

ENROLLMENT

S.B. No. 614 Act No. 973

General Assembly



AN ACT

March 23 1990

The Committee of the Senate on Enrolling and Journals has examined the within and finds the same properly enrolled.

Walter C. Rouse
Chairman

To amend an Act creating a new charter for the City of Dahlonega, approved April 12, 1982 (Ga. L. 1982, p. 4354), so as to change the provisions relating to the time of election, taking of office, and terms of office of the mayor and councilmen; to provide for the authority for this Act; and for other purposes.

Joe Miller
President of the Senate

Hamilton M. Whotey Jr.
Secretary of the Senate

Thomas B. Murphy
Speaker of the House

Steve Weard
Clerk of the House

Received [Signature]
Secretary, Executive Department

This 23rd day of March 1990

Approved [Signature]
Governor

This 28th day of March 1990

IN SENATE

Read 1st time Jan. 25, 1990

Read 2nd time

Read 3rd time

And Passed 1/30/90

Yeas 50 Nays 0

Hamilton M. Whotey Jr.
Secretary of the Senate

IN HOUSE

Read 1st time Jan. 31, 1990

Read 2nd time Feb. 1, 1990

Read 3rd time Mar. 6, 1990

And Passed

Yeas 110 Nays 0

[Signature]
Clerk of the House

Passed Both Houses

By: Senator Foster of the 50th

AN ACT

To amend an Act creating a new charter for the City of Dahlonega, approved April 12, 1982 (Ga. L. 1982, p. 4354), so as to change the provisions relating to the time of election, taking of office, and terms of office of the mayor and councilmen; to provide for the authority for this Act; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. An Act creating a new charter for the City of Dahlonega, approved April 12, 1982 (Ga. L. 1982, p. 4354), is amended by striking Article V, Section 5.10 in its entirety and substituting in lieu thereof a new Article V, Section 5.10 to read as follows:

"Section 5.10. Regular Elections. The three councilmen in office on January 1, 1990, whose terms normally expire at the first organizational meeting in January, 1991, shall remain in office only until December 31, 1990, and until their successors are elected and qualified. On the Tuesday next following the first Monday in November of 1990, and biennially thereafter, the successors and future successors to said three councilmen shall be elected and shall serve for terms of office of two years and until their successors are elected and qualified. The terms of office of the three councilmen and the mayor in office on January 1, 1990, whose terms normally expire at the first organizational meeting in January, 1992, shall remain in

office only until December 31, 1991, and until their successors are elected and qualified. On the Tuesday next following the first Monday in November of 1991, and biennially thereafter, the successors and future successors to said mayor and three councilmen shall be elected and shall serve for terms of office of two years and until their successors are elected and qualified. Any person to be elected to the office of mayor must receive a majority of the votes. In the event no candidate for mayor receives a majority of votes, the two candidates receiving the highest number of votes will be in a runoff not less than 14 days or more than 21 days after the regular election. The three candidates for councilman who receive the most votes in any given election shall be elected. In the event of a tie for third place, a runoff shall be held not less than 14 days or more than 21 days after the regular election. The subsequent terms of office of the mayor and each member of the council shall begin on the first day of January immediately following their election."

Section 2. This Act is enacted pursuant to the authority provided for in subsection (c) of Code Section 21-3-64 of the O.C.G.A.

Section 3. All laws and parts of laws in conflict with this Act are repealed.

AFFIDAVIT

GEORGIA, LUMPKIN

BEFORE me came in person Alice R. Martin who, having been duly sworn, on oath says:

That (s)he is an authorized representative of the Dahlongega Nugget, and thereby qualified to execute this affidavit, that the Notice of Intention to Introduce Local Legislation a copy of which is attached was published in the Dahlongega Nugget, which is the applicable legal organ, according to the requirements and provisions set out in O.C.G.A. 36-35-3.

Dahlongega Nugget

BY: Alice R. Martin

Sworn to and subscribed before me this 11th day of January, 1990.

Lou Moss  
Unofficial Witness

Janet M. Jansaf  
Notary Public  
State of Georgia My Commission Expires Jan. 6, 1991

101.Y

**Notice of Intention to Introduce Local Legislation**  
Notice is hereby given that there will be introduced at the 1990 regular session of the General Assembly of Georgia, a bill to amend an Act providing a new charter for the City of Dahlongega, approved April 12, 1982 (Ga. L. 1982, P. 4,354), so as to change the provisions relating to the time of election, taking of office, and terms of office of the mayor and councilmen; to provide for the authority for this Act; to repeal conflicting laws; and for other purposes.

10-1-18

ENROLLMENT

April 8 20 05

H.B. No. 617

Act No.

211

General

Assembly

The Committee of the House on Information and Audits has examined the within and finds the same properly enrolled.



*[Signature]*

Chairman

AN ACT

To amend an Act creating a new charter for the City of Dahlonega, approved April 12, 1982 (Ga. L. 1982, p. 4354), as amended, so as to provide for election and terms of office of subsequent mayors and councilmembers; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

*[Signature]*

Speaker of the House

*[Signature]*

Clerk of the House

*[Signature]*

President of the Senate

*[Signature]*

Secretary of the Senate

IN HOUSE

Read 1<sup>st</sup> time 2-24-05

Read 2<sup>nd</sup> time 2-25-05

Read 3<sup>rd</sup> time 3-3-05

And Passed

Yeas 144

Nays 0

*[Signature]*

Clerk of the House

Received

*[Signature]*  
Secretary, Executive Department

IN SENATE

Read 1<sup>st</sup> time 3-04-05

Read 2<sup>nd</sup> time

Read 3<sup>rd</sup> time

And Passed 3-24-05

Yeas 43

Nays 0

Passed Both Houses

Approved

*[Signature]*  
Governor

*[Signature]*  
Secretary of the Senate

This 5 day of May 20 05

By: Rep. Amerson of the 9<sup>th</sup>

AN ACT

To amend an Act creating a new charter for the City of Dahlonega, approved April 12, 1982 (Ga. L. 1982, p. 4354), as amended, so as to provide for election and terms of office of subsequent mayors and councilmembers; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating a new charter for the City of Dahlonega, approved April 12, 1982 (Ga. L. 1982, p. 4354), as amended, is amended by striking Section 5.10 and inserting in its place a new Section 5.10 to read as follows:

SECTION 5.10.

Regular Elections.

(a) The mayor and councilmembers of the City of Dahlonega who are serving as such on the effective date of this Act and any person selected to fill a vacancy in any such office shall continue to serve as such members until the regular expiration of their respective terms of office and upon the election and qualification of their respective successors. On and after the effective date of this Act, the city council shall consist of six members all of whom shall be elected at large as provided in this section and the mayor who is elected at large as provided in this section.

(b) For purposes of electing members of the city council, the City of Dahlonega shall consist of one election district with numbered posts 1, 2, 3, 4, 5, and 6. Each person seeking election as a councilmember shall designate the post for which such person seeks election.

(c) In order to be elected as a member of the city council from a council district, a person must receive a plurality of votes cast for that office in the entire city. At the time of qualifying for election as a member of the city council, each candidate for such office shall specify the post for which that person is a candidate. A person elected or appointed as a member of the city council must continue to reside in the city during that person's term of office or that office shall become vacant.

member of the city council must continue to reside in the city during that person's term of office or that office shall become vacant.

(d) The mayor may reside anywhere within the City of Dahlongega and, if elected, must receive a plurality of votes cast for that office in the entire city. The mayor must continue to reside within the city during that person's term of office or that office shall become vacant.

(e)(1) Larry Crowel, the member of the council elected at the November, 2001, general election, shall be designated to be serving from and representing Post 1.

(2) Guy Laboa, the member of the council elected at the November, 2001, general election, shall be designated to be serving from and representing Post 2.

(3) Dudley Owens, the member of the council elected at the November, 2001, general election, shall be designated to be serving from and representing Post 3.

(4) Michael Clemons, the member of the council elected at the November, 2003, general election, shall be designated to be serving from and representing Post 4.

(5) Bill Northquest, the member of the council elected at the November, 2003, general election, shall be designated to be serving from and representing Post 5.

(6) Terry Peters, the member of the council elected at the November, 2003, general election, shall be designated to be serving from and representing Post 6.

(7) The mayor and the members of the council representing Post 1, Post 2, and Post 3 shall be elected at the municipal general election on the Tuesday next following the first Monday in November, 2005, and quadrennially thereafter and shall take office on the first day of January immediately following their election for terms of four years and until their successors are elected and qualified.

(8) The members of the council representing Post 4, Post 5, Post 6 shall be elected at the municipal general election on the Tuesday next following the first Monday in November, 2007, and quadrennially thereafter and shall take office on the first day of January immediately following their election for terms of four years and until their successors are elected and qualified."

