

**THE CODE OF THE
TOWN OF CARL, GEORGIA**

OFFICIALS

of the

TOWN OF CARL, GEORGIA

AT THE TIME OF THIS CODE ADOPTION AND REPUBLICATION

David Brock

Mayor

Frank Cheely

Jimmy Shedd

Rebecca Knight

Billy Nix

Town Council

Deana Davis

Town Clerk

Kenneth Lewis

Town Attorney

PREFACE

This Code is a republication, update, and revision of the general and permanent ordinances of the TOWN OF CARL, Georgia.

Source materials used in the preparation of the Code are:

- (1) The Town of Carl Enforcement Code of 1987;
- (2) the Zoning Ordinance for the Town of Carl, Georgia;
- (3) the Code of the Town of Carl, Georgia, 1991; and
- (4) ordinances and resolutions subsequently adopted by the Town Council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of this Code.

The chapters of this Code are arranged in alphabetical order. Every attempt has been made to reference related sections of the Code together and relevant state law references have been included.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 2 is numbered 2-2, and the first section of chapter 4 is 4-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 2-2 and 2-3 is desired to be added, such new section would be numbered 2-2.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Indexes

The indexes have been prepared with the greatest of care. Each item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the indexes themselves which stand as guideposts to direct the user to the item in which the user is interested.

Looseleaf Supplements

A feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes. Copyright This Code is copyrighted © by the Town of Carl, Georgia, 2023.

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Page 2 of 596ORDINANCE NO. 11-16-2023

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE TOWN OF CARL, GEORGIA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE. THE COUNCIL OF THE TOWN OF CARL HEREBY ORDAINS:

Section 1. The Code entitled "Code of Town of Carl, Georgia," and hereafter referred to as "the Code" consisting of chapters 1 through 89, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before November 16, 2023, and not included in the Code or recognized and continued in force by reference herein, are repealed.

Section 3. The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance (11-16-2023).

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not to exceed \$1000.00 or imprisonment for six months or both; such fine and imprisonment. The municipal court may fix punishment by fine, imprisonment or alternative sentencing. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the Town may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the Town council to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after November 16, 2023, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective December 21, 2023.

Section 8. The Barrow County Unified Development Code ("UDC") is adopted in its entirety and as it may be

amended from time to time. The provisions of the UDC shall govern except the Town shall have all authority as reserved to any county building, planning, or inspection official and all authority designated to the County Commissioners for final approval or rejection of zoning and land use applications shall apply to the Town council.

First reading November 16, 2023, and Adopted by the Mayor and Council of the TOWN OF CARL, Georgia, this December 21, 2023.

Attest: I hereby certify that the foregoing is a true and accurate copy of Ordinance 11-16-23,

Deana Davis – *Town Clerk*

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PART I

CHARTER

Part 1 of this volume is the Charter of the Town of Carl. The Town of Carl was first incorporated in 1906 by the Georgia General Assembly (Ga. Laws 1906, p. 831)¹, as amended by an Act approved August 22, 1907 (Ga. Laws 1907, p. 746), as amended by an Act approved August 19, 1922 (Ga. Laws 1922, p. 882), and as amended by an Act (HB 1122) approved April 17, 1975.

I. INCORPORATION AND POWERS

Section 1.10. Incorporation.

The Town of Carl in Barrow County is reincorporated by the enactment of this Charter and is constituted and declared a body politic and corporate under the name of the "Town of Carl." References in this Charter to "the Town" or "this Town" refer to the Town of Carl. The Town of Carl shall have perpetual existence.

Boundaries.

Section 1.11. Corporate boundaries.

The boundaries of this Town shall be those existing on the effective date of the adoption of this Charter with such alterations as may be made from time to time by local law or in the manner provided by general state law. The boundaries of this Town shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the Town clerk of the Town and to be designated, as the case may be: "Official Map or Description of the Corporate Limits of the Town of Carl, Georgia." Photographic, typed, or other copies of such map or description certified by the mayor shall be admitted as evidence in all courts and shall have the same force and effect as the original map or description.

Municipal powers.

Section 1.12. Municipal powers.

(a) (b) This Town shall have all powers possible for a Town to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter. This Town shall have all the powers of self-government not otherwise prohibited by this Charter or by general law. The powers of this Town shall be construed liberally in favor of the Town. The specific mention or failure to mention any power(s) shall not be construed as limiting in any way the powers of this Town. Said powers shall include, but are not limited to, the following:

(1) *Air and water pollution.* 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 Town;

(2) *Animal regulations.* To regulate and license or to 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; to provide for the disposition by sale, gift or humane destruction of animals and fowl when not redeemed

‡ In 1890 Carl was known as Dillard's Crossroads. In 1892, the name became Lawson. Generally Assembly incorporated the Town as the Town of Carl. In 1906, the Georgia

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Page 4 of 596(3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) as provided by ordinance; and to provide punishment for violation of ordinances enacted under this

paragraph;

Appropriations and expenditures. To make appropriations for the support of the government of the Town; 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 Town;

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

Business regulation and taxation. To levy and to provide for the collection of license fees and taxes on privileges, occupations, trades and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; and to revoke such licenses after due process for failure to pay any Town taxes or fees;

