defray the costs of operating the city government, providing governmental services, and for any other public purpose as determined by the council in its discretion. The council is also authorized to provide for sufficient levy to pay principal and interest on the general obligations. Garden City is hereby exempted from the provisions of the O.C.G.A. §§ 92-4101—92-4104 inclusive.

**Sec. 6.12. - Tax due dates and tax bills.**

The council shall provide by ordinance when the taxes of the city shall fall due and in what length of time said taxes may be paid and shall provide by ordinance for the payment of taxes due to the city in installments, or in one lump sum, and when and how and upon what terms such taxes shall be due and payable, as well as to authorize the voluntary payment of taxes prior to the time when due.

**Sec. 6.13. - Collection of delinquent taxes.**

The council may provide by ordinance for the collection of delinquent taxes by fi. fa. issued by the clerk of council or tax collector and executed by any police officer of the city under the same procedure provided by laws governing execution of such process from the superior court, or by the use of any other available legal processes and remedies. A lien shall exist against all property upon which city property taxes are levied, as of the assessment date of each year, which lien shall be superior to all other liens, except that it shall have equal dignity with those of federal, state or county taxes. In cases of hardship, the council shall have discretionary authority to waive any and all penalties imposed by this Charter on delinquent taxes, fees, assessments, or on other amounts due to the city.

**Sec. 6.14. - Licenses; occupational taxes; excise taxes.**

The council by ordinance shall have full power to levy such license and specific or occupation taxes upon the residents of Garden City, both individual and corporate, and upon all those who transact or offer to transact business therein, or who practice or offer to practice any profession or calling therein, as the council may deem expedient for the public health, safety, benefit, convenience or advantage of the city; to classify businesses, occupations, professions or callings for the purpose of such taxation in any way which may be lawful; to require such persons to procure licenses; to compel the payment of such licenses by execution or any other lawful manner; to enact ordinances and regulations necessary or proper to carry out the powers herein conferred; and to prescribe penalties for the violation thereof. The council shall have full power and authority to levy an excise tax not prohibited by general law.

**Sec. 6.15. - Sewer service charges.**

The council by ordinance shall have the right, power and authority to assess and collect fees, charges,



and tolls for sewer services rendered both within and without the corporate limits of Garden City and to provide for the cost and expense of providing for the collection and disposal of sewage through the sewerage facilities of said city. If unpaid, said sewer service charge shall constitute a lien against any property of persons served, which lien shall be second in priority only to liens for county and city property taxes and shall be enforceable in the same manner and under the same remedies as the lien for city property taxes.

**Sec. 6.16. - Sanitary and health services charge.**

The council shall have authority by ordinance to provide for, to enforce, to levy and to collect the cost of sanitary and health services necessary in the operation of the city from all individuals, firms and corporations residing in or doing business in said city benefiting from such service. Such authority shall include the power to assess, levy and collect annual or monthly sanitary taxes or fees in such amount or amounts, and based upon and in accordance with such classification of property and sanitary service or services provided, as may be fixed by ordinance. Said sanitary taxes and the assessment thereof shall be a charge and lien against the real estate in respect to which said taxes are so assessed, and the owner or owners thereof, superior to all other liens except liens for county and city property taxes, and shall be enforceable in the same manner and under the same remedies as a lien for city property taxes.

**Sec. 6.17. - Special assessments.**

The council shall have power and authority to assess all or part of the cost of constructing, reconstructing, widening, paving, or otherwise improving any public way, street, sidewalk, curbing, gutters, sewers, other utility mains and appurtenances, or other public improvements against the abutting property owners, under such terms and conditions as may be prescribed by ordinance. Such special assessments shall become delinquent 30 days after their due dates, shall thereupon be subject, in addition to fi. fa. charges, to a penalty of ten percent and shall thereafter be subject to interest at the rate of seven percent per annum from date due until paid. A lien shall exist against the abutting property superior to all other liens, except that it shall be of equal dignity with liens for county or city property taxes, and said lien shall be enforceable by the same procedures and under the same remedies as provided for in this article for city property taxes.

**Sec. 6.18. - Transfer of executions.**

The clerk of council shall be authorized to assign or transfer any fi. fa. or execution issued for any tax or for any street, sewer, or other assessment in the same manner and to the same extent as provided by Georgia law regarding sales and transfers of tax fi. fas. Such transfer or assignment, when made, shall vest the purchaser or transferee with all right, title and interest as provided by Georgia law governing sales and transfers of tax fi. fas.; provided that, upon levy of execution and sale of property pursuant to such tax fi. fa., whether assigned, transferred, or executed by the city, the owner of such property, in fee simple or lesser interest, shall not lose his right to redeem the property in accord with the requirements of redemption of property sold under state or county ad valorem tax fi. fas., as said requirements now exist or as may be hereinafter [hereafter] provided by law.