## SECTION 2.

The mayor and council of the City of Dahlongega shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and such submission shall be made to the United States Department of Justice or filed with the appropriate court no later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval. If implementation of this Act is not permissible under the Voting Rights Act of 1965, as amended, on or before the date immediately preceding the day that qualifying commences for municipal offices to be elected

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for the City of Dahlonega in 2005, then, as of that date, this Act shall be void and shall stand repealed in its entirety.

**SECTION 3.**

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



**NOTICE OF INTENTION  
TO INTRODUCE LOCAL  
LEGISLATION**

Notice is hereby given that there will be introduced at the regular 2005 Session of the General Assembly of the State of Georgia a bill to amend the Charter of the City of Dahlonega to establish the method by which council members of the City of Dahlonega are elected so as to create an "at large" post system of election for council members.

(n2-126,27)

**GEORGIA, FULTON COUNTY**

Personally appeared before me, the undersigned authority, duly authorized to administer oaths, Amos Amerson, who on oath deposes and says that he is the Representative from District 9 and further deposes and says that the attached Notice of Intention to Introduce Local Legislation was published in the Dahlonega Nugget which is the official organ of Lumpkin County on February 2, 2005, and that the notice requirements of Code Section 28-1-14 have been met.

s/ Amos Amerson  
Amos Amerson  
Representative, District 9

Sworn to and subscribed before me,  
this 23rd day of February 2005.

s/ Susan Gordon  
Susan Gordon  
Notary Public, Rockdale County, Georgia  
My Commission Expires Nov. 18, 2005  
(SEAL)



**APPROVED**

**MAY - 5 2005**

**BY GOVERNOR**

ENROLLMENT

S.B. No. 386 Act No. 510

General Assembly

April 4, 2000  
The Subcommittee of the Senate on Enrolling and Journals has examined the within and finds the same properly enrolled



AN ACT

To amend an Act creating a new charter for the City of Dahlonega, approved April 12, 1982 (Ga. L. 1982, p. 4354), as amended, so as to change the provisions relating to terms of office of the mayor and council members; to change the provisions relating to elections; to provide for elections by plurality vote; to correct certain citations; and for other purposes.

IN SENATE

Read 1<sup>st</sup> time Feb. 1, 2000  
Read 2<sup>nd</sup> time  
Read 3<sup>rd</sup> time  
And Passed 2/3/00  
Yeas 46 Nays 0

Frank Eldridge Jr.  
Secretary of the Senate

IN HOUSE

Read 1<sup>st</sup> time Feb. 4, 2000  
Read 2<sup>nd</sup> time Feb. 7, 2000  
Read 3<sup>rd</sup> time Feb. 28, 2000  
And Passed  
Yeas 91 Nays 4

Robert Rivers Jr.  
Clerk of the House

Waymond C. Huggins  
Chairman

[Signature]  
President of the Senate

Frank Eldridge Jr.  
Secretary of the Senate

Thomas Murphy  
Speaker of the House

Robert Rivers Jr.  
Clerk of the House

Received [Signature]  
Secretary, Executive Department

This 4 day of April 2000

Approved  
[Signature]  
Governor

This 19 day of April 2000

By: Senator Jackson of the 50<sup>th</sup>

AN ACT

To amend an Act creating a new charter for the City of Dahlonega, approved April 12, 1982 (Ga. L. 1982, p. 4354), as amended, so as to change the provisions relating to terms of office of the mayor and councilmembers; to change the provisions relating to elections; to provide for elections by pluralit vote; to correct certain citations; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating a new charter for the City of Dahlonega, approved April 12, 1982 (Ga. L. 1982, p. 4354), as amended, is amended by striking Section 2.11 of said Act and inserting in its place the following:

"SECTION 2.11.

Terms and qualifications of office.

Except as otherwise provided in Section 5.10 of this charter, the terms of office of the mayor and councilmembers which begin on or after January 1, 2001, shall be for a period of four years and until their respective successors have been elected and qualified. No person shall be eligible to serve as mayor or councilmember unless he or she: (1) has been a resident of the city for a period of one year immediately prior to the date of his or her election; (2) continues to reside within the city during his or her period of service; (3) is registered and qualified to vote in municipal elections of the City of Dahlonega; and (4) meets the qualification standards required for members of the Georgia House of Representatives as are now or may in the future be prescribed by the Georgia Constitution."

SECTION 2.

Said Act is further amended by striking Section 5.10 of said Act and inserting in its place the following:

"SECTION 5.10.

Regular elections.

The mayor and councilmembers in office on April 1, 2000, shall continue in office for the remainder of the terms for which they were elected, unless otherwise removed as provided by law. There shall be a municipal election on the Tuesday next following the first Monday in November, 2000. At such election, there shall be elected three councilmembers to succeed those officers whose terms are expiring. The councilmembers elected in such election shall take office at the first organizational meeting in January, 2001, and shall have initial terms of office expiring at the first organizational meeting of the mayor and council in January, 2004. There shall be a municipal election on the Tuesday next following the first Monday in November, 2001. At such election, there shall be elected a mayor and three councilmembers to succeed those officers whose terms are expiring. The mayor and councilmembers elected in such election shall take office at the first organizational meeting in January, 2002, and shall have initial terms of office expiring at the first organizational meeting of the mayor and council in January, 2006. A municipal election shall be held on the Tuesday next following the first Monday in November in each odd-numbered year thereafter. Successors to the mayor and councilmembers shall be elected in the municipal election immediately preceding the expiration of the respective terms of office, and persons elected to such offices following the initial terms as specified in this section shall have terms of four years and until their respective successors are elected and qualified. All terms shall begin at the first organizational meeting in January following the municipal election."

SECTION 3.

Said Act is further amended by striking Section 5.11 of said Act and inserting in its place the following:

"SECTION 5.11.

Applicability of general laws.

The procedures and requirements for election of all elected officials of the City of Dahlonega as to primary, special, and general elections shall be in conformity with the provisions of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, known as the 'Georgia Election Code,' as now or hereafter amended. All candidates in

general or special elections shall be elected by a plurality of the votes cast to fill such public office."

SECTION 4.

Said Act is further amended by striking Section 5.12 of said Act and inserting in its place the following:

"SECTION 5.12.

Special elections; vacancies.

In the event that a vacancy occurs in one or more elected offices of the city for any cause whatsoever, the mayor or the council, or those remaining, or, if none, any three or more citizens and voters of the city, shall order a special election to fill the balance of the unexpired term of such office or offices; provided, however, if such vacancy occurs within 90 days of the expiration of the term of office of the mayor or any councilmember, said vacancy in office shall be filled at such regular election, and in such event, no special election shall be held. In all other respects, special elections shall be conducted in accordance with the applicable provisions of this charter and Chapter 2 of Title 21 of the Official Code of Georgia Annotated, known as the 'Georgia Election Code,' as now or hereafter amended."

SECTION 5.

Said Act is further amended by striking Section 5.13 of said Act and inserting in its place the following:

"SECTION 5.13.

Rules and regulations for elections.

Except as otherwise provided by the charter, the city council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under Chapter 2 of Title 21 of the Official Code of Georgia Annotated, known as the 'Georgia Election Code,' as now or hereafter amended."

SECTION 6.

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

**RESOLUTION**

WHEREAS, the Mayor and council Members for the City of Dahlonega currently serve two (2) year staggered terms, and

WHEREAS, the Mayor and City Council have determined that it is in the best interest of the citizens of the City of Dahlonega to change the terms of office of the elected officials from two (2) years to four (4) years; and

WHEREAS, the Mayor and City Council have determined that establishing four (4) year terms of office will benefit the City of Dahlonega by increasing the consistency and efficiency of the local government, and

WHEREAS, the Mayor and City Council have determined that plurality voting is more appropriate for special elections than is majority voting, and

WHEREAS, O.C.G.A. 21-3-64(D) authorizes the City of Dahlonega to change the terms of its municipal officers from two (2) years to four (4) years, with such terms being either staggered or concurrent, and allows for other changes to voting requirements as well, but that requires such action to be taken by enactment of local legislation;

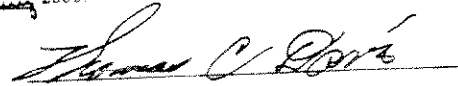
IT IS HEREBY RESOLVED by the Mayor and Council of the City of Dahlonega that each of the State representatives and State senators elected for Lumpkin County should support legislation authorizing the City of Dahlonega to change the terms of office of its elected officials from two (2) years to four (4) years, with such terms being served on a staggered bases. Pursuant to the authority granted by O.C.G.A. 21-3-64(d), the terms of office for municipal officers elected in the general municipal elections for the City of Dahlonega held in 2000 and 2001 should be as follows:

- (1) The three (3) municipal officers elected in the City of Dahlonega in the November of 2000 election shall serve a three (3) year term beginning in January of 2001 and expiring in January of 2004. Thereafter the successors of these officers shall serve four (4) year terms.
- (2) The four (4) municipal officers elected in the City of Dahlonega in the November 2001 election shall serve four (4) year terms beginning in January 2002 and expiring in January of 2006. Thereafter, the successors of these officers shall serve four (4) year terms.

