

House Bill 1536

By: Representatives Rhodes of the 124<sup>th</sup> and Washburn of the 144<sup>th</sup>

A BILL TO BE ENTITLED

AN ACT

1 To provide a new charter for the City of Eatonton; to provide for incorporation, boundaries,  
2 and powers of the city; to provide for the exercise of powers and limitations on powers; to  
3 provide for a governing authority of such city and the powers, duties, authority, prohibitions,  
4 elections, terms, removal from office, method of filling vacancies, compensation, expenses,  
5 and qualifications; to provide for conflict of interest and holding other offices; to provide for  
6 inquiries and investigations; to provide for organization and meeting procedures; to provide  
7 for ordinances; to provide for eminent domain; to provide for codes; to provide for the office  
8 of mayor and certain duties and powers relative to the office of mayor; to provide for a  
9 mayor pro tempore; to provide for a city administrator; to provide for administrative  
10 responsibilities; to provide for boards, commissions, and authorities; to provide for a city  
11 attorney, city clerk, and other personnel; to provide for the establishment of a municipal court  
12 and the judge or judges thereof; to provide for practices and procedures; to provide for  
13 taxation, permits, and fees; to provide for franchises, service charges, and assessments; to  
14 provide for bonded and other indebtedness; to provide for accounting and budgeting; to  
15 provide for contracting and purchasing; to provide for sale of city property; to provide for  
16 bonds for officials; to provide for pending matters; to provide for definitions and  
17 construction; to provide for severability; to provide for related matters; to provide for an  
18 effective date; to repeal specific Acts; to repeal conflicting laws; and for other purposes.

H. B. 1536

- 1 -

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 ARTICLE I  
21 INCORPORATION AND POWERS

22 SECTION 1.1.  
23 Reincorporation.

24 The City of Eatonton, in Putnam County, and the inhabitants thereof are reincorporated by  
25 the enactment of this charter and are hereby constituted and declared a body politic and  
26 corporate under the name and style "City of Eatonton, Georgia" and by that name shall have  
27 perpetual succession.

28 SECTION 1.2.  
29 Corporate boundaries.

30 The corporate boundaries of this city shall be those existing on the effective date of the  
31 adoption of this charter with such alterations as may be made from time to time in the  
32 manner provided by law.

33 The corporate limits of the City of Eatonton shall mean and include the territory described  
34 as follows:

35 All of that property located in Putnam County, Georgia consisting of twelve thousand five  
36 hundred sixty-six and thirty-six one hundredths (12,566.36) acres more or less and being a  
37 circle with a radius of two and one half (2.5) miles and with a center point being located  
38 in the center of the courthouse square in the City of Eatonton, Georgia. The center point  
39 of the courthouse square is to be found by drawing a line from each corner of said square  
40 to the opposite corner of said square.

41

**SECTION 1.3.**

42

## Powers and construction.

43 (a) This city shall have all the powers possible for a city to have under the present or future  
44 construction or laws of this state as fully and completely as though they were specifically  
45 enumerated in this charter. This city shall have all the powers of self-government not  
46 otherwise prohibited by this charter or by general law.

47 (b) The powers of this city shall be construed liberally in favor of the city. The specific  
48 mention or failure to mention powers shall not be construed as limiting in any way the  
49 powers of this city.

50

**SECTION 1.4.**

51

## Examples of powers.

52 (a) Alcoholic beverages. To regulate and license the keeping for sale, selling, or offering  
53 for sale of any spirituous, vinous, malt, or fermented wines or liquors within the corporate  
54 limits of the city consistent with the laws of the State of Georgia;

55 (b) Animal regulations. To regulate and license or to prohibit the keeping or running at large  
56 of animals and fowl and to provide for the impoundment of same if in violation of any  
57 ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction  
58 of animals and fowl when not redeemed as provided by ordinance; and to provide  
59 punishment for violation of ordinances enacted under this charter;

60 (c) Appropriations and expenditures. To make appropriations for the support of the  
61 government of the city; to authorize the expenditure of money for any purposes authorized  
62 by this charter and for any purpose for which a municipality is authorized by the laws of the  
63 State of Georgia; and to provide for the payment of expenses of the city;

- 64 (d) Building regulation. To regulate and to license the erection and construction of buildings  
65 and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and  
66 air-conditioning codes; and to regulate all housing and building trades;
- 67 (e) Business regulation and taxation. To levy and to provide for the collection of regulatory  
68 fees and taxes on privileges, occupations, trades and professions, as authorized by Title 48  
69 of the O.C.G.A., or other such applicable laws as are or may hereafter be enacted; to permit  
70 and regulate the same; to provide for the manner and method of payment of such regulatory  
71 fees and taxes; and to revoke such permits after due process for failure to pay any city taxes  
72 or fees;
- 73 (f) Condemnation. To condemn property, inside or outside the corporate limits of the city,  
74 for present or future use and for any corporate purpose deemed necessary by the governing  
75 authority, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such other  
76 applicable laws as are or may hereafter be enacted;
- 77 (g) Contracts. To enter into contracts and agreements with other governmental entities and  
78 with private persons, firms, and corporations;
- 79 (h) Emergencies. To establish procedures for determining and proclaiming that an  
80 emergency situation exists within or outside the city and to make and carry out all reasonable  
81 provisions deemed necessary to deal with or meet such an emergency for the protection,  
82 safety, health, or well-being of the citizens of the city;
- 83 (i) Environmental protection. To protect and preserve the natural resources, environment,  
84 and vital areas of the state through the preservation and improvement of air quality, the  
85 restoration and maintenance of water resources, the control of erosion and sedimentation, the  
86 management of solid and hazardous waste, and other necessary actions for the protection of  
87 the environment;
- 88 (j) Fire regulations. To fix and establish fire limits and, from time to time, extend, enlarge,  
89 or restrict the same; to prescribe fire safety regulations not inconsistent with general law,