Condemnation. To condemn property, inside or outside the corporate limits of the Town, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the Official Code of Georgia Annotated [O.C.G.A. § 22-1-1 et seq.], or such other applicable laws as are or may hereafter be enacted;

Contracts. To enter into contracts and agreements with other governmental entities and with private persons, firms and corporations;

Emergencies. To establish procedures for determining and proclaiming that an emergency situation

exists [inside or outside] the Town, 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 Town;

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

Garbage fees. 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 Town from all individuals, firms and corporations residing in or doing business [within the Town] 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;

General health, safety and welfare. To define, regulate and prohibit any act, practice, conduct or use of property which is detrimental to health, sanitation, cleanliness, welfare and safety of the inhabitants of the Town, and to provide for the enforcement of such standards;

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

Health and sanitation. To prescribe standards of health and sanitation [within the Town] and to provide for the enforcement of such standards;

Jail sentences. To provide that persons given jail sentences in the municipal court may work out such sentences in any public works or on the streets, roads, drains and squares in the Town; to provide for commitment of such persons to any jail;

Motor vehicles. 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 Town;

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Page 5 of 596(16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) *Municipal agencies and delegation of power.* To create, alter or abolish departments, boards, offices,

commissions and agencies of the Town, and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;

Municipal debts. To appropriate and borrow money for the payment of debts of the Town 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;

Municipal property ownership. 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 Town;

Municipal property protection. To provide for the preservation and protection of property and equipment of the Town and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;

Municipal utilities. 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; and to fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties therefor; and to provide for the withdrawal of service for refusal or failure to pay the same; and to authorize the extension of water, sewerage, electrical distribution systems and all necessary appurtenances by which said utilities distributed, inside and outside the corporate limits of the Town; and to provide utility services to persons, firms and corporations inside and outside the corporate limits of the Town;

Nuisances. To define a nuisance and provide for its abatement whether on public or private property and to prescribe penalties and punishments for maintaining a nuisance;

Penalties. To provide penalties for violation of any ordinances adopted pursuant to the authority of this Charter and the laws of the State of Georgia;

Planning and zoning. To provide comprehensive Town planning for development by zoning and to provide subdivision regulation and the like as the Town council deems necessary and reasonable to ensure a safe, healthy and aesthetically pleasing community;

Police and fire protection. To exercise the power of arrest through duly appointed police officers and to establish, operate or contract for a police and a firefighting agency;

Public hazards; removal. To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;

Public improvements. To provide for the acquisition, construction, building, operation and maintenance of public ways, parks, playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detention, penal and medical institutions, agencies and facilities; to provide any other public improvements, inside or outside the corporate limits of the Town; to regulate the use of public improvements; and for such purposes, property may be acquired by condemnation under Title 22 of the Official Code of Georgia Annotated [O.C.G.A. § 22-1-1 et seq.], or such other applicable laws as are or may hereafter be enacted;

Public peace. To provide for the prevention and punishment of drunkenness, riots and public disturbances;

Public transportation. To organize and operate such public transportation systems as are deemed beneficial;

Public utilities and services. To grant franchises or make contracts for public utilities and public

services; and to prescribe the rates, fares, regulations and the standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as [they are] not in conflict with valid regulations of the public service commission;

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Page 6 of 596(30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) *Regulation of roadside areas.* 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, [inside] or abutting the corporate limits of the Town and to prescribe penalties and punishment for violation of such ordinances;

Retirement. To provide and maintain a retirement plan for officers and employees of the Town;

Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the Town; and to negotiate and execute leases over, through, under, or across any Town property or the right-of-way of any streets, roads, alleys and walkways or portion thereof within the corporate limits of the Town for bridges, passageways or any other purpose or use between buildings on opposite sides of the streets and for other bridges, overpasses and underpasses for private use at such location, and to charge a rental therefor in such manner as may be provided by ordinance; and to authorize and control the construction of bridges, overpasses and underpasses within the corporate limits of the Town; and to grant franchises and rights-of-way throughout the streets and roads, and over the bridges and viaducts for the use of public utilities and for private use; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

Sewer fees. To levy a fee, charge or sewer tax as necessary to assure [ensure] the acquiring, constructing, equipping, operating, maintaining and extending of a sewage disposal plant and sewerage system; to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge or tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to impose and collect a sewer connection fee or fees to those connected with the system;

Solid waste disposal. 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;

Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops, the manufacture, sale or transportation of intoxicating liquors, and the use and sale of firearms; 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; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions and shows of any kind, by taxation or otherwise; and to license, tax, regulate or prohibit professional fortunetelling, palmistry, adult bookstores, and massage parlors;

Special assessments. To levy and provide for the collection of special assessments to cover the costs for any public improvement;

Ad valorem taxes. To levy and provide for the assessment, valuation, revaluation and collection of taxes on all property subject to taxation;

Other taxes. To levy and collect such other taxes as may be allowed now or in the future by law;

Taxicabs. To regulate and license vehicles operated for hire in the Town; 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 the parking of such vehicles;

Urban redevelopment. To organize and operate an urban redevelopment program; and

Other powers. 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 or general welfare of the Town and its inhabitants; 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 stated herein; and to exercise all powers now or in the future authorized to be exercised by other TOWN OF CARL, Georgia, Code of Ordinances

Page 7 of 596municipal governments under other laws of the State of Georgia; and no listing of particular powers in this Charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited by municipalities under the Constitution or applicable laws of the State of Georgia.