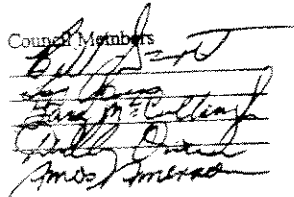
IT IS FURTHER RESOLVED that each of the State representatives and State senators elected for Lumpkin County should support legislation authorizing all special elections to be determined on the basis of plurality rather than majority voting.

The terms of the elected officials of the City of Dahlonega shall begin at the organizational meeting on the first Monday in January of the year following their election.

IT IS RESOLVED THIS 17<sup>th</sup> day of January 2000.

  
\_\_\_\_\_  
Mayor

Attest:   
\_\_\_\_\_  
City Clerk

Council Members  


NOTICE OF INTENTION TO  
INTRODUCE LOCAL LEGISLATION

NOTICE IS HEREBY GIVEN THAT THERE  
WILL BE INTRODUCED AT THE 2000 REGU-  
LAR SESSION OF THE GENERAL ASSEMBLY  
OF GEORGIA, A BILL TO AMEND AN ACT  
PROVIDING A NEW CHARTER FOR THE CITY  
OF DAHLONEGA, APPROVED APRIL 12, 1982  
(GA. L. 1982, P. 434), SO AS TO CHANGE  
THE PROVISIONS RELATING TO THE TERMS  
OF OFFICE OF THE MAYOR AND COUNCIL  
MEMBERS AND TO AUTHORIZE ALL SPECIAL  
ELECTIONS TO BE DETERMINED ON THE  
BASIS OF PLURALITY RATHER THAN MA-  
JORITY VOTING, TO PROVIDE FOR THE AU-  
THORITY FOR THIS ACT, TO REPEAL CON-  
FLICTING LAWS, AND FOR OTHER PUR-  
POSES.

(c2 1/18, 1/26)

GEORGIA, FULTON COUNTY

Personally appeared before me, the undersigned authority, duly authorized to administer oaths, Carol Jackson, who on oath deposes and says that she is the Senator from the 50th District and further deposes and says as follows:

(1) That the attached Notice of Intention to Introduce Local Legislation was published in the Dahlonega Nugget which is the official organ of Lumpkin County on the following date:  
January 19, 2000.

(2) That the laws requiring notice of local legislation were further complied with in the manner checked below:

1 A copy of the notice of intention was mailed, transmitted by facsimile, or otherwise provided to the governing authority of any county, municipality, or consolidated government whose charter or enabling Act is amended, as required by subsection (b) of Code Section 28-1-14.

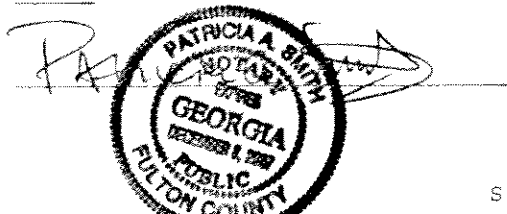
       The notice requirement of subsection (b) of Code Section 28-1-14 does not apply because the bill was requested by resolution or other written notification of the governing authority of the affected county, municipality, or consolidated government and a copy of such resolution or other written notification is attached hereto.

       The notice requirement of subsection (b) of Code Section 28-1-14 does not apply because the bill does not amend the charter of a municipality or the enabling Act of a county or consolidated government or the bill affects a local school system.

       The notice requirement of subsection (b) of Code Section 28-1-14 does not apply because the bill is an annexation bill and a copy of the bill was provided to the county governing authority within which the area proposed to be annexed is located at the time the notice was published, as required by Code Section 28-1-14.1.

Carol Jackson  
CAROL JACKSON  
Senator, 50th District

Sworn to and subscribed before me, this  
25th day of January  
2000.



APPROVED

APR 19 2000

BY GOVERNOR

ORDINANCE 2003-6

**AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF DAHLONEGA TO AMEND AND SUPERSEDE ARTICLE IV, JUDICIAL BRANCH OF THE MUNICIPAL CHARTER OF THE CITY OF DAHLONEGA TO PROVIDE FOR A JUDGE AND ALTERNATE JUDGES, TIMES OF CONVENING, JURISDICTION, POWERS, APPEALS, CERTIORARI, RULES FOR THE COURT AND INDIGENT DEFENSE, THE CHARTER BEING IDENTIFIED AS AN ACT CREATING A NEW CHARTER FOR THE CITY OF DAHLONEGA APPROVED APRIL 12, 1982, (Ga. L. 1982, P 4353), AS AMENDED.**

BE IT ORDAINED by the City Council of Dahlonega, and it is hereby ordained by the authority thereof:

That Article IV entitled Judicial Branch is hereby amended to read as follows:

**ARTICLE IV**  
Judicial Branch

**Section 4.10. Creation; Name.**

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

**Section 4.11. 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 that person shall have attained the age of 21 years, shall be a member of the State Bar of Georgia and shall possess all qualifications required by law. All judges shall be appointed by the city council and shall serve until a successor is appointed and qualified.
- (c) Compensation of the judges shall be fixed by ordinance.
- (d) Judges serve at will and may be removed from office at any time by the city council unless otherwise provided by ordinance.



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

**Section 4.12. Convening.**

The municipal court shall be convened at regular intervals as provided by ordinance, or in the discretion of the Solicitor.

**Section 4.13. Jurisdiction; Powers.**

(a) The municipal court shall try and punish violations of this charter, all city ordinances, and such other violations as provided by law; and exercise all powers granted to Municipal Courts by state law.

(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed two hundred dollars (\$200.00) or ten (10) days in jail.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of One Thousand (\$1,000.00) Dollars or imprisonment for Six Months (180 days) or both such fine and imprisonment, or may fix punishment by fine, imprisonment or alternative sentencing as now, or hereafter provided by law in excess of the stated fines and imprisonment if otherwise provided by law.

(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. "Cost of Operation" may include fine surcharges for specific software packages essential to the orderly functioning of the Municipal Court over and in addition to the fine surcharges otherwise authorized or required by law including but not limited to those surcharges already in effect as part of the fine and fee structure of the Municipal Court.

(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 that person's appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at such time, and an

execution issued thereon by serving the defendant and the defendant's sureties with a rule nisi, at least two (2) days before a hearing on the rule.

(f) 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.

(g) 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.

(h) 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 city, 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 city.

#### **Section 4.14. Certiorari.**

The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of a judge of the Superior Court of Lumpkin County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

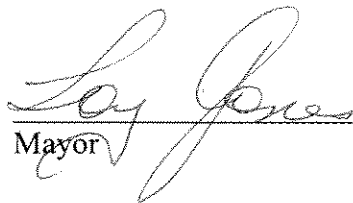
#### **Section 4.15. Rules for Court.**

With the approval of the city 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 city council may adopt in part or in toto the rules and regulations applicable to municipal courts. The rules and regulations made or adopted shall be filed with the city clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.


#### **Section 4.16. Indigent Defense.**

With the approval of the city council, the Judge shall have full power and authority to establish a system of indigent defense. The Judge may also provide for payment for indigent defense through fine surcharges as may be allowed by law.

ORDAINED THIS 3<sup>rd</sup> DAY OF November, 2003 , BY THE MAYOR AND  
COUNCIL OF THE CITY OF DAHLONEGA.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

ENROLLMENT

S. B. No. 698 Act No. 1091

General Assembly

April 8, 1982

The Committee of the Senate on Enrolling and Journals has examined the within and finds the same properly enrolled.

Ed Barker

Chairman



AN ACT

To create a new charter for the City of Dahlonega in the County of Lumpkin; to provide for incorporation; to provide for corporate boundaries; to provide for specific and general powers and the construction and exercise thereof; to provide for a governing body, its form and members, their terms, qualifications, compensation and expenses; to provide for vacancy, forfeiture, filling of vacancy, prohibitions, inquiries and investigations; and for other purposes.

IN SENATE

Read 1st time Feb. 18, 1982

Read 2nd time Feb. 23, 1982

Read 3rd time Feb. 24, 1982

And Passed

Yeas 50

Nays 0

Hamilton M. Whateley Secretary of the Senate

IN HOUSE

Read 1st time Feb. 25, 1982

Read 2nd time Feb. 26, 1982

Read 3rd time Mar. 23, 1982

And Passed

Yeas 110

Nays 0

Steven Wood Clerk of the House

Received Tom Berdoo Secretary, Executive Department

This 8th day of April 1982

Approved George Busbee Governor

This 12th day of April 1982

By: Senator Foster of the 50th

SB 6

**Notice Of Intention To Introduce Local Legislation**

Notice is hereby given that there will be introduced in the 1982 regular session of the General Assembly of Georgia, a bill to provide for a new Charter for the City of Dahlonega, and for other purposes.

