

MUNICIPAL CHARTER

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ARTICLE I. CREATION, INCORPORATION AND POWERS

1. **Name.** This Town and the inhabitants thereof, are constituted and declared a body politic and corporate under the name and style of Maxeys, Georgia, and by that name shall have perpetual succession.
2. **Corporate Boundaries.**
 - A. **Existing Boundaries.** The boundaries of this Town shall be those existing on July 1, 1984, with such alterations as may be made from time to time in the manner provided by general state law. The boundaries of this Town 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 Town Council and to be designated, as the case may be: 'Official Map (or Description) of the Corporate Limits of the Town of Maxeys, Georgia.' Photographic, typed, or other copies of such map or description certified by the Town Clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.
 - B. **Redrawn Maps.** The Town Council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the earlier map or maps which it is designated to replace.
3. **Powers and Construction.**
 - A. **General Powers.** 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.
 - B. **Construction of Powers.** The powers of this Town shall be construed liberally in favor of the Town. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this Town.
4. **Examples of Powers.** The corporate powers of the Town may include but are not limited to the following:
 - A. **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.
 - B. **Animal Regulations.** 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 ordinances enacted hereunder.

- C. **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.
- D. **Building Regulation.** To regulate 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; to license the construction and erection of buildings and all other structures;
- E. **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.
- F. **Town 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 same.
- G. **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, under Title 22 of the Official Code of Georgia Annotated, or under other applicable laws as are or may hereafter be enacted.
- H. **Contracts.** To enter into contracts and agreements with other governmental entities and with private persons, firms and corporations providing for services to be made therefor.
- I. **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.
- J. **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.
- K. **Garbage Fees.** To levy, fix, assess, and collect from all individuals, firms, and corporations residing in or doing business therein and benefitting from such services as 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; to enforce the payment of such charges, taxes or fees; and to provide for the manner and method of collecting such service charges.
- L. **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.
- M. **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 granter may impose.
- N. **Health and Sanitation.** To prescribe standards of health and sanitation and to provide for the enforcement of such standards.
- O. **Jail Sentences.** To provide that persons given jail sentences in the Town court may work out such sentences in any public works or on the streets, roads, drains, and squares in the Town; or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials.
- P. **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.
- Q. **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.

- R. 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.
- S. 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.
- T. 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; and 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 the same; and the manner in which such remedies shall be enforced.
- U. Nuisance.** To define a nuisance and provide for its abatement whether on public or private property.
- V. 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.
- W. Pensions.** To provide and maintain a system of pensions and retirement for officers and employees of the Town;
- X. Planning and Zoning.** To provide such comprehensive city planning for development by zoning; subdivision regulation and the like as the Town Council deems necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community.
- Y. Police and Fire Protection.** To exercise the power of arrest through duly appointed policemen, and to organize and operate a fire-fighting agency.
- Z. 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.
- AA. Public Improvements.** 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, public housing, airports, hospitals, terminals, docks, parking facilities, or 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 Town; and to regulate the use thereof; and for such purposes, property may be acquired by condemnation under Title 22 of the Official Code of Georgia Annotated, or other applicable laws as are or may be enacted.
- BB. Public Peace.** To provide for the prevention and punishment of drunkenness, riots, and public disturbances.
- CC. Public Transportation.** To organize and operate such public transportation systems as are deemed beneficial.
- DD. Public Utilities and Services.** To grant franchises or make contracts for public utilities and public services; 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 valid regulations of the Public Service Commission.
- EE. 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, within or abutting the corporate limits of the Town; and to prescribe penalties and punishment for violation of such ordinances.
- FF. 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, otherwise improve, maintain, repair, clean, prevent erosion of, and light roads, alleys, and walkways 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.
- GG. Sewer Fees.** 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 sewers and sewerage systems a sewer service fee, charge or sewer tax for the use of the sewers; to provide for the manner and method of collecting such service charges and for

enforcing payment of the same; 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 the sewerage system.