(42) Cultural programs. The power to establish arts and cultural programs for the citizens of the Town and to provide for the funding thereof.

(Ord. No. 11-16-2023, Ga. Laws 1906, p. 831, Ga. Laws 1907, p. 746, Ga. Laws 1922, p. 882, HB 1122)

Note — Ord. No. 11-16-2023 shall be effective upon successful compliance with the requirements of O.C.G.A. § 36-35-3(b)(1).

Exercise of powers.

Section 1.13. Exercise of powers.

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

ARTICLE II. GOVERNMENT STRUCTURE

Legislative branch.

A. Creation.

Section 2.10. Town council creation; composition; number; election.

The legislative authority of the government of this Town, except as otherwise specifically provided in this Charter, shall be vested in a Town council to be composed of four councilmembers. The mayor and councilmembers shall be elected in the manner provided by this Charter.

B. Terms and qualifications of office.

Section 2.11. Town council terms and qualifications for office.

Councilmembers shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or councilmember unless he shall be a resident of this Town; each such person shall continue to reside within the Town during said period of service and shall be registered and qualified to vote in municipal elections in this Town.

(The Code of the Town of Carl, Georgia 1991, §3)

C. Vacancies in office.

Section 2.12. Vacancy; filling of vacancies; suspensions.

(a) (b) The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office or removal from office in any manner authorized by this Charter or the general laws of the State of Georgia. A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, as provided for in this Charter.

Upon the suspension from office of mayor or councilmember in any manner authorized by the general laws of the State of Georgia, the Town council or those remaining shall appoint a successor for the duration of the TOWN OF CARL, Georgia, Code of Ordinances

Page 8 of 596suspension. If the suspension becomes permanent, then the office shall become vacant and shall be filled for the remainder of the unexpired term, if any, as provided for in this Charter.

D. Compensation and expenses.

Section 2.13. Compensation and expenses.

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

E. Prohibitions.

Section 2.14. Conflicts of interest; holding other offices.

(a) (b) (c) (d) *General Provisions:* No elected official, appointed officer, or employee of the Town or any agency or political entity to which this Charter applies shall knowingly:

(1) Engage in any business or transaction, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties, or which would tend to impair the

independence of his judgment or action in the performance of his official duties;

(2) Engage in or accept private employment, or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair the independence of his judgment or action in the performance of his official duties;

(3) Disclose confidential information concerning the property, government or affairs of the governmental body by which he is engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or others;

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

(5) Represent other private interests in any action or proceeding against this Town or any portion of its government; and

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

Public disclosure of private interests: An elected official, appointed officer or employee who has any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the Town shall disclose such private interest to the Town council. The mayor or any councilmember who has a private interest in any matter pending before the Town council shall disclose such private interest and such disclosure shall be entered on the records of the Town council, and he shall disqualify himself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this Charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.

Misuse of Town-owned property: No elected official, appointed officer, or employee of the Town or any agency or entity to which this Charter applies shall use property owned by such governmental entity for personal benefit, convenience, or profit except in accordance with policies promulgated by the Town council or the governing body of such agency or entity.

Contracts: Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the Town council.

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Page 9 of 596(e) *Holding of other appointed office during term:* Except where authorized by law, neither the mayor nor any councilmember shall hold any other elective or compensated appointive office in the Town or otherwise be employed by said government or any agency thereof during the term for which he was elected. No former

mayor and no former councilmember shall hold any compensated appointive office in the Town until one year after the expiration of the term for which he was elected.

(f) *Candidacy for public office; continuing Town employ prohibited:* No appointed officer and no employee of the Town shall continue in such employment upon qualifying as a candidate for nomination or election to any public office.

(g) *Penalties for violation:*

(1) Any Town officer or employee who knowingly conceals such financial interest or knowingly violates any of the requirements of this section shall be guilty of malfeasance in office or position and shall be deemed to have forfeited his office or position.

(2) Any officer or employee of the Town who shall forfeit his office or position as described in paragraph

(1) above, shall be ineligible for appointment or election to or employment in a position in the Town government for a period of three years thereafter.

F. Inquiries and investigations.

Section 2.15. Inquiries and investigations.

The Town council may make inquiries and investigations into the affairs of the Town 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. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the Town council shall be punished as provided by ordinance.

G. General power and authority.

Section 2.16. General power and authority.

Except as otherwise provided by the Charter, the Town Council shall be vested with all the powers of government of this Town as provided by article I of this Charter.

H. Eminent domain.

Section 2.17. Eminent domain.

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

Organization and procedures.

A. Meetings.

Section 2.18. Organization.

The Town Council shall hold an organizational meeting on the third Thursday at 6:00PM after January 1 each year. The meeting shall be called to order by the Town Clerk and the oath of office shall be administered to the newly elected members as follows: 'I do swear or affirm that I will faithfully perform the duties of (Council Member)(Mayor) for the Town of Carl during my term of office; that I am not the holder of any unaccounted for public money due the State of Georgia or any political subdivision or authority thereof; that I am not the holder of TOWN OF CARL, Georgia, Code of Ordinances

Page 10 of 596any office of trust under the government of the United States or any other state or any foreign state which I may, by the laws of the State of Georgia, be prohibited from holding; that I am otherwise qualified to hold the office to which I have been elected according to the constitution and laws of Georgia; that I will support the Constitution of the United States and of the State of Georgia; that I am a resident of the Town of Carl; and I will enforce the Charter and ordinances of the Town of Carl to the best of my skill and ability'.