This 4th day of January, 1982.

Jack Roberts, Mayor, City of Dahlonega.

3c-1-21

GEORGIA, FULTON COUNTY

Personally appeared before me, the undersigned authority, duly authorized to administer oaths, John C. Foster who, on oath, deposes and says that he is Senator from the 50th District, and that the attached copy of Notice of Intention to Introduce Local Legislation was published in the Dahlonega Nugget which is the official organ of Lumpkin County, on the following dates: Jan. 8, 15 & 22, 1982

*John C. Foster*

JOHN C. FOSTER  
Senator, 50th District

Sworn to and subscribed before me this 11th day of Feb., 19 82

*Donna M. Garcia*

Notary Public

Notary Public, Georgia State at Large  
My Commission Expires Nov. 4, 1985

CITY OF DAHLONEGA

STATE OF GEORGIA

2011 APR 26 PM 3: 27

ORDINANCE NO. 2011- 1

**An Ordinance To Amend the Charter of the City of Dahlonega, Georgia, By Adding Section 5.16 entitled Supplemental Procedures for Removal Hearings Pursuant to the City Charter, Designation of a Hearing Body; Specifying Due Process Requirements; Prescribing Time Frames and Other Purposes, adopted under and by virtue of the authority of the Municipal Home Rule Act of 1965 (1965 Ga. Laws P. 298 et. seq.), as amended, (O.C.G.A. § 36-35-1 et. seq.).**

**WHEREAS**, the Mayor or any City Council Member of the City of Dahlonega is subject to removal from office for any one or more of the grounds set forth in Section 5.14 of the City Charter; and

**WHEREAS**, Section 5.15 of the City Charter sets forth a general procedure for removal from office of any such elected official, which procedure requires due process in the form of written notice and a public hearing, as well as the right of appeal; and

**WHEREAS**, the Governing Authority of the City of Dahlonega is authorized by law to adopt reasonable regulations and ordinances necessary to carry into execution all powers granted by the City Charter; and

**WHEREAS**, the Governing Authority desires to establish hearing procedures designed to ensure compliance with the due process requirements of Section 5.15 of the City Charter, by amending the City Charter to add Section 5.16 for that purpose;

**IT IS HEREBY ORDAINED** by the Governing Authority of the City of Dahlonega:

That under and by virtue of the authority granted the City of Dahlonega under O.C.G.A. Section 36-35-1,t seq. a new section is added to the Charter as Section 5.16 as follows:

Section 5.16 Supplemental Procedures for Removal Hearings.

**Subpart 1. Consideration of dismissal hearing; finding of probable cause; notice of charges.**

(a) When information comes to the Mayor and Council, pursuant to its investigatory powers under the City Charter or by other means, that an elected official may have engaged in conduct that would be grounds for removal under Section 5.14 of the City Charter or under such other laws as exist or may hereafter be enacted, the Mayor and Council shall make an initial determination as to whether probable cause for removal exists. The Mayor and Council may make such a determination based on live testimony taken by it in open session, through acceptance of a report conducted under its auspices by persons designated to make such an investigation on its



behalf, or by other reliable means. To the extent information comes to the Mayor and Council suggesting grounds for removal exist, the Mayor and Council retain investigative powers under Section 2.15 of the Charter and may utilize such powers in any manner it deems appropriate to reach a decision as to whether probable cause exists. The City Attorney or his designee shall serve as a legal advisor to the Mayor and Council in making its determination.

(b) The Mayor and Council shall conduct a vote on the probable cause determination. Such determination may be made by adoption of a resolution finding probable cause to exist. Alternatively, a voice motion and vote may be used to make a finding of probable cause.

(c) Once probable cause has been found to exist, a written notice shall be prepared detailing the grounds for removal. In addition to detailing grounds for removal, the notice shall provide the time, place and date for hearing of the charges and reference the procedures adopted by this Ordinance. A copy of the notice shall be served on the officer against whom removal is sought no less than 10 days before any scheduled hearing. The notice may be served by hand delivery or by certified mail. The Mayor and Council shall convene a hearing as provided for in Subpart 3 hereof or may appoint a Hearing Board as provided for in Subpart 2 to conduct the hearing.

#### **Subpart 2. Hearing Board.**

(a) The Mayor and Council, in lieu of conducting a hearing directly, may appoint a Hearing Board to hear evidence and make a recommended finding as to whether the official shall be removed from office. The Hearing Board shall be composed of three impartial persons, each of whom shall (i) be either an attorney licensed to practice law in Georgia or a city manager, (ii) possess no less than 10 years experience in local government, and (iii) not be involved in any current official capacity with the City of Dahlonega.

(b) Members of the Hearing Board shall be compensated at a per diem set by the City Council or its administrative staff.

(c) In the event a Hearing Board is constituted, any action taken by a majority of the Hearing Board shall be considered final action of the Hearing Board and shall constitute its recommended finding.

#### **Subpart 3. Hearing on charges.**

(a) Hearing on the charges shall be convened at such time, day and place as described in the notice of hearing. The Hearing Board, if such a board is conducting the hearing, shall designate one of its members as a Chairperson to preside over the hearing. The hearing of evidence shall be open to the public.

(b) At the public hearing, the official charged shall be entitled:

(1) to be represented by privately retained counsel of his or her choice;

- (2) to present his or her case or defense by oral or documentary evidence, to be given under oath or by affirmation;
- (3) to submit rebuttal evidence; and
- (4) to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(c) Any relevant oral or documentary evidence may be received, but the Hearing Body as a matter of policy shall provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence. The Hearing Body shall not be bound by the strict rules of evidence prevailing in the courts of law or equity.

(d) The Hearing Body and the Official charged shall exchange witness lists (including brief summaries of anticipated testimony), documentary evidence, audio or video evidence, and exhibits no later than five work days prior to the hearing.

(e) A full record of the hearing shall be prepared and maintained by the City, which record shall be open to the public and available for inspection. Any person may request a copy of the record upon payment of the full cost thereof.

(f) The City Attorney or his designee may serve as legal advisor to the Hearing Body and may be designated in lieu of the chair of the hearing Board or the Mayor to preside over the hearing.

(g) Upon conclusion of the hearing, the Hearing Body shall deliberate upon the evidence presented. Deliberations shall be closed to the public. The Hearing Body shall make findings of fact based on the evidence presented.

(i) Where the Hearing Body, if the Hearing Body is composed of members of the City Council, determines, by a preponderance of the evidence, that the official has engaged in conduct constituting grounds for removal under Section 5.14 of the City Charter, the decision shall be for removal. Where the Hearing Body, if the Hearing Body is composed of members of the City Council, determines, by a preponderance of the evidence, that the official has not engaged in any such conduct, the action shall be dismissed. A decision for removal shall require a two thirds vote of the entire membership of the City Council in accordance with Section 5.15 of the Charter.

(ii) Where the Hearing Body, if the Hearing Body is composed of a Hearing Board as set forth in Subpart 2 hereof, determines by a preponderance of the evidence that the official has engaged in conduct constituting grounds for removal under Section 5.14 of the City Charter, the Hearing Body shall recommend to the City Council that the decision be for removal. Where the Hearing Body, if the Hearing Body is composed of a Hearing Board as set forth in Subpart 2 hereof, determines by a preponderance of the evidence that the official has not engaged in any such conduct, the Hearing Body shall recommend to the City Council that the action shall be dismissed. A decision for removal shall require a two thirds vote of the entire membership of the City Council in accordance with Section 5.15 of the Charter.



(h) The Hearing Body shall prepare a written decision, including findings of fact, its conclusions and its final determination/recommendation with regard to removal. A copy of the written decision shall be provided to the official upon its completion by either hand delivery or certified mail. The City Council's written decision shall be a final action of the City.

#### **Subpart 4. Appeals.**

An official disputing the action of the Hearing Body shall have 30 days to appeal the decision to the Superior Court of Lumpkin County as provided in Section 5.15 of the City Charter. Where the Hearing Body is composed of a Hearing Board as set forth in Subpart 2 hereof, the 30 days shall not begin to run until after the City Council has issued a final determination based on the hearing Board's recommendation.

#### **Subpart 5. Definitions.**

For the purpose of this Chapter the following terms shall have the meanings respectively ascribed to them:

(1) "Hearing Body" shall mean either the Mayor and Council or a Hearing Board designated pursuant to Subpart 2 by the Mayor and Council and designated to act in the Mayor and Council's stead as provided herein.

(2) "Official" shall mean the elected official for whom removal is sought prior to the expiration of that official's term of office.

(3) "Work days" shall be defined as excluding Saturdays, Sundays, and City-recognized holidays.