- HH. Sidewalk Maintenance.** 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.
 - II. 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.
 - JJ. 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; to license, tax, regulate or prohibit professional fortune telling, palmistry, adult bookstores, and massage parlors.
 - KK. Special Assessments.** To levy and provide for the collection of special assessments to cover the costs for any public improvements.
 - LL. Taxes: Ad Valorem.** To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation.
 - MM. Taxes: Other.** To levy and collect such other taxes as may be allowed now or in the future by law.
 - NN. 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.
 - OO. Urban Redevelopment.** To organize and operate an urban redevelopment program.
 - PP. 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; 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 stated herein; and to exercise all powers now or in the future authorized to be exercised by other municipal 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 exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the constitution or applicable laws of the State of Georgia.
- 5. 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

- 1. 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 a Mayor and five (5) councilmembers. The Mayor and councilmembers shall be elected in the manner provided by Article V of this Charter.
- 2. Town Council Terms and Qualifications for Office.** The members of the Town Council shall serve for terms of four (4) years and until their respective successors are elected and qualified. No person shall be eligible to serve as Mayor or councilmember unless he shall have been a resident of the Town

immediately prior to the date of election of the Mayor or members of the Council; each shall continue to reside therein during his period of service and to be registered and qualified to vote in municipal elections of this Town.

3. Vacancy; Filling of Vacancies; Suspensions.

A. Vacancies. The office of the 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.

B. Filing of Vacancies. 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 Article V.

C. Compensation and Expenses. The Mayor and councilmembers shall receive compensation and expenses for their services as provided by ordinance. The Mayor and councilmember shall be entitled to receive their actual and necessary expenses incurred in the performance of their duties of office.

4. Mayor pro tem. The Town shall elect by majority vote from among its members a Mayor pro tem who shall assume the duties and powers of the Mayor upon declaration by the Town Council of the Mayor's disability of absence.

5. Prohibitions.

A. Conflict of Interest. 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 the official has financial interest.

B. Disclosure. Any elected official, appointed officer, or employee who shall have 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 the 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.

C. Use of Public 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.

D. Contracts Voidable and Rescindable. Any violation of this Section which occurs with the knowledge, express or implied, of another party to a contract or sale shall render said contract or sale voidable as to that party at the option of the Town Council.

- E. Ineligibility of Elected Official.** Except where authorized by general law or this Charter, 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 (1) year after the expiration of the term for which he was elected.
- F. Political Activities of Certain Officers and Employees.** No appointive 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 an 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 (3) years thereafter.
- 6. 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.
- 7. General Power and Authority of the Town Council.** 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.
- 8. Eminent Domain.** The Town Council is hereby empowered to acquire, construct, operate and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional, 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.
- 9. Organizational Meetings.** The Town Council shall meet for organization on the first regularly scheduled meeting of January immediately following the election of the Mayor and councilmembers. 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 solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor) (councilmember) of this Town 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."*
- 10. Regular and Special Meetings.**
- A. Regular Meetings.** The Town Council shall hold regular meetings at such times and places as prescribed by ordinance.
 - B. Special Meetings.** Special meetings of the Town Council may be held on call of the Mayor or two (2) members of the Town Council. Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least forty-eight (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. Public Meetings.** All meetings of the Town Council shall be public to the extent required by general law and notice to the public of special meetings shall be made fully as is reasonably possible five (5) days prior to such meetings.

11. **Rules of Procedure.** The Town 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.
12. **Quorum: Voting.** Four members of the Town Council shall constitute a quorum and shall be authorized to transact business of the Town Council. Voting on the adoption of ordinances shall be by voice vote and the ayes and nays 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. The affirmative vote of four councilmembers shall be required for the adoption of any ordinance, resolution, or motion except as otherwise provided in this Charter.
13. **Ordinance Form; Procedures.**
 - A. **Form.** Every proposed ordinance 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 the Town of Maxeys hereby ordains . . ." and every ordinance shall so begin.
 - B. **Procedures.** An ordinance may be introduced by the Mayor or 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 the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided in Article II (16A). 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.
14. **Action Requiring An Ordinance.** In addition to other acts required by general state law or by specific provisions of this Charter to be done by ordinance, acts of the Town Council which have the force and effect of law shall be done by ordinance.
15. **Emergencies.** To meet a public emergency affecting life, health, property or public peace, the Town Council may convene on call of the Mayor or two (2) 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 thirty (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 (3) 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 thirty (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 still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this Section for adoption of emergency ordinances.
16. **Code of Technical Regulations.**
 - A. **Adoption.** 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 Article II (10) 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 Article II (18).
 - B. **Copies.** Copies of any adopted code of technical regulations shall be made available by the Clerk for distribution or for purchase at a reasonable price.
17. **Signing; Authenticating; Recording; Codification; Printing.**
 - A. **Signing.** The Clerk shall authenticate by his Clerk's signature and record in full in a properly indexed book kept for that purpose, all ordinances adopted by the Council.
 - B. **Codification.** 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 Maxeys, 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.

- C. **Publication.** 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 currently in effect and shall be suitable in form for incorporation therein. The Town Council shall make such further arrangements as deemed desirable with the reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the code.