(Ord. No. 11-16-2023)

Section 2.19. Regular and special meetings.

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

(b) Special meetings of the Town council may be held on call of the mayor or three members of the Town council.

Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least 48 hours in advance of the meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence. Only the business stated in the call may be transacted at the special meeting.

(c) All meetings of the Town council shall be public to the extent required by law and notice to the public of special meetings shall be made fully as is reasonably possible two days prior to such meetings.

B. Procedures.

Section 2.20. Procedures.

(a) The Town council shall adhere to Roberts Rules of Order Newly Revised and shall conduct business consistent with the provisions of Roberts and this Charter and shall provide for keeping a journal of its proceedings, which shall be a public record.

(b) All committees and committee chairmen and officers of the Town Council shall be appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power to appoint new members to any committee at any time.

Section 2.21. Voting.

(a) Except as otherwise provided in subsection (b) of this section, three councilmembers shall constitute a quorum and shall be authorized to transact the business of the Town council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but the mayor or any member of the Town council shall have the right to request a roll call vote and such vote shall be recorded in the journal. Except as otherwise provided in this Charter, the affirmative vote of three councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

(b) In the event vacancies in office result in less than a quorum of councilmembers holding office, then the remaining councilmembers in office shall constitute a quorum and shall be authorized to transact business of the Town council. A majority vote of the remaining councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

Section 2.22. Ordinance form; procedures.

(a) Every proposed ordinance should 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 the Town of Carl hereby ordains. . . ." and every ordinance shall so begin.

(b) An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the Town council. Ordinances shall be considered and adopted or rejected by the Town council in accordance with TOWN OF CARL, Georgia, Code of Ordinances

Page 11 of 596the rules which it shall establish; provided, however, that an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided in section 2.24. Upon introduction of any ordinance, the clerk shall, as soon as possible, distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the Town council may designate.

Section 2.23. Action requiring an ordinance or resolution.

Permanent acts of the Town council which have the force and effect of law shall be enacted by ordinance.

Acts of a temporary nature may be enacted by resolution.

Section 2.24. Emergencies.

To meet a public emergency affecting life, health, property or public peace, the Town council may convene on call of the mayor or three councilmembers and promptly adopt an emergency ordinance, but such ordinance 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 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 the emergency 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 three councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it

may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency continues to exist. An emergency ordinance shall also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Section 2.25. Codes of technical regulations.

(a) The Town 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 2.22(b) 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 pursuant to section 2.26 of this Charter.

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

Section 2.26. Signing; authenticating; recording; codification; printing.

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

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

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Page 12 of 596(c) The Town council shall cause each ordinance and each amendment to this Charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the Town council. Following publication of the first code under this Charter and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code then in effect and shall be suitable in form for incorporation within the code. The Town council shall make such further arrangements as deemed desirable with reproduction and distribution of any changes in or additions to codes of technical regulations and other rules and regulations included in the code.

Mayor—Council form of government.

Section 2.27. Election of mayor; forfeiture; compensation.

The mayor shall be elected and serve for a term of four years and until his successor is elected and qualified.

He shall be a qualified elector of this Town and shall have been a resident of this Town immediately preceding his election. He shall continue to reside in this Town during the period of his service. He shall forfeit his office on the same grounds and under the same procedure as for councilmembers. The compensation of the mayor shall be established in the same manner as for councilmembers.

(The Code of the Town of Carl, Georgia 1991, §3-201)

Section 2.28. Chief executive officer.

The mayor shall be the chief executive of this Town. The mayor shall possess all the executive and administrative power granted to the Town under the Constitution and laws of the State of Georgia, and all the executive and administrative powers contained in this Charter.

Section 2.29. Powers and duties of mayor.

As the chief executive of this Town, the mayor shall:

- (1) Preside at council meetings and see that all laws and ordinances of the Town are faithfully executed;
- (2) Appoint and remove all officers, department heads and employees of the Town, except as otherwise provided in this Charter;
- (3) Exercise supervision over all executive and administrative work of the Town and provide for the coordination of administrative activities;
- (4) Prepare and submit to the Town council a recommended operating budget and recommended capital budget;
- (5) Submit to the Town council at least once a year a statement covering the financial conditions of the Town, and from time to time such other information as the Town council may request;
- (6) Call special meetings of the Town council as provided for in section 2.19(b);
- (7) Recommend to the Town council such measures relative to the affairs of the Town, improvement of the government, and promotion of the welfare of its inhabitants as he may deem appropriate;
- (8) Approve or disapprove ordinances as provided in section 2.31;
- (9) Require any department or agency of the Town to submit written reports whenever he deems it expedient; and
- (10) Perform such other duties as may be required by law, this Charter, or ordinance.
- (11) The mayor shall provide council with an organizational chart that identifies all directors and the departments of Town government that have been legally activated.

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Section 2.30. Limitation on terms of service.