#### **Subpart 6. Intent.**

It is the intent of this Ordinance to serve as a general process for removal of all officials subject to that action.

#### **Subpart 7. Interpretation.**

Should any words, phrases, sentences or paragraphs of this Ordinance be declared invalid by a court of competent jurisdiction, such ruling shall not affect the remaining words, phrases, sentences or paragraphs of this Ordinance, but the offending provisions shall be severed from the remainder to the extent allowable by law.

**Subpart 8. Effective Date.**

This Ordinance shall be effective upon its adoption at two consecutive regular meetings of the City Council.

By: Gary McLough  
Mayor  
Attest: Lou Stewart  
Title:



This is to certify that this document is a true and accurate copy of the original Ordinance 2011-1 of the City of Dahlonga, adopted by the Mayor and Council on the 4<sup>th</sup> day of April, 2011.

Lou Stewart  
Lou Stewart  
City Clerk

# The Dahlonega Nugget

STATE OF GEORGIA  
COUNTY OF LUMPKIN

## AFFIDAVIT OF PUBLICATION

BEFORE the undersigned office duly authorized to administer oath in the State of Georgia, comes Wayne Knuckles, Editor/Publisher, and says under oath that the attached advertisement was published in The Dahlonega Nugget, the legal organ for the County of Lumpkin, State of Georgia on the following dates:

**MARCH 02, 2011, MARCH 09, 2011, MARCH 16, 2011**

Which advertisement was published for:

**CITY OF DAHLONEGA**

Under the Title of:

**NOTICE OF PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF DAHLONEGA**

Regarding:

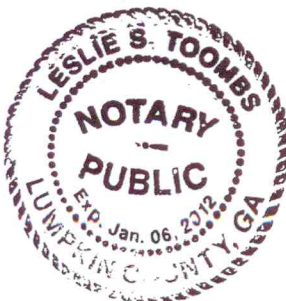
**SECTION 5.16 ENTITLED SUPPLEMENTAL PROCEDURES FOR REMOVAL HEARINGS**

By: Wayne Knuckles  
Wayne Knuckles

Subscribed and sworn to before me, this 4<sup>th</sup> day of April, 2011.

Leslie S. Toombs  
Leslie S. Toombs  
NOTARY PUBLIC

My commission expires Jan. 06, 2012



### NOTICE OF PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF DAHLONEGA

Notice is hereby given that an Ordinance has been introduced to amend the Charter of the City of Dahlonega, Georgia (GA. L. 1982, p. 4354) as amended, said Ordinance being captioned as follows:

An Ordinance To Amend the Charter of the City of Dahlonega, Georgia, By Adding Section 5.16 entitled Supplemental Procedures for Removal Hearings Pursuant to the City Charter, Designation of a Hearing Body; Specifying Due Process Requirements; Prescribing Time Frames and Other Purposes, adopted under and by virtue of the authority of the Municipal Home Rule Act of 1965 (1965 Ga Laws P. 298 et. seq.), as amended, (O.C.G.A. § 36-35-1 et. seq.).

A copy of the proposed Ordinance and Charter Amendment is on file in the Office of the City Clerk of the City of Dahlonega and in the Office of the Clerk of the Superior Court of Lumpkin County, Georgia for the purpose of examination and inspection by the public.

Given under my hand and seal of this office on this 24<sup>th</sup> day of February, 2011.

Lou Stewart, City Clerk  
(3/2, 3/9, 3/16) 186

AN ACT

To create a new charter for the City of Dahlonega in the County of Lumpkin; to provide for incorporation; to provide for corporate boundaries; to provide for specific and general powers and the construction and exercise thereof; to provide for a governing body, its form and members, their terms, qualifications, compensation and expenses; to provide for vacancy, forfeiture, filling of vacancy, prohibitions, inquiries and investigations; to provide for general power and authority of the city council; to provide for the duties of mayor; to provide for organizational meetings, regular and special meetings, rules of procedure, quorum, voting, enactment of ordinances, codes of technical regulation, and authentication, recording and codification of ordinances; to provide for mayor pro tempore; to provide for the executive branch, its administrative and service departments and boards, commissions and authorities; to provide for a city clerk; to provide for a city manager; to provide for a city attorney; to provide for personnel administration; to provide for an oath for employees and appointed persons; to provide for candidacy of employees and elected officials; to provide for the judicial branch including the municipal court, its convening, jurisdiction and powers; to provide for a judge; to provide for appeal; to provide for rules for the municipal court; to provide for general and special elections; to provide for the applicability of general laws; to provide for rules and regulations for elections; to provide for vacancies, and for grounds and procedure for removal; to provide for financial and fiscal matters

including property taxes, tax levy, tax due date and tax bills, collection of delinquent taxes, license fees, occupational and excise taxes, sewer service charges, sanitary and health service charges, special assessment and transfer of executions; to provide for fiscal year and preparation and adoption of operating budget; to provide for bonds; to provide for existing ordinances and regulations; to provide for construction; to provide for penalties; to provide for specific repeal; to provide for severability; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I

INCORPORATION, POWERS

Section 1.10. Incorporation. This Act shall constitute the whole charter of the City of Dahlonega, in the County of Lumpkin, repealing and replacing the charter provided by an Act of the General Assembly, approved March 27, 1972 (Ga. Laws 1972, p. 2765) and all Acts amendatory thereto. The City of Dahlonega, Georgia, in the County of Lumpkin and the inhabitants thereof shall continue to be a body politic and corporate under the same name and style of the City of Dahlonega, Georgia. Under that name, said city shall continue to be vested with all of the property and rights of property which now belong to the corporation; shall have perpetual succession; may sue and be sued; may contract and be contracted with; may acquire and hold such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to or otherwise acquired by it, and from time to time may hold or invest, sell or dispose of the same; may have a common seal and alter and renew the same at will; and may exercise in



conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever.

Section 1.11. Corporate Boundaries. The boundaries of the city of Dahlonega 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 in the manner provided by law. In accordance with procedures established by ordinance of the council, the city clerk shall maintain a map, a written legal description or any combination thereof showing the current boundaries of the city to be retained permanently in the city records and to be designated as the case may be: "Map (or Description) of the Corporate Limits of the City of Dahlonega, Georgia." Alterations in these boundaries shall be indicated by appropriate entries upon or additions to such map or description, and shall be made at the direction of the council. Photographic, typed, or other copies of such map or description certified by the city clerk shall be admitted in evidence in all courts and shall have the same force and effect as the original map or description.

Section 1.12. Specific Powers. The corporate powers of the government of the City of Dahlonega to be exercised by the City Council which is the governing authority may include the following:

(1) to levy and to provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;

(2) to levy and to provide for the collection of license fees and taxes on privileges, occupations, trades and professions, and to license and regulate such privileges, occupations, trades

and professions, and to provide for the manner and method of payment of such licenses and taxes and to revoke such licenses;

(3) to levy and collect such other taxes as may be allowed now or in the future by state law;

(4) to make appropriations for the support of the government of the city, to authorize the expenditure of money for any purposes authorized by this Charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia, and to provide for the payment of expenses of the city;

(5) to appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized by this Charter or the laws of the State of Georgia;

(6) to acquire, dispose of, and hold in trust or otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;

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

(8) to condemn property, inside or outside the corporate limits of the city for present or future use, and for any corporate purpose deemed necessary by the governing authority, under Section 36-202 of the Code of Georgia, 1933, or under other applicable Public Acts as are or may be enacted;

(9) 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, cable television systems, and any other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties and withdrawal of service for refusal or failure to pay same and the manner in which such remedies shall be enforced;

(10) to grant franchises or make contracts for public utilities; to prescribe the rates, fares, regulations and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with such regulations by the Public Service Commission;

(11) 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 streets, roads, alleys, and walkways within the corporate limits of the city;

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

(13) to provide for the acquisition, construction, building, operation and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, sewers, drains, sewerage treatment, airports, hospitals, and charitable, cultural educational, recreational,



conservation, sport, curative, corrective, detentional, penal and medical institutions, agencies, and facilities; and any other public improvements, inside or outside the corporate limits of the city; and to regulate the use thereof, and for such purposes property may be acquired by condemnation under Section 36-202 of the Code of Georgia, 1933, or other applicable Public Acts, as are or may be enacted;

(14) 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;

(15) 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, building, and building trades; to license all building trades, and to license the construction and erection of buildings and all other structures.