**Sec. 6.19. - Reserved.**

**Editor's note—** Ord. No. 2012-3, § 1, adopted May 7, 2012, repealed § 6.19, which pertained to referendum and derived from its original codification.

**Sec. 6.20. - General obligation bonds.**

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

**Sec. 6.21. - Revenue bonds.**

Revenue bonds may be issued by the council as provided by an act of the General Assembly of Georgia, approved March 31, 1937, known as the Revenue Bond Law (1937 Ga. Laws, page 761) as now or hereafter amended, or by any other Georgia law as now or hereafter provided.

**Sec. 6.22. - Shortterm notes.**

Pursuant to applicable state law, the city may obtain temporary loans between January 1 and December 31 of each year.

**Secs. 6.23—6.29. - Reserved.**

**Sec. 6.30. - Fiscal year.**

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

**Sec. 6.31. - Submission of operating budget to city council.**

On or before a date fixed by the city council, but not later than 30 days prior to the beginning of each fiscal year, the city manager shall submit to the city council a proposed operating budget for the ensuing fiscal year. The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the city manager deems desirable or the city council may require for effective management and an understanding of the relationship between the budget and the city's strategic goals. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections the following:

- (1) The proposed goals and expenditures for current operations during the ensuing fiscal year, detailed for each fund by department or by other organization group, and program, purpose or activity, method of financing such expenditures, and methods to measure outcomes and performance related to the goals;
- (2) Proposed longer term goals and capital expenditures during the ensuing fiscal year, detailed for each fund by department or by other organization unit when practicable, the proposed method of financing each such capital expenditure, and methods to measure outcomes and performance related to the goals; and
- (3) The proposed goals, anticipated income and expense, and profit and loss for the ensuing year for each utility or other enterprise fund or internal service fund operated by the city and

methods to measure outcomes and performance related to the goals. For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balances exclusive of reserves.

(H.B. No. 297, § 4, 1-20-09)

**Editor's note**— House Bill No. 297, § 4, adopted Jan. 20, 2009, repealed former § 6.31, and enacted a new § 6.31 as set out herein. Former § 6.31 pertained to similar subject matter and derived from 1973 Ga. Laws, page 3581.

**Sec. 6.32. - The city council action on budget.**

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

(b) The city council shall adopt the final operating budget for the ensuing fiscal year not later than seven days prior to the beginning thereof. If the city council fails to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the council adopts the budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance or resolution setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity.

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

(d) Prior to council's adoption of the budget, the requirements for advertising and public hearings on the proposed budget shall be as follows:

(1) On the day the proposed budget is submitted to the city council for consideration, a copy of the budget shall be placed in a public location which is convenient to the residents of the city. The city council shall provide convenient access to the location during reasonable business hours so as to provide the public with ample opportunity to review the budget prior to its adoption. A copy of the proposed budget must also be made available, upon request, to the news media;

(2) A statement advising the city's residents of the availability of the proposed budget shall be published during the week in which the proposed budget is submitted to the city council. The statement shall advise the residents that a public hearing will be held on the proposed budget at which time any persons wishing to be heard on the budget may appear. The statement published in the newspaper having general circulation within the city shall be a prominently displayed advertisement or news article, and it shall not be placed merely in the section of the newspaper reserved for legal notices;

(3) At least one week prior to the meeting of the city council at which adoption of the budget ordinance or resolution shall be considered, the city council shall conduct a public hearing, at which time any person wishing to be heard on the budget may appear; and

(4) The city council shall publish notice of the time and place of the required budget hearing at least one week before the hearing date. The notice which is published in a newspaper having

general circulation within the city shall be a prominently displayed advertisement or news article, and it shall not be placed in the section of the newspaper reserved for legal notices.

(e) On a date after the conclusion of the hearing required in paragraph (3) of subsection (c) of this section, the city council shall adopt a budget ordinance or resolution setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity in such sums as the council may deem sufficient, whether greater or less than the sums presented in the proposed budget. The budget ordinance or resolution shall be adopted at a public meeting which shall be advertised in accordance with the procedures set forth in such paragraph at least one week prior to the meeting.