There shall be no term limits for the mayor or councilmembers.

Section 2.31. Submission of ordinances to the mayor; veto power.

(a) Every ordinance adopted by the Town council shall be presented by the Town clerk to the mayor.

(b) The mayor shall within ten days of receipt of an ordinance return it to the Town clerk with or without his approval, or with his disapproval. If the ordinance is neither approved nor disapproved, it shall become law at 12:00 noon on the tenth calendar day after its adoption; if the ordinance is disapproved, the mayor shall submit to the Town council through the Town clerk a written statement of his reasons for the veto. The Town clerk shall record upon the ordinance the date of its delivery to and receipt from the mayor.

(c) Ordinances vetoed by the mayor shall be presented by the Town clerk to the Town council at its next meeting for review, and if the Town council, then or (at its next general meeting) adopts the ordinance by an affirmative vote of four members, it shall become law.

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

Section 2.32. Mayor pro tempore; selection; duties.

By a majority vote, the Town council shall elect a councilmember to serve as mayor pro tempore. In the absence or disability of the mayor, the mayor pro tempore shall preside at all meetings of the Town council and shall assume the duties and powers of the mayor and shall be compensated at the same rate as the mayor. The Town council by a majority vote may elect a new mayor pro tempore from among its members for any period in which the mayor pro tempore is acting as mayor. Any such absence or disability shall be declared by the majority vote of all councilmembers.

ARTICLE III. ADMINISTRATIVE AFFAIRS

Organizational and general provisions.

Section 3.10. Administrative and service departments.

(a) (b) (c) (d) (e) Except as otherwise provided in this Charter, the Town Council by ordinance shall prescribe the functions or duties and establish, abolish, or alter all non-elective offices as necessary for proper administration of the government.

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

All appointive officers and directors of departments shall receive such compensation as prescribed by

ordinance.

There shall be a director of each department.

All directors under the supervision of the mayor shall be nominated by the mayor with confirmation of appointment by the Town council. The mayor may suspend or remove directors under his supervision, but such action shall not be effective for ten calendar days following the mayor giving written notice of such

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Page 14 of 596action and the reasons thereof to the director involved and to the Town council. The director involved may appeal to the Town council during the ten-day notice period. After a hearing on the tenth day from date of notice, the council may override the mayor's action by a vote of four councilmembers. The following administrative officers shall not be considered "directors" whom the mayor may suspend or remove under this section: Town attorney, director of administration and Town clerk; the foregoing administrative officers shall only be subject to removal as otherwise allowed under this Charter by law. Acting directors may serve until a quorum of the Town council affirmatively requests a permanent director to be appointed, subject to regular Town council approval.

(f) The mayor may temporarily suspend any director or other direct reports for ethics violations. Permanent suspension or termination of select employees is provided for in other provisions of this section. Unless specifically otherwise addressed, the mayor has full authority to suspend or terminate direct reports.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, §3)

Section 3.11. Boards, commissions, and authorities.

(a) The Town council shall create by ordinance such boards, commissions, and authorities to fulfill any investigative, quasi-judicial or quasi-legislative function the Town 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 Town shall be appointed by the Town council for such terms of office and in such manner as shall be provided by ordinance, except where other appointing authority, terms of office or manner of appointment is prescribed by this Charter or by law.

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

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

(e) Any vacancy on a board, commission, or authority of the Town shall be filled for the unexpired term in the manner prescribed for [the] original appointment, except as otherwise provided by this Charter or by law.

(f) No member of a board, commission or authority shall assume office until he has executed and filed with the clerk of the Town an oath obligating himself to [perform] faithfully and impartially the duties of his office, such oath to be prescribed by ordinance and administered by the mayor.

(g) Any member of a board, commission or authority may be removed from office for cause by a vote of three

members of the Town council.

(h) Except as otherwise provided by this Charter or by law, each board, commission, or authority of the Town shall elect one of its members as chairman and one member as vice-chairman and may elect as its secretary one of its members or may appoint as secretary an employee of the Town. Each board, commission or authority of the Town government may establish such bylaws, rules, and regulations, not inconsistent with this Charter, an ordinance of the Town, or law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules and regulations shall be filed with the clerk of the Town.

Administrative officers.

Section 3.12. Town attorney.

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

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Page 15 of 596by virtue of his position as Town attorney. Except as otherwise provided by this Charter or by law, the Town attorney shall not be subject to termination or removal by the mayor or the Town council acting alone, but only upon the joint action of the mayor and a majority vote of the Town council at a regularly scheduled meeting.

The Town attorney shall be responsible for reviewing and approving all contracts, legal matters, and ordinances. The Town attorney shall provide legal advice to the mayor, Town council, director of administration, chief of police and the Town clerk upon request of the mayor except on issues germane to investigations of the mayor, whereby authority is given to the mayor pro temp.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, §3-501 et. seq.)

Section 3.13. Town Administrator.

[reserved]

Section 3.14. Town clerk.