18. Powers and Duties of Mayor. The Mayor shall:

- A. Preside at all meetings of the Town Council and be the official head of the Town for service of process and ceremonial purposes;
- B. Be the official head and spokesman of the Town for the service of process and ceremonial purposes;
- C. Sign as a matter of course all written and approved contracts, ordinances and other instruments executed by the Town which by law are required to be in writing.
- D. Vote on matters before the Town Council and be counted toward a quorum as any other councilmember;
- E. Prepare and submit to the Town Council a recommended capital budget; and
- F. Fulfill such other executive and administrative duties as the Town Council shall establish by ordinance.

ARTICLE III. ADMINISTRATIVE AFFAIRS

1. Administrative and Service Departments.

- A. **Organization.** Except as otherwise provided in this Charter, the Town Council, by ordinance, shall prescribe the functions or duties, and establish, abolish or alter all nonelective offices, positions of employment, departments, and agencies of the Town, as necessary for the proper administration of the affairs and government of this Town.
- B. **Directors.** Except as otherwise provided by this Charter or by general law, the directors of departments and other appointed officers of the Town shall be appointed solely on the basis of their respective administrative and professional qualifications.
- C. **Compensation.** All appointive officers and directors of departments shall receive such compensation as prescribed by ordinance.

2. Boards, Commissions and Authorities.

- A. **Creation.** 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. **Appointment.** 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, term of office, or manner of appointment is prescribed by this Charter or general state law.
- C. **Compensation.** 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. **Ineligibility.** No member of any board, commission or authority shall hold any elective office in the Town.
- E. **Vacancy.** Any vacancy on a board, commission or authority of the Town shall be filled for the unexpired term in the manner prescribed herein for original appointment, except as otherwise provided by this Charter or by general state law.

- F. **Oath.** 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. **Removal.** All board members serve at-will and may be removed at any time by a vote of four members of the Town Council unless otherwise provided by law.
 - H. **Organization.** Except as otherwise provided by this Charter or by general state 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 own members or may appoint as secretary an employee of the Town. Each board, commission or authority of the Town government may establish bylaws, rules and regulations, not inconsistent with this Charter, ordinances 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.
3. **Position Classification and Pay Plans.** The Town Council shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the Town Council for approval. Said plans 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 of individual employees except by amendment of said pay plan. For purposes of this Section, all elected and appointed Town officials are not Town employees.
 4. **Personnel Policies.** The Town Council shall adopt rules and regulations consistent with this Charter concerning:
 - A. The method of employee selection and probationary periods of employment;
 - B. The administration of the position classification and pay plan, methods of promotion and application of service ratings thereto, and transfer of employees within the classification plan;
 - C. Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and the order and manner in which layoff shall be affected;
 - D. Such dismissal hearings as due process may require; and
 - E. Such other personnel policies as may be necessary to provide for adequate and systematic handling of personal affairs.
 5. **Town Attorney.** The Town Council may appoint a Town Attorney, together with such assistant Town Attorneys 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; may be 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 by virtue of his position as Town Attorney.
 6. **Town Clerk.** The Town Council shall appoint a Town Clerk who may be a councilmember. The Town Clerk shall be custodian of the official Town seal; maintain Town Council records required by this Charter; and perform such other duties as may be required by the Town Council.
 7. **Tax Collector.** The Town Council may appoint a Tax Collector to collect all taxes, licenses, fees, and other moneys belonging to the Town subject to the provisions of this Charter and the ordinances of the Town, and 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.
 8. **Town Accountant.** The Town Council may appoint a Town Accountant to perform the duties of an accountant.

ARTICLE IV. JUDICIAL BRANCH

1. **Creation; Name.** There shall be a court to be known as the Municipal Court of the Town of Maxeys.
2. **Chief Judge; Associate Judge.**
 - A. The municipal court shall be presided over by a chief judge and such part-time, full-time, or stand-by judges as shall be provided by ordinance.
 - 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 twenty-one (21) years, shall be a member of the State Bar of Georgia. All judges shall be appointed by the Town Council.
 - C. Compensation of the judges shall be fixed by ordinance.