(f) The budget may be prepared in any form that the city council deems most efficient in enabling it to make the fiscal policy decisions embodied in the budget, but such budget shall be subject to the provisions of this Charter, any applicable city ordinance, and state law.

(H.B. No. 297, § 4, 1-20-09)

**Editor's note**— House Bill No. 297, § 4, adopted Jan. 20, 2009, repealed former § 6.32, and enacted a new § 6.32 as set out herein. Former § 6.32 pertained to action by council on budget and derived from 1973 Ga. Laws, page 3581.

### **Sec. 6.33. - Property tax levies.**

As the next order of business following adoption of the operating budget, the council shall levy by ordinance an annual tax on all real and personal property within Garden City. The tax rate set by such ordinance shall be such that reasonable estimates of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual operating budget for defraying the expenses of the general government of Garden City.

### **Sec. 6.34. - Additional appropriations.**

The council may make appropriations in addition to those contained in the current operating budget, at any regular or special meeting called for such purpose, but any such additional appropriations may be made only from an existing unappropriated surplus in the fund to which it applies.

### **Sec. 6.35. - Capital budget.**

(a) On or before the date fixed by the city council but no later than 30 days prior to the beginning of each fiscal year, the city manager shall submit to the city council a proposed capital improvements plan with a recommended capital budget containing the means of financing the improvements proposed for the ensuing fiscal year. The city council shall have power to accept, with or without amendments, or reject the proposed plan and proposed budget. The city council shall not authorize an expenditure for the construction of any building, structure, work, or improvement, unless the appropriations for such project are included in the capital budget, except to meet a public emergency.

(b) The city council shall adopt by ordinance or resolution the final capital budget for the ensuing fiscal year not later than seven days prior to the beginning thereof. No appropriation provided for in a prior capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided, however, the city manager may submit amendments to the capital budget at any time during the fiscal year, accompanied by recommendations. Any such amendments to the capital budget shall become effective only upon adoption by ordinance or resolution.

(H.B. No. 297, § 5, 1-20-09)

**Secs. 6.36—6.39. - Reserved.**

**Sec. 6.40. - Contracting procedures.**

All contracts shall be made or authorized by the council, and no contracts shall bind the city unless reduced to writing and approved by the council.

**Sec. 6.41. - Centralized purchasing.**

(a) The council shall by ordinance prescribe procedures for a system of centralized purchasing for Garden City.

(b) The council may sell and convey any real or personal property owned or held by Garden City for governmental or other purposes, at a public or private sale, with or without advertisement, for such consideration as it shall deem equitable and just for the city.

## **ARTICLE VII. - MUNICIPAL SERVICES AND REGULATORY FUNCTIONS <sup>[8]</sup>**

<sup>(8)</sup> Code reference—Utilities, ch. 82

[Sec. 7.10. - Streets.](#)

[Sec. 7.11. - Municipal utilities.](#)

[Sec. 7.12. - Sewers and drains.](#)

[Sec. 7.13. - Right-of-way.](#)

[Sec. 7.14. - Power to regulate and license.](#)

[Sec. 7.15. - Franchises.](#)

[Sec. 7.16. - Building, housing, electrical, and plumbing regulations.](#)

**Sec. 7.10. - Streets.**

The council is hereby vested with the power to lay out, open, widen, change, straighten, alter, improve, vacate, abandon, and otherwise to exercise complete control over the streets, alleys, squares and sidewalks of Garden City. The council shall provide for the removal of any and all obstacles and nuisances in regard to the streets, alleys or sidewalks or other public places within the city and shall adopt appropriate ordinances to accomplish this purpose.

**Code reference**—Streets, sidewalks and other public places, ch. 66

**Sec. 7.11. - Municipal utilities.**

The council shall have the power and authority to acquire, own, hold, build, maintain and operate a system of waterworks, electric lights, sewerage, and gas distribution; to establish rates and charge fees

for services rendered in any of said systems; to finance any of said systems through appropriate bond issues in accordance with the laws of Georgia; to exercise the power of eminent domain in regard to any of said systems, both within and without the corporate limits; and to contract to furnish the services of any of said systems to consumers outside the corporate limits of Garden City.

**Sec. 7.12. - Sewers and drains.**

The council shall have the power and authority to provide for the establishment, extension, and maintenance of a system of sewers and drains, together with a sewerage disposal system. This power includes the authority to extend said system beyond the corporate limits. For these purposes the city is granted the power of eminent domain both within and without its corporate limits. The council may provide by ordinance for reasonable connection fees for tapping on to the water and sewer lines of said city, and may compel citizens to tap into the same when such service is made available. They may cause said connection to be made when the owners refuse, and issue executions to be made for the amount so expended, which execution shall create a lien on the property connected with said water and sewerage systems from the date of the order or connection.