The mayor shall appoint a Town clerk, subject to confirmation by the Town council, who shall be responsible for the operation and supervision of departments providing administrative services as defined by ordinance; shall perform the general duties of treasurer, accountant and fiscal officer; shall be responsible for the collection of all taxes, licenses, fees and other monies belonging to the Town and subject to the provisions of this Charter and the ordinances of the Town; and to enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes by the Town. In addition, the Town Clerk shall be responsible for the maintenance of municipal court records and collection of fines as established by ordinance and state laws and shall

perform such other duties as required. Except as otherwise provided by this Charter or by law, the Town clerk shall not be subject to termination or removal by the mayor or the Town council acting alone, but only upon the joint action of the mayor and a majority vote of the Town council at a regularly scheduled meeting.

The Town clerk shall not be a member of the Town council. The Town clerk shall be the custodian of the official Town seal; maintain Town council records required by this Charter; and perform such other duties as are imposed upon that officer by state law.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, §3-401 et. seq.)

Section 3.15. Administrative affairs.

The mayor shall acknowledge the Town clerk's recommendation of an auditor, pursuant to the Charter, article III, section 13(b) and make the appointment, or provide a written rejection of the recommendation, within ten days of the recommendation. The mayor's appointment of an auditor shall be subject to confirmation of the Town council. The auditor shall be responsible for auditing and annual revenues and expenditures pursuant to state and federal.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, §3)

Section 3.16. Chief of police.

[Reserved]

Personnel administration.

Section 3.17. Position classification and pay plans.

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

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Section 3.18. Personnel policies.

The Town council shall adopt rules and regulations consistent with this Charter concerning:

(1) (2) (3) (4) (5) The method of employee selection and probationary periods of employment;

The administration of [a] position classification and pay plan, methods of promotion and [applications] of services [ratings] thereto, and transfer of employees within the classification plan;

Hours of work, vacation, sick leave and other leaves of absence, overtime pay and the order and manner in which layoffs shall be effected;

Such dismissal hearings as due process may require; and

Such other personnel notices as may be necessary to provide for adequate and systematic handling of personnel affairs.

ARTICLE IV. JUDICIAL BRANCH

Municipal court.

Section 4.10. Creation; name.

There shall be a court to be known as the municipal court of the Town of Carl. Such Municipal Court may be administered by the Town or as provided through an inter-governmental ("IGA") in accordance with the provision set forth in O.C.G.A. § 15-10-150.

Section 4.11. Judges.

(a) The municipal court shall be presided over by a chief judge and such parttime, fulltime or stand-by judges as shall be provided by ordinance or IGA. The method of selection and terms of such judges shall be provided for by ordinance or IGA

(b) No person shall be qualified or eligible to serve as a judge on the municipal court unless he shall have attained the age of 21 years and shall be a member of the State Bar of Georgia. All judges shall be appointed by the Town council or pursuant to the terms of the IGA.

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

(d) Judges may be removed for cause by a vote of three members of the Town council. This provision is not applicable to IGA.

(e) Before assuming office, each judge shall take an oath, given by the mayor, that she will honestly and faithfully discharge the duties of the office to the best of her ability and without fear, favor or partiality. The oath shall be entered upon the minutes of the Town council journal required in section 2.20 of this Charter. This provision is not applicable to IGA.

Section 4.12. Convening of court.

The municipal court shall be convened at regular intervals as provided by ordinance or pursuant to IGA.

Section 4.13. Jurisdiction; powers.

(a) The municipal court shall try and punish violations of this Charter, all Town ordinances and such other violations as provided by law.

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

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Page 17 of 596(c) (d) (e) (f) (g) (h) (i) (j) The municipal court may fix punishment for offenses within its sole jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for six months or both such fine and imprisonment or may fix punishment by fine, imprisonment or alternative sentencing as now or hereafter provided by law and may impose any punishment up to the maximums specified by general law for offenses with its concurrent jurisdiction. The jailer of

Barrow County is required to receive all such prisoners delivered to him by the municipal court.

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 actual cost of meals, transportation and caretaking of prisoners bound over to superior courts for violations of state law.

(a) The municipal court shall add thirty-five dollars (\$35.00) to the amount of every fine assessed for all traffic and vehicle violations or violations of the Town codes and ordinances.

The municipal court shall have authority to establish bail and recognizances to ensure 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 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 judge declared forfeited to the Town, or the property so deposited shall have 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 Town property taxes.

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

The municipal court shall have the authority to bind prisoners over to the appropriate court when it appears by probable cause that state law has been violated.

Each judge of the municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas and warrants which may be served as executed by any officer as authorized by this Charter or by law.

Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the Town, and each judge of the municipal court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the Town.

The municipal court is specifically vested with all the jurisdiction and powers throughout the geographic area of this Town granted by law to municipal courts and particularly by such laws as authorize the abatement of nuisances, enforcement of ordinance and zoning, and prosecution of traffic violations.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, §5-101 et. seq.)

Section 4.14. Certiorari.

The right of certiorari from the decision and judgment of the municipal court shall exist in all cases and ordinance and zoning violation cases, and such certiorari shall be obtained under the rules of civil procedure to the

Superior Court of Barrow County, under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

Section 4.15. Rules for court.

The Town adopts in toto the Uniform Rules of the Municipal Courts of the State of Georgia. A copy of the rules available for public inspection, and, upon request, shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

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ARTICLE V. ELECTIONS AND REMOVAL

ARTICLE V. ELECTIONS AND REMOVAL

Elections.

A. General laws.

Section 5.10. Applicability of general law.