- D. Judges may be removed for cause at any time by a vote of four members of the Town Council.
 - E. Before entering the duties of his office, each judge shall take an oath, given by the Mayor, that he will honestly and faithfully discharge the duties of his office to the best of his ability and without fear, favor or partiality. The oath shall be entered upon the minutes of the Town Council journal required in Article II (12).
3. **Convening.** The municipal court shall be convened at regular intervals as designated by ordinance or as provided by ordinance.
4. **Jurisdiction; Powers.**
- A. The municipal court shall try and punish violations of all Town ordinances.
 - B. The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed one hundred dollars (\$100.00) or ten (10) days in jail.
 - C. The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of one hundred dollars (\$100.00) or imprisonment for ten (10) days or both, or to sentence any offender upon conviction to labor in a Town work gang or on the streets, sidewalks, squares, or the public works for a period not exceeding twenty (20) days.
 - D. 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.
 - E. 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 (2) 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 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 Town property taxes.
 - F. 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.
 - G. 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.
 - H. 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 general state law.
 - I. The municipal court is specifically vested with all the jurisdiction and powers throughout the entire area of this Town granted by general state laws to mayor's, recorder's, and police courts, and particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.
5. **Appeal.** Review of judgments of the municipal court shall be by certiorari to the Superior Court of Oglethorpe County pursuant to Chapter 4 of Title 5 of the *O.C.G.A.* § relating to certiorari to superior court.
6. **Rules for Court.** With the approval of the Town Council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the Town Council may adopt in part or in toto the rules and regulations for procedure in the superior court under the general laws of the state of Georgia. The rules and regulations made or adopted shall be filed with the Town Clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least forty-eight (48) hours prior to said proceedings.

ARTICLE V. ELECTIONS AND REMOVAL

1. **Applicability of General Law.** All primaries and elections shall be held and conducted in accordance with the Georgia Election Code (Title 21, Chapter 3 of the Official Code of Georgia Annotated) as now or hereafter amended.
2. **Regular Elections; Time for Holding.** On the first Tuesday following the first Monday in November and on that day every four (4) years thereafter, there shall be an election for the Mayor and the members of the Town Council. The terms of office shall begin on the first day of January following that election at the time of taking the oath of office as provided in Article II (10) of this Charter.
3. **Special Elections; Vacancies.** In the event that the office of Mayor or councilmember shall become vacant for any cause whatsoever, the Town Council or those remaining shall order a special election to fill the balance of the unexpired term of such office; provided, however, if such vacancy occurs within six (6) 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 the Georgia Election Code, Chapter 3 of Title 21 of the *O.C.G.A.*
4. **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 *O.C.G.A.*
5. **Nonpartisan Elections.** Political parties shall not conduct primaries for Town offices and all names of candidates for Town offices shall be listed without party labels.
6. **At-large Elections by Plurality.** The Mayor and each councilmember shall be elected at large by the voters of the entire Town. The five (5) councilmember seats shall be designated as Post 1, Post 2, Post 3, Post 4, and Post 5, and a candidate for election as councilmember shall designate the post for which such person offers. The person receiving plurality of the votes cast for Mayor or a councilmember post shall be the person elected to that respective office.
7. **Grounds for Removal.** The Mayor, councilmembers, or others provided for in this Charter shall be removed from office for any one or more of the following causes:
 - A. Incompetence, misfeasance, or misfeasance in office;
 - B. Conviction of a crime involving moral turpitude;
 - C. Failure at any time to possess any of the qualifications of office as provided by this Charter or by law;
 - D. Knowingly violate any express prohibition of this Charter;
 - E. Abandonment of office or neglect to perform the duties thereof; or
 - F. Failure for any other cause to perform the duties of office as required by this Charter or by state law.
8. **Procedure For Removal.** Removal of an above-described officer may be accomplished by one of the following methods:
 - A. By the vote of four (4) of the members of the Town Council after an investigative hearing. In the event an elected officer is sought to be removed by the action of Town Council, such officer shall be entitled to a written notice specifying the ground for removal and to a public hearing which shall be held not less than ten (10) days after the service of such written notice. 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 Oglethorpe County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or
 - B. By information filed in the Superior Court of Oglethorpe County as provided by state law.

ARTICLE VI. FINANCE

1. **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; for 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.
2. **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 period 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.

3. **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 general state 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 calling therein to the extent such persons have a constitutionally sufficient nexus to this Town to be so taxed. The Town Council may classify businesses, occupations, professions or callings for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Article VI (9).
4. **Licenses; Permits; Fees.** The Town Council by ordinance shall have the power to require any individuals or corporations who transact business in this Town or who practice or offer 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 state law in such a way as to preclude Town regulation. Such fees shall reflect the total cost to the Town of regulating the activity, and if unpaid, shall be collected as provided in Article VI (9). The Town Council by ordinance may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety, and welfare necessitate.
5. **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, 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 for such franchises; provided, however, no franchise shall be granted for a period in excess of thirty-five (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 him. The Town Council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.
6. **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 within and without 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 Article VI (9).
7. **Special Assessments.** The Town Council by ordinance shall have the power to assess 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 Article VI (9).
8. **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.
9. **Collection of Delinquent Taxes and Fees.** The Town, by ordinance, may provide generally for the collection of delinquent taxes, fees, or other revenue due the Town under Article VI (8) through Article VI (1) 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.'s; 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.
10. **General Obligation Bonds.** 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.
11. **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.
12. **Short-Term Notes.** The Town may obtain short-term loans and must repay any short-term loans between January 1 and December 31 of each year, unless otherwise provided by present or future state law.