**Sec. 7.13. - Right-of-way.**

The city shall have the right, easement and franchise of laying the necessary mains, pipes, conduits and drains, for waterworks and sewerage system purposes along the highways in Chatham County without cost; it shall have full power and authority to enact and enforce such rules, regulations and ordinances as may be necessary to protect the water basin and watershed, from which the water supply is taken, from contamination and to protect said waterworks and sewerage system, including the mains, pipes, and conduits whether the same be situated within or without the corporate limits of said city.

**Sec. 7.14. - Power to regulate and license.**

The council shall have the power and authority to provide by ordinance for the registration and licensing of any trade, business, occupation, vocation, profession or any and every other undertaking pursued for the purpose of personal gain or profit of whatever nature, engaged in or carried on within the limits of Garden City, regardless of whether or not the subject has an office or establishment within said city. The council shall be authorized to fix the amount, terms, and manner of issuing and revoking licenses, provided that this authority is subject to the Constitutions and laws of the United States and the State of Georgia. This power is conferred for the purpose of regulation under the police powers of the city and for the purpose of raising revenue for the operation of the city government through the imposition of a tax or fee on the privilege of operating within the city. This authority extends over individuals, partnerships, associations, corporations, and their agents, and any other legal entity capable of transacting business.

**Sec. 7.15. - Franchises.**

The council shall have authority to exercise control over the use of streets of Garden City. The power is hereby conferred upon the council to grant franchises for the use of said city's streets and alleys, for the purposes of railroads, street railways, telephone companies, electric companies, gas companies, and transportation companies. This franchise right extends to, but is not limited to, the erection of poles, stringing of wires, laying of pipes, lines or conduits both above and below the ground surface. The council shall determine the duration, provisions, terms, whether the same shall be exclusive or nonexclusive, and the consideration of such franchises; provided, however, that no franchise shall be granted for a period in excess of 20 years and no franchise shall be granted unless the city receives

just and adequate compensation therefor. The council shall provide for the registration of all franchises with the clerk of council in the registration book to be kept by him. The council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

**Sec. 7.16. - Building, housing, electrical, and plumbing regulations.**

The council shall have the power and authority to enact such reasonable rules and regulations as it may deem necessary or expedient regarding the construction and maintenance of buildings, remodeling of buildings, plumbing, and electrical wiring and equipping of buildings, in order to promote the safety and welfare of its citizens and to guard against fire or other property damage. This power may, in the discretion of the council, be exercised by adoption of any such standard building, housing, gas heating and air conditioning, electrical, and plumbing codes as may be deemed appropriate. The council shall be empowered to engage the necessary personnel to enforce such rules and regulations as adopted, and to charge reasonable fees for inspections and permits; and may require the obtaining of a permit as a condition precedent to any construction, building, electrical work or plumbing work. The council may enact all ordinances necessary to enforce such rules and regulations.

## **ARTICLE VIII. - GENERAL PROVISIONS**

[Sec. 8.10. - Official bonds.](#)

[Sec. 8.11. - Existing ordinances, rules and terms of office.](#)

[Sec. 8.12. - Section captions.](#)

[Sec. 8.13. - Penalties.](#)

**Sec. 8.10. - Official bonds.**

The officers and employees of Garden City, both elective and appointive, shall execute such official bonds in such amounts and upon such terms and conditions as the city council may from time to time require.

**Sec. 8.11. - Existing ordinances, rules and terms of office.**

Existing ordinances and resolutions of Garden City not inconsistent with the provisions of this Charter shall continue in effect until they have been repealed, modified, or amended by the council. Existing rules and regulations of departments or agencies of Garden City not inconsistent with the provisions of this charter shall continue in effect until they have been repealed, modified, or amended. Existing terms of office of elected officials of Garden City shall continue until the first officials elected under this Charter have taken office.

**Sec. 8.12. - Section captions.**

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

**Sec. 8.13. - Penalties.**

The violation of any provision of this Charter for which no penalty is specifically provided for in this Charter is declared to be a misdemeanor and shall be punishable by a fine of not more than \$1,000.00 or imprisonment not to exceed 12 months, or both such fine and imprisonment, or, as an alternative to a fine or imprisonment, by a sentence of community service for a period not exceeding 12 months.

(1992 Ga. Laws, page 6521; 1995 Ga. Laws, page 3677)