All primaries and elections shall be held and conducted in accordance with the Georgia Municipal Election Code (Title 21, Chapter 3 of the Official Code of Georgia Annotated) (O.C.G.A. § 21-3-1 et seq.) as now or hereafter amended.

B. Election of officers.

Section 5.11. Election of the Town council and mayor.

(a) (b) There shall be a municipal general election on the first Tuesday next following the first Monday in November.

There shall be elected the mayor and two councilmembers at one election and at every other election thereafter. The remaining Town council seats shall be filled at the election alternating with the first election so that a continuing body is created as provided for in the initial election held under this Charter pursuant to section 7.12.

Section 5.12. Nonpartisan elections.

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

Section 5.13. Election by plurality.

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

C. Vacancies.

Section 5.14. Special elections; vacancies.

If the office of mayor or councilmember shall become vacant, the Town council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, that if such vacancy occurs within 12 months of the expiration of the term of that office, the Town council or those remaining shall appoint a successor for the remainder of the term. In all other respects, the special election shall be held and

conducted in accordance with Chapter 3 of Title 21 of the Official Code of Georgia Annotated (O.C.G.A. § 21-3-1 et seq.), the "Georgia Municipal Election Code" as now or hereafter amended.

D. Other provisions.

Section 5.15. Other provisions.

Except as otherwise provided by this Charter, the Town council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under Chapter 3 of Title 21 of the Official Code of Georgia Annotated (O.C.G.A. § 21-3-1 et seq.), the "Georgia Municipal Election Code."

Removal of officers.

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ARTICLE VI. FINANCE

Section 5.16. Removal of officers.

(a) The mayor, councilmembers or other appointed officers provided for in this Charter shall be removed from office for any one or more of the following causes:

- (1) Incompetence, misfeasance or malfeasance in office;
- (2) Conviction of a crime involving moral turpitude;
- (3) Failure at any time to possess any of the qualifications of office as provided by this Charter or by law;
- (4) Knowingly violating any express prohibition of this Charter;
- (5) Abandonment of office or neglect to perform the duties thereof;
- (6) Failure for any other cause to perform the duties of office as required by this Charter or by state law.

(b) (1) Following a charge against an elected official upon one or more of the grounds listed in subparagraph (a), the elected official shall be notified of the charges in writing. The Town council (without participation by any charged member) shall appoint a committee consisting of five citizens who are not elected officials to investigate the charges and said commission shall issue a report of its findings to the mayor and Town council within ten days of its appointment. The elected official charged shall have a right to a public hearing before the Town council to be held within ten days of receipt by the mayor and Town council of the report from the citizens committee. The charged elected official shall have the right of counsel, the right to examine witnesses, and the power to subpoena persons or physical evidence. Any elected officer sought to be removed from office as herein provided shall have the right of appeal from the decision of the Town council to the Superior Court of Barrow County. Such appeal shall be governed by the same rules as govern appeals to the Superior Court from the Probate Court; or

(2) By petition of recall by the electors of the Town of Carl, as provided for by the laws of the State of Georgia.

(c) Any mayor or councilmember of the Town who shall forfeit his office as described in paragraph[s] A and B above shall be ineligible for appointment or election for any office in the Town government.

ARTICLE VI. FINANCE

Taxation and various fees.

A. Property taxes.

Section 6.10. Property tax.

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

Section 6.11. Millage rate; due dates; payment methods.

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

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Page 20 of 596**B. Occupation taxes and business license fees.**

Section 6.12. Occupation and business taxes.

The Town council by ordinance shall have the power to levy such occupation or business taxes as are not denied by law. Such taxes may be levied on both individuals and corporations who transact business in this Town or who practice or offer to practice any profession or occupation within the Town to the extent such persons have a constitutionally sufficient nexus to this Town to be so taxed. The Town council may classify businesses, occupations, or professions for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in section 6.18 of this Charter.

Section 6.13. Licenses; permits; fees.

The Town council by ordinance shall have the power to require any individual or corporation who transacts business in this Town or who practices or offers to practice any profession or calling therein to obtain a license or permit for such activity from the Town and pay a reasonable fee for such license or permit where such activities are not now regulated by general law in such a way as to preclude Town regulations. Such fees may reflect the total cost to the Town of regulating the activity, and if unpaid, shall be collected as provided in section 6.18 of this Charter.

The Town council by ordinance may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety and welfare necessitate.

Section 6.14. Franchises.

The Town council shall have the power to grant franchises for the use of this Town's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, cable television companies, gas

companies, transportation companies and other similar organizations. The Town council shall determine the duration, 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 more than 35 years and no franchise shall be granted unless the Town receives just and adequate compensation therefor. The Town council shall provide for the registration of all franchises with the Town clerk in a registration book kept by her. The Town council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

Section 6.15. Service charges.

The Town council by ordinance shall have the power to assess and collect fees, charges, and tolls for sewers, sanitary and health services, or any other services provided or made available inside and outside the corporate limits of the Town for the total cost to the Town of providing or making available such services. If unpaid, such charges shall be collected as provided in section 6.18 of this Charter.

Section 6.16. Special assessments.

The Town council by ordinance shall have the power to assess, [charge], and collect the cost of constructing, reconstructing, widening or improving any public way, street, sidewalk, curbing, gutters, sewers or other utility mains and appurtenances from the abutting property owners under such terms and conditions as are reasonable. If unpaid, such charges shall be collected as provided in section 6.18 of this Charter.