(16) to provide for the prevention and punishment of drunkenness, riots, and public disturbances;

(17) to regulate or prohibit junk dealers, pawn shops, the manufacture, sale, transportation or distribution of intoxicating liquors and the use and sale of firearms; and to regulate the transportation, storage and use of combustible, explosive and inflammable materials, the use of lighting and heating equipment, and any other

business or situation which may be dangerous to persons or property;

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

(19) to license, tax, regulate or prohibit professional fortune telling, palmistry, adult bookstores, and massage parlors;

(20) 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 right-of-way of streets and roads or within view thereof, within or abutting the corporate limits of the city and to prescribe penalties and punishment for violation of such ordinances;

(21) to prescribe standards of health and sanitation and to provide for the enforcement of such standards;

(22) to regulate the emission of smoke or other exhaust which pollutes the air, to prevent the pollution of natural streams which flow within the corporate limits of the city, and to protect the waterbasins and watersheds from which the city's water supply is taken;

(23) to fix and establish fire limits and from time to time to extend, enlarge or restrict same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to fire fighting, and to prescribe penalties and punishment for violation thereof;

(24) to provide for the destruction and removal of any building or other structure which may or might become dangerous or detrimental to the public;

(25) to provide for the collection and disposal of garbage, rubbish, refuse and other solid waste; to regulate the collection and disposal of garbage, rubbish, refuse and other solid waste by others; 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; to recover and utilize resources contained in solid waste for production of energy and other purposes;

(26) to levy, fix, assess, and collect a garbage, refuse, and trash and waste collection and disposal and other sanitary service charge, tax, or fee, for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business therein benefiting from such services; to enforce the payment of such charges, taxes or fees, and to provide for the manner and method of collecting such service charges;

(27) 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 or plants and sewerage systems, and to levy on the users of sewers and sewerage systems a sewer service charge fee or sewer tax for the use of the sewers; and to provide for the manner and method of collecting such service charges and for enforcing payment of same;

(28) to charge, impose and collect a sewer connection fee or fees, and to charge the same from time to time; such fees to be levied on the users connecting with the sewerage system;

(29) to define, regulate and prohibit any act, practice, conduct or use of property which is detrimental, or likely to be detrimental, to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards;

(30) to define a nuisance and provide for its abatement whether on public or private property;

(31) to provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public, and to prescribe penalties and punishment for violations thereof;

(32) to establish minimum standards for and to regulate building construction and repair, electrical wiring and equipment, gas installation and equipment, plumbing, and housing, for the health, sanitation, cleanliness, welfare, and safety of inhabitants of the city and to provide for the enforcement of such standards;

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

(34) to adopt ordinances and regulations for the prevention of loitering, disorderly conduct, public drunkenness and disturbing the peace in the

corporate limits of the city and to prohibit the playing of lotteries therein, and to prohibit or regulate by ordinance such other conduct and activities within the city which, while not constituting an offense against the laws of this State, is deemed by the governing authority to be detrimental and offensive to the peace and good order of the city or to the welfare of the citizens thereof;

(35) 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;

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

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

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

(39) to levy and provide for the collection of special assessments to cover the costs for any public improvements;

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

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

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

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

(44) to exercise the power of arrest through duly appointed policemen and to organize and operate a fire fighting agency;

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

(46) to provide comprehensive city planning for development by zoning, subdivision regulations and the like as the city council deems necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;

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(47) to organize and operate an urban redevelopment program;

(48) to organize and operate such public transportation systems as are deemed beneficial;

(49) 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 city and its inhabitants, and to exercise all implied powers necessary to carry into execution all powers granted in this Charter as fully enumerated 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. No enumeration of particular powers in this Charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers; but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

Section 1.13. General Powers. In addition to all other powers herein granted, the city shall be vested with any and all powers which municipal corporations are, or may hereafter be, authorized or required to exercise under the Constitution and laws of the State of Georgia, as fully and completely as though such powers were specifically enumerated herein; and any and all powers which the city was heretofore authorized to exercise upon the effective date of this Charter.

Section 1.14. Construction. The powers of the city shall be construed liberally and in favor of the city. The specific mention or failure to mention particular powers in this Charter shall not be construed as limiting in any way the general power of the city as stated in this Charter. It is the intention hereof to grant to the city full power and right to exercise all governmental authority necessary for the effective operation and conduct of the city and all of its affairs.

Section 1.15. Exercise of Powers. All powers, functions, rights, privileges and immunities of the city, its officers, agencies, or employees shall be carried into execution as provided by this Charter. If this Charter makes no provision, such powers, functions, rights, privileges and immunities shall be carried into execution as provided by ordinance of the governing authority and as provided by pertinent laws of the State of Georgia.

## ARTICLE II

### GOVERNING BODY

Section 2.10. Form of Government. The government of the City of Dahlonega shall be vested in a City Council to be composed of a mayor and six councilmen, elected in the manner provided by Article V of this Charter.

Section 2.11. Terms and Qualifications of Office. The members of the council shall serve for terms of two years and until their respective successors are elected and qualified. The mayor shall serve for a term of two years and until his or her successor is elected and qualified. No person shall be eligible to serve as mayor or councilman unless he or she: (1) has been a resident of the city for a period of one year immediately prior to the date of the



election of mayor or councilmen; (2) continues to reside within the city during his or her period of service; (3) is registered and qualified to vote in municipal elections of the City of Dahlonega; and (4) meets the qualification standards required for members of the Georgia House of Representatives as are now or may in the future be prescribed by the Georgia Constitution.

Section 2.12. Vacancy; Forfeiture of Office; Filling of Vacancies. (a) The office of mayor or councilman 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 laws of the State of Georgia.

(b) The mayor or any councilman shall forfeit his or her office if he or she: (1) lacks at any time during the term of office any qualifications of the office as prescribed by this Charter or the laws of the State of Georgia; (2) wilfully and knowingly violates any express prohibition of this Charter; (3) is convicted of a crime involving moral turpitude; or (4) is absent from four consecutive regular meetings of the council, except if granted leave of absence by the council which leave shall be entered upon the minutes.

(c) A vacancy in the office of mayor or councilman shall be filled for the remainder of the unexpired term, if any, as provided for in Article V of this Charter.

Section 2.13. Compensation and Expenses. The mayor and councilmen shall receive as compensation for their services an amount prescribed by ordinance passed by the council in conformity with the laws of the State of Georgia. The mayor and councilmen shall be entitled to receive their actual and necessary expenses incurred in the performance of their duties of office.

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Section 2.14. Prohibitions. (a) Except as authorized by law, no member of the council shall hold any other elective municipal office or municipal employment in the City of Dahlonga during the term for which he or she is elected.

(b) Any city councilman, officer or employee who has a financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the city or in the sale of any land, material, supplies or services to the city or to a contractor supplying the city, shall make known that interest by announcement at a council meeting or in writing to the city clerk and shall refrain from voting upon or otherwise participating in this capacity as a city officer or employee in the making of such sale or in the making or performance of such contract. Any city councilman, officer or employee who willfully conceals such financial interest or willfully violates the requirements of this subsection shall upon conviction, after administrative hearing before the council, be found guilty of malpractice or malfeasance in office or position and shall forfeit his or her office or position. Violation of this Section with the knowledge express or implied of the person or corporation involved in such contract or sale shall render the contract or sale voidable by the council.

Section 2.15. Inquiries and Investigations. The council may make inquiries and investigations into affairs of the city and the conduct of any department, office or agency thereof and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the council shall be punished as provided by ordinance.

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Section 2.16. General Power and Authority of the Council. (a) Except as otherwise provided by law or by this Charter, the council shall be vested with all the powers of government of the City of Dahlonega provided in Article I.

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

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

Section 2.17. Duties of Mayor. The mayor shall be the chief executive officer of the City of Dahlonega. He shall possess all of the executive and administrative powers granted to the city under the Constitution and laws of the State of Georgia, and all the executive and administrative powers contained in this Charter. The mayor shall:

(a) preside at all meetings of the council;

(b) vote as a member of the council only at such times as are necessary to break a tie or deadlock of the council;

(c) be the official head of the city for the service of process and for ceremonial purposes;

(d) have power to administer oaths and to take affidavits;

(e) sign all written contracts entered into by the council on behalf of the city and all other contracts and instruments executed by the city which by law are required to be in writing;

(f) see that all laws and ordinances of the city are faithfully executed;

(g) perform other duties as may be required by law, this Charter or ordinance or as otherwise directed by the City Council.

Section 2.18. Submission of Ordinance to the Mayor; Veto Power.

(1) Every ordinance adopted by the council shall be presented promptly by the clerk to the mayor.

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

(3) Ordinances vetoed by the mayor shall be presented by the clerk to the council at its next meeting and should the council then or at any

meeting within 30 days of the mayor's veto adopt the ordinance by an affirmative vote of four councilmen, it shall become law. Such action shall be taken by a recorded vote of the council and entered upon the minutes of the council.

Section 2.19. Organization Meeting. The council shall meet for organization on the date and at the time of the first regular meeting in January following each regular election. The meeting shall be called to order by the city clerk and the oath of office shall be administered to all newly elected officials of the city as follows:

"I solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Georgia; that I will in all respects observe the provisions of the charter and ordinances of the City of Dahlonega, and I will faithfully discharge the duties of (mayor or councilman, as the case may be). So help me God."