13. **Fiscal Year.** The Town Council shall set the fiscal year by ordinance as provided in Chapter 81 of Title 36 of the *O.C.G.A.* §, relating to budgets and audits by local governments.
14. **Preparation of Budgets.** The Town Council shall provide for a budget as provided in Chapter 81 of Title 36 of the *O.C.G.A.* §, relating to budgets and audits of local governments.
15. **Contracting Procedures.** No contract with the Town shall be binding on the Town unless:
 - A. It is in writing;
 - B. It is drawn by or submitted and reviewed by the Town Attorney, and as a matter of course, it is signed by him to indicate such drafting or review; and
 - C. It is made or authorized by the Town Council and such approval is entered in the Town journal of proceedings pursuant to Article II (12).
16. **Centralized Purchasing.** The Town Council shall by ordinance prescribe procedures for a system of centralized purchasing for the Town.
17. **Sale of Town Property.**
 - A. The Town Council may sell and convey any real or personal property owned or held by the Town for governmental or other purposes as now or hereafter provided by general law as now or later amended.
 - B. 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.
 - C. 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 or in a settlement of any alleged damages sustained by said abutting or adjoining property owner. 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

1. **Eminent domain.** The Town Council is hereby empowered to acquire, construct, operate, and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional, 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 taken under Title 22 of the *O.C.G.A.*, relating to eminent domain, or any other Georgia law applicable now or provided in the future.
2. **Official Bonds.** The offices and employees of this Town, both elective and appointive, shall execute such official 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 state law.
3. **Prior Ordinances.** All ordinances, bylaws, rules and regulations now in force in the Town not inconsistent with this Charter, are hereby declared valid and of full effect and force until amended or repealed by the Town Council.
4. **First Election Under this Charter.** Those persons serving as Mayor and councilmembers on January 1, 1984, shall serve out their term of office and until respective successors thereto are elected at the 1984 municipal election and are qualified. The first municipal election under this Charter shall be held on the first Monday in October, 1984, at which election under this Charter shall be held on the first Monday in October, 1984, at which election the Mayor and all councilmember seats shall be filled. Such election shall be conducted pursuant to Article V of this Charter. For purposes of that election, persons serving as councilmembers on January 1, 1984, shall be deemed to be serving in designated council posts as follows:

Clifford Webb	-	Post 1
Jeannie Webb	-	Post 2
Ivan Winsett	-	Post 3
Robinson Fisher	-	Post 4
Rollin Marable	-	Post 5

5. **Existing Personnel and Officers.** Except as specifically provided otherwise by this Charter, all personnel and officers of the Town and their rights, privileges and powers shall continue beyond the time this Charter takes effect for a period of ninety (90) days before or during which the existing Town Council shall pass a transition ordinance detailing the changes in personnel and appointive officers required or desired and arranging such titles, rights, privileges and powers as may be required or desired to allow a reasonable transition.
6. **Pending 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.
7. **Penalties.** The violation of any provisions of this Charter, for which penalty is not specifically provided for herein, shall be punishable by a fine of not more than one hundred dollars (\$100.00) or by imprisonment not to exceed ten (10) days, or both such fine and imprisonment.
8. **Construction.**
 - A. Section captions in this Charter are informative only and are not to 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.
9. **Severability.** If any article, section, subsection, paragraph, sentence, or part thereof of this Charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this Charter unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it being the legislative intent in enacting this Charter that each article, section, subsection, paragraph, sentence or part thereof be enacted separately and independent of each other.
10. An amendatory Act to the Charter of the Town of Maxeys, which amendatory Act was approved August 20, 1917 (Ga. L. 1917, p. 768), is repealed in its entirety.
11. Except for the provisions of this Act relating to and necessary for the election of the Mayor and Councilmembers of the Town of Maxeys at the municipal election on the first Monday in October, 1984, this Act shall become effective January 1, 1985. The provisions of this Act relating to and necessary for the election of the Mayor and Councilmembers at said 1984 municipal election shall become effective July 1, 1984.
12. All laws and parts of laws in conflict with this Act are repealed.