Section 6.17. Construction; other taxes.

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

C. Collection of delinquent taxes.

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Page 21 of 596 Section 6.18. Collection of delinquent taxes.

The Town council by ordinance may provide generally for the collection of delinquent taxes, fees, or other revenue due the Town under sections 6.10 through 6.17 of this Charter by whatever reasonable means as are not precluded by law. This shall include providing for the dates when the taxes or fees are due, late penalties or interest, issuance, and execution of fi. fa. creation and priority of liens, making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed, revoking Town licenses for failure to pay any Town taxes or fees, and providing for the assignment or transfer of tax executions.

Borrowing.

Section 6.19. Borrowing.

The Town 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 laws of the state. Such bonding authority shall be exercised in accordance with the laws governing bond issuance by municipalities in effect at the time said issue is

undertaken.

Section 6.20. Revenue bonds.

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

Section 6.21. Loans.

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

Accounting and budgeting.

Section 6.22. Accounting and budgeting.

The Town council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year and the year for financial accounting and reporting of every office, department, agency and activity of the Town government.

Section 6.23. Budget ordinance.

The Town council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement program, and a capital budget, including requirements as to the scope content, and form of such budgets and programs.

Section 6.24. Operating budget.

On or before a date fixed by the Town council but not later than 45 days prior to the beginning of each fiscal year, the mayor shall submit to the Town council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor containing a statement of the general fiscal policies of the Town, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as he may deem pertinent. The operating budget, the capital improvements budget, the budget message, and all supporting documents shall be filed in the office of the Town clerk and shall be open to public inspection.

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Section 6.25 Action by Town council on budget.

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

The Town council by resolution shall adopt the final operating, budget for the ensuing fiscal year not later than December 27 of each year. If the Town council fails to adopt the budget by said date, the amounts appropriated for operation for the then 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 Town council adopts a

budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations resolution setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose or activity as set out in the budget preparation ordinance adopted pursuant to section 6.23 of this Charter.

The amount set out in the adopted operating budget or 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 allotments thereof to which it is chargeable.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, §4-201 et. seq.)

Section 6.26. Levy of taxes.

Following adoption of the operating budget, the Town council shall levy by ordinance such taxes as are necessary. The taxes and tax rates 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 expense of the general government of this Town.

Section 6.27. Changes in appropriations.

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

Section 6.28. Capital improvements budget.

- (a) On or before the date fixed by the Town council, but not later than 45 days prior to the beginning of each fiscal year, the mayor shall submit to the Town council a proposed capital improvements budget with his recommendations as to the means of financing the improvements proposed for the ensuing year. The Town council shall have the power to accept, with or without amendments, or reject the proposed program and proposed means of financing. The Town 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 improvements budget, except to meet a public emergency as provided in section 2.24 of this Charter.
- (b) The Town council by resolution shall adopt the final operating budget for the ensuing fiscal year not later than December 27 of each year. If the Town council fails to adopt the budget by said date, the amounts appropriated for operation for the then current fiscal years 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 Town council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations resolution setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose or activity as set out in the budget preparation ordinance adopted pursuant of section 6.23 of this Charter.

There shall be an annual independent audit of all Town accounts, funds, and financial transactions by a certified public accountant selected by the Town council. The audit shall be conducted according to generally accepted accounting principles. Any audit of any funds by the state or federal government may be accepted as satisfying the requirements of this Charter. Copies of all audit reports shall be available at printing costs to the public.

Procurement and property management.

Section 6.30. Contracting procedures.

No contract with the Town shall be binding on the Town unless:

- (1) It is in writing;
- (2) It is drawn or submitted and reviewed by the Town attorney and, as a matter of course, is signed by him to indicate such drafting or review; and
- (3) It is made or authorized by the Town council and such approval is entered in the Town council journal of proceedings pursuant to section 2.21 of this Charter.

Section 6.31. Centralized purchasing.

The Town council shall by ordinance prescribe procedures for a system of centralized purchasing for the Town.

Section 6.32. Sale of Town property.

(a) (b) (c) The Town council may sell and convey any real or personal property owned or held by the Town for governmental or other purposes as not or hereafter provided by law.

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

Whenever in opening, extending or widening any street, avenue, alley or public place of the Town a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the Town, the Town council may authorize the mayor to execute and deliver in the name of the Town a deed conveying said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights-of-way of said street, avenue, alley or public place when such exchange is deemed to be in the best interest of the Town. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the Town has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

ARTICLE VII. GENERAL PROVISIONS

Section 7.10. Bonds for officials.

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

TOWN OF CARL, Georgia, Code of Ordinances

Page 24 of 596**Section 7.11. Rules and regulations.**

All ordinances, resolutions, rules, and regulations now in force in the Town not inconsistent with this Charter are declared valid and of full effect and force until amended or repealed by the Town council.

Section 7.12. Reserved

Section 7.13. Charter language on other general matters.

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

Section 7.14. Definitions and construction.

- (a) Section captions in this Charter are informative only and shall not be considered as a part thereof.
- (b) The word "shall" is mandatory and the word "may" is permissive.
- (c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.