Said oath with the officer's jurat attached shall be written or printed, and when executed, filed with the city clerk.

Section 2.20. Mayor Pro Tempore. At the organization meeting described in Section 2.19, the council shall elect one of its members mayor pro tempore for that year who shall discharge the duties and exercise the powers and authority of mayor in the absence, disability or disqualification of the mayor and during a vacancy in the office of mayor; provided, that his or her rights and duties as councilman shall remain unimpaired.

Section 2.21. Regular and Special Meetings. (a) The council shall hold regular meetings at such times and

places as prescribed by ordinance. The council may recess any regular meeting and continue such meetings on any weekday or hour it may fix, and may transact any business at such continued meeting as may be transacted at any regular meeting.

(b) Special meetings of the council may be held on call of the mayor or by the mayor pro tempore and two councilmen. Notice of such special meetings shall be served on all other members personally or by telephone personally, or shall be left at their residence at least 12 hours in advance of the meeting. Such notice shall not be required if the mayor and all councilmen are present when the special meeting is called. Attendance at a special meeting by the mayor and all councilmen shall constitute a waiver of notice of the special meeting if all of said persons are present at the time the meeting is convened. Only the business stated in the call may be transacted at the special meeting, except by unanimous consent of all members present. With such consent, any business which may be transacted in a regular meeting may be conducted at the special meeting.

Section 2.22. Rules of Procedure. The council shall adopt its rules of procedure and order of business consistent with the provisions of this Charter and shall provide for the keeping of a journal of its proceedings, which shall be a public record.

Section 2.23. Quorum; Voting. The mayor or vice-mayor and four councilmen shall constitute a quorum and shall be authorized to transact business of the council. Voting on the adoption of ordinances shall be taken by a recorded vote of the council and shall be entered upon the minutes. Any member of the council shall have the right to request a roll call vote. The affirmative vote of a

majority of the council present shall be required for the adoption of any ordinance, resolution or motion except as otherwise provided in this Charter.

Section 2.24. Enactment of Ordinances. (a) Except as herein provided, every official action of the council which is to become law shall be by ordinance. Each 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: "Be it ordained by the city council of Dahlonega....." Any ordinance which repeals or amends an existing ordinance shall set forth the ordinance sections or subsections to be repealed or amended.

(b) An ordinance may be introduced by any member of the council and read at a regular or special meeting of the council. Ordinances shall be considered and adopted or rejected by the council in accordance with the rules which it shall establish. Every ordinance which becomes law shall be signed by the mayor.

Section 2.25. Codes of Technical Regulation. (a) The council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that 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.

(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. Authentication, Recording and Codification of Ordinances. (a) The city clerk shall authenticate by his or her signature and record in full in a properly indexed book kept for that purpose all ordinances adopted by the council.

(b) The council may provide for the preparation of a general codification of all ordinances of the city having the force and effect of law. The general codification may be adopted by the council by ordinance, and if so adopted, shall be known as "The Code of the City of Dahlonega, Georgia." All ordinances enacted subsequent to the adoption of the code shall be incorporated therein.

### ARTICLE III

#### EXECUTIVE BRANCH

Section 3.10. Administrative and Service Departments. (a) Except as otherwise provided herein, the council, by ordinance, may establish, abolish, merge, or consolidate offices, positions of employment, departments and agencies of the city, as they shall deem necessary for the proper administration of the affairs and government of the city; shall prescribe the functions and duties of existing departments, offices, and agencies or of any departments, offices and agencies hereinafter created or established; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the function or duties of offices, positions of employment, departments and agencies of the city.

(b) The operations and responsibilities of each department now or hereafter established in the city shall be distributed among such divisions or bureaus as may be provided by ordinance of the council. Each department shall consist of such officers, employees, and positions as may be



provided by this Charter or by ordinance, and shall be subject to the general supervision and guidance of the council.

(c) Except as otherwise provided by this Charter, the directors of departments and other appointed officers of the city shall serve at the pleasure of the appointing authority. Vacancies occurring in an appointive office shall be filled in the same manner as prescribed by this Charter for an original appointment.

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

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

Section 3.11. Boards, Commissions and Authorities.

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

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

(c) No member of any board, commission or authority shall assume office until he shall have executed and filed with the clerk of the city the oath prescribed in Section 3.16.

(d) Any member of any board, commission or authority may be removed from office for cause by a two-thirds vote of the members of the council;

(e) Members of boards, commissions and authorities may receive such compensation and expenses in the performance of their official duties as prescribed by ordinance.

(f) The qualifications required of members of boards, commissions, and authorities shall be as prescribed by ordinance. The mayor and members of the council shall be eligible to be appointed to and serve on such boards, commissions and authorities when the council, in its discretion, determines it appropriate.

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

Section 3.12. Personnel Administration. The council may, in its discretion, adopt ordinances, rules and regulations consistent with this Charter dealing with: (1) the method of employment selection and probationary periods of employment; (2) adoption and administration of a position classification and pay plan including methods of promotion and application of service ratings thereto, and transfer of employees within the classification plan; (3) hours of work,

vacation, sick leave, and other leaves of absence, overtime pay, and the order and manner in which layoff shall be effected; and (4) such other personnel policies and procedures as may be necessary to provide for adequate and systematic handling of the personnel affairs of the city.

Section 3.13. City Clerk. The council may appoint a city clerk, who shall also serve as the city treasurer, with such compensation as shall be determined by the council. The city clerk shall keep the minutes of the proceedings of the city council, maintain in a safe place all records and documents pertaining to the affairs of the city and perform such other duties as may be required by law or as the council may direct.

Section 3.14. City manager; appointment; qualifications; compensation. The city council may appoint a city manager for an indefinite term and fix his or her compensation. The manager shall be appointed solely on the basis of his or her executive and administrative qualifications. He or she need not be a resident of the city or state at the time of his or her appointment, but shall reside within Lumpkin County while in office. The city manager shall serve at the pleasure of the council. The city manager shall be the chief administrative officer of the government of the City of Dahlonega and shall have such powers and duties as are vested in him or her by ordinance or as otherwise provided by the council.

Section 3.15. City Attorney. The council may appoint a city attorney and provide for the payment of such attorney for services rendered to the city. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party;

shall attend the meetings of the council as directed; shall advise the council, mayor and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be requested by the council.

Section 3.16. Oath of Officers. Before a person takes any office in the city government, he or she shall take before an officer of the State, authorized to administer oaths, the following such oath or affirmation:

"I solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Georgia; that I will in all respects, observe the provisions of the charter and ordinances of the City of Dahlonega, and I will faithfully discharge the duties of \_\_\_\_\_ . So help me God."

Said oaths, with the officer's jurat attached, shall be written or printed, and when executed, filed with the city clerk.

Section 3.17. Candidacy of Employees and Elected Officials. No officer or employee of the city, other than the mayor and councilmen, shall continue in the employment of the city after becoming a candidate for nomination or election to any city office. No councilman or mayor may run for any city office except the one presently held without first resigning from such office.

#### ARTICLE IV

#### JUDICIAL BRANCH

Section 4.10. Municipal Court. There is hereby created a court to be known as the Municipal Court of the City of Dahlonega which shall have jurisdiction and authority to try offenses against the laws and ordinances of

said city and to punish for a violation of the same. Such court shall have the power and authority to enforce its judgments by the imposition of such penalties as may be provided by law.

Section 4.11. Judge of the Municipal Court. The municipal court shall be presided over by the judge of the municipal court. The judge shall be appointed by the council and shall serve at the discretion of the council. The compensation of the judge shall be fixed by the council. No person shall be qualified or eligible to serve as a judge of the municipal court unless he or she shall have attained the age of 21 years and shall be a member of the State Bar of Georgia.

Section 4.12. Convening. Said court shall be convened at such times as designated by ordinance or at such times as deemed necessary to keep current the dockets thereof.

Section 4.13. Jurisdiction; Powers. (a) The municipal court is specifically vested with all of the jurisdiction and powers throughout the entire area of the City of Dahlonega granted by State laws generally to mayor's, recorder's and police courts, and particularly by such laws as authorize the abatement of nuisances.

(b) The municipal court shall have authority to punish those in its presence for contempt, by a fine not to exceed One Hundred Dollars (\$100.00) or imprisonment not to exceed twenty days. The municipal court may fix punishment for any offense within its jurisdiction not exceeding Five Hundred Dollars (\$500.00) or imprisonment not to exceed 60 days, or to sentence any offender upon conviction to labor in a city work gang or on the streets, sidewalks, squares,

or other public works for a period not exceeding 60 days, or any part of such punishments or combination thereof; provided, however, that any imprisonment combined with labor in a city work gang shall not exceed a total of 60 days.

(c) The municipal court shall have authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the cost of meals, transportation and caretaking of prisoners bound over to superior courts for violation of State law.

(d) The municipal court shall have authority to establish bail and recognizances to insure the presence of those charged with violations before said court, and shall have discretionary authority to accept cash or personal or real property as surety for 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 City of Dahlonega, or the property so deposited shall have a lien against it for the value forfeited, which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

(e) 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.

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

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

Section 4.14. Appeal. Any person convicted of an offense in the municipal court shall have the right to appeal to the Superior Court of Lumpkin County. The right of appeal and procedures pertaining to appeal bonds to the superior court from the municipal court shall lie in the same manner and under the same procedure as generally prescribed for appeals and appeal bonds from the probate court.

Section 4.15. Rules for Court. With the approval of the 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 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 city clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

ARTICLE V

ELECTIONS

Section 5.10. Regular Elections. (a) An election shall be held on the first Saturday in December of each year to elect councilmen to fill the terms of those councilmen whose terms expire at the end of that year, and to fill the office of mayor in those years in which his or her term of office expires.

(b) Nothing contained herein shall affect the offices of those persons presently serving as mayor and councilmen at the date of approval of this Act, but said officers shall serve out the remainder of their offices as was hereinbefore provided by law as described in subsection (c).

(c) In odd numbered years the mayor and the three council seats whose terms of office expire in that year shall be elected. The candidate for mayor who receives a majority of votes cast in said election and the three candidates for councilman who receive the greatest number of votes shall be elected. In even numbered years, the three council seats whose term of office expire in that year shall be elected in the same manner.

Section 5.11. Applicability of General Laws. The procedures and requirements for election of all elected officials of the City of Dahlonega as to primary, special and general elections shall be in conformity with the provisions of the Georgia Municipal Election Code approved April 4, 1968, (Ga. Laws 1968, p. 885) as now or hereafter amended.

Section 5.12. Special Elections; Vacancies. In the event that a vacancy occurs in one or more elected offices of the city for any cause whatsoever, the mayor or



the council, or those remaining, or, if none, any three or more citizens and voters of the city, shall order a special election to fill the balance of the unexpired term of such office or offices; provided, however, if such vacancy occurs within 90 days of the expiration of the term of office of the mayor or any councilman, said vacancy in office shall be filled at such regular election, and in such event, no special election shall be held. In all other respects, special elections shall be conducted in accordance with the applicable provisions of this Charter and the Georgia Municipal Election Code, Title 34A of the Code of Georgia of 1933 (Ga. L. 1968, p. 885), as now or hereafter amended.

Section 5.13. Rules and Regulations for Elections. Except as otherwise provided by the Charter, the city council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under the Georgia Municipal Election Code, Title 34A of the Code of Georgia of 1933 (Ga. L. 1968, p. 885), as now or hereafter amended.

Section 5.14. Grounds for Removal. The mayor or any councilman shall be subject to removal from office for any one or more of the following causes:

- (a) incompetence, misfeasance or malfeasance 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) willful violation of 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 law.

Section 5.15. Procedure for Removal. Removal of an elected officer from office may be accomplished by one of the following methods:

(a) By action of two-thirds vote of the entire membership of the council. In the event an elected officer is sought to be removed by the action of the 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 from 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 council to the Superior Court of Lumpkin County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court.

(b) By information filed in the Superior Court of Lumpkin County as provided by law.

## ARTICLE VI

### FINANCIAL AND FISCAL MATTERS

Section 6.10. Property Taxes. All property subject to taxation for State or county purposes, assessed as of January 1 in each year, shall be subject to the property tax levied by the City of Dahlonega. The council by ordinance shall elect to use the county assessment for the year in which the city taxes are to be levied and shall request the county to furnish appropriate information for such purpose.

Section 6.11. Tax Levy. The council may assess, ~~levy and collect an ad valorem tax on all real and personal~~

property within the corporate limits of the city 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 city government; providing governmental services; for the repayment of principal and interest on general obligations; and for any other public purpose as determined by the council in its discretion.

Section 6.12. Millage Rates; Due Dates; Tax Bills. The council by ordinance shall establish a millage rate for the city property tax; a due date; and in what length of time those taxes must be paid. The council by ordinance may provide for the payment of these taxes by installation or in one lump sum, as well as to authorize the voluntary payment of taxes prior to the time when due.

Section 6.13. Sewer Service Charges. The council by ordinance shall have the right, power and authority to assess and collect fees, charges, and tolls for sewer services rendered both within and without the corporate limits of the City of Dahlonega, to provide for the cost and expense of providing for the collection and disposal of sewage through the sewerage facilities of the city. If unpaid, said sewer service charge shall be collected as provided in Section 6.20.

Section 6.14. Sanitary and Health Service Charge. The council shall have authority by ordinance to provide for, to enforce, to levy and to collect the cost of sanitary and health services necessary in the operation of the city from all individuals, firms and corporations, residing in or doing business in the city benefiting from such service. Such authority shall include the power to assess, levy and collect annual or monthly sanitary taxes or fees in such

amount or amounts, and based upon and in accordance with such classification of property and sanitary service or service provided, as may be fixed by ordinance. If unpaid, such taxes or fees shall be collected as provided in Section 6.20.

Section 6.15. Special Assessments. The council shall have power and authority to assess all or part of the cost of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances, against the abutting property owners, under such terms and conditions as may be prescribed by ordinance. If unpaid, such special assessments shall be collected as provided in Section 6.20.

Section 6.16. Occupation and Business Taxes. The city 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 city or who practice or offer to practice any profession or calling therein. The city council may classify businesses, occupations, professions or callings for the purpose of such taxation in any way which may be lawful and compel the payment of such taxes as provided in Section 6.20.

Section 6.17. Licenses, Permits, Fees. The city council by ordinance shall have the power to require any individuals or corporations who transact business in this city or who practice or offer to practice any profession or calling therein to obtain a license or permit for such activity from the city 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

city regulation. Such fees may reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected as provided in Section 6.20. The city council by ordinance may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety, and welfare necessitates.

Section 6.18. Franchises. The city council shall have the power to grant franchises for the use of this city'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 city council shall determine the duration, provisions, terms, whether the same shall be exclusive or non-exclusive, and the consideration for such franchises; provided, however, no franchise shall be granted for a period of in excess of 35 year(s) and no franchise shall be granted unless the city receives just and adequate compensation therefor. The city council shall provide for the registration of all franchises with the city clerk in a registration book to be kept by him or her. The city council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

Section 6.19. Construction; Other Taxes and Fines. The City of Dahlonega shall be empowered to levy any other tax or fee allowed now or hereafter by State 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 the city to govern its local affairs.

Section 6.20. Collection of Delinquent Taxes and Fees. The city council by ordinance may provide generally

for the collection of delinquent taxes, fees, or other revenue due the city under this Charter by whatever reasonable means as are not precluded by general State 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 city licenses for failure to pay any city taxes or fees; allowing exceptions for hardship; and providing for the assignment or transfer of tax executions.

Section 6.21. General Obligation Bonds. The council shall have the power to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized under this Charter or the general laws of the State. Such bonding authority shall be exercised in accordance with the laws governing bond issuances by municipalities in effect at the time said issue is undertaken.

Section 6.22. Revenue Bonds. Revenue bonds may be issued by the council as State law now or hereafter provides.

Section 6.23. Fiscal Year; Preparation and Adoption of Operating Budget. The council shall set a fiscal year and prepare and adopt a budget in conformance with the requirements of general State law applicable to municipal corporations.

## ARTICLE VII

### GENERAL PROVISIONS

Section 7.10. Official Bonds. The officers and employees of the City of Dahlonega, both elective and appointive, shall execute such official bonds in such amounts and upon such terms and conditions as the city council may from time to time require.

Section 7.11. Existing Ordinances and Regulations. Existing ordinances and regulations of the City of Dahlonega not inconsistent with the provisions of this Charter shall continue in effect until they have been repealed, modified, or amended by the council. Existing rules and regulations of departments or agencies of the City of Dahlonega not inconsistent with the provisions of this Charter shall continue in effect until they have been repealed, modified, or amended.

Section 7.12. Construction. (a) The captions to the several sections of this Charter are informative only and are not to be considered as a part thereof.

(b) The word "shall" is intended to be mandatory and the word "may" is not.

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

Section 7.13. Penalties. The violation of any provision of this Charter, for which penalty is not specifically provided for herein, is hereby declared to be a misdemeanor and shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment not to exceed 60 days, or both such fine and imprisonment.

Section 7.14. Specific Repealer. An Act incorporating the City of Dahlonega in the County of Lumpkin, approved March 27, 1972 (Ga. Laws 1972, p. 2765),

is hereby repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety.

Section 7.15. 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 or parts 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.

Section 7.16. Effective Date. This Charter shall become effective upon its approval by the Governor or upon its becoming law without his approval.