90 relating to both fire prevention and detection and to fire fighting; and to prescribe penalties  
91 and punishment for violations thereof;

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

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

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

104 (n) Health and sanitation. To prescribe standards of health and sanitation and to provide for  
105 the enforcement of such standards;

106 (o) Jail sentences. To provide that persons given jail sentences in the municipal court may  
107 work out such sentences in any public works or on the streets, roads, drains, and other public  
108 property in the city; to provide for commitment of such persons to any jail; or to provide for  
109 commitment of such persons to any county work camp or county jail by agreement with the  
110 appropriate county officials;

111 (p) Motor vehicles. To regulate the operation of motor vehicles and exercise control over  
112 all traffic, including parking upon or across the streets, roads, alleys, and walkways of the  
113 city;

114 (q) Municipal agencies and delegation of power. To create, alter, or abolish departments,  
115 boards, offices, commissions, and agencies of the city and to confer upon such agencies the

- 116 necessary and appropriate authority for carrying out all the powers conferred upon or  
117 delegated to the same;
- 118 (r) Municipal debts. To appropriate and borrow money for the payment of debts of the city  
119 and to issue bonds for the purpose of raising revenue to carry out any project, program, or  
120 venture authorized by this charter or the laws of the State of Georgia;
- 121 (s) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or  
122 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or  
123 outside the property limits of the city;
- 124 (t) Municipal property protection. To provide for the preservation and protection of property  
125 and equipment of the city and the administration and use of same by the public; and to  
126 prescribe penalties and punishment for violations thereof;
- 127 (u) Municipal utilities. To acquire, lease, construct, operate, maintain, sell and dispose of  
128 public utilities, including but not limited to a system of waterworks, sewers and drains,  
129 sewage disposal, stormwater management, gas works, electric light plants, cable television  
130 and other telecommunications, broadband internet, transportation facilities, public airports,  
131 and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments,  
132 regulations and penalties, and to provide for the withdrawal of service for refusal or failure  
133 to pay the same;
- 134 (v) Nuisance. To define a nuisance and provide for its abatement, whether on public or  
135 private property;
- 136 (w) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the  
137 authority of this charter and the laws of the State of Georgia;
- 138 (x) Planning and zoning. To provide comprehensive city planning for development by  
139 zoning; and to provide subdivision regulation and the like as the city council deems  
140 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;
- 141 (y) Police and fire protection. To exercise the power of arrest through duly appointed police  
142 officers, and to establish, operate, or contract for police and firefighting agencies;

- 143 (z) Public hazards; removal. To provide for the destruction and removal of any building or  
144 other structure which is or may become dangerous or detrimental to the public;
- 145 (aa) Public improvements. To provide for the acquisition, construction, building, operation,  
146 and maintenance of parks and playgrounds, public grounds, recreational facilities, public  
147 buildings, and charitable, cultural, educational, recreational, conservation, and sports  
148 institutions, agencies, and facilities; and to regulate the use of public improvements;
- 149 (bb) Public peace. To provide for the prevention and punishment of loitering, disorderly  
150 conduct, drunkenness, riots, and public disturbances;
- 151 (cc) Public utilities and services. To grant franchises or make contracts for or impose taxes  
152 on public utilities and public service companies and to prescribe the rates, fares, regulations,  
153 and standards and conditions of services to be provided by the franchise grantee or  
154 contractor, insofar as not in conflict with valid regulations of the Georgia Public Service  
155 Commission;
- 156 (dd) Regulation of roadside areas. To prohibit or regulate and control the erection, removal,  
157 and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other  
158 structures or obstructions upon or adjacent to the rights of way of streets and roads or within  
159 view thereof, within or abutting the corporate limits of the city; and to prescribe penalties and  
160 punishment for violation of such ordinances;
- 161 (ee) Retirement. To provide and maintain a retirement plan for elected officials, officers,  
162 and employees of the city;
- 163 (ff) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of,  
164 abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve,  
165 maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within  
166 the corporate limits of the city; and to grant franchises and rights of way throughout the  
167 streets and roads and over the bridges and viaducts for the use of public utilities; and to  
168 require real estate owners to repair and maintain in a safe condition the sidewalks adjoining  
169 their lots or lands and to impose penalties for failure to do so;

170 (gg) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,  
171 and refuse, and to regulate the collection and disposal of garbage, rubbish, and refuse by  
172 others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper,  
173 and other recyclable materials, and to provide for the sale of such items;

174 (hh) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,  
175 the manufacture, sale, or transportation of any intoxicating liquors, alcoholic beverages,  
176 tobacco, and use of firearms; to regulate the transportation, storage, and use of combustible,  
177 explosive, and inflammable materials, the use of lighting and heating equipment, and any  
178 other business or situation which may be dangerous to persons or property; to regulate and  
179 control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and  
180 shows of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit  
181 professional fortunetelling, palmistry, adult bookstores, and massage parlors;

182 (ii) Special assessments. To levy and provide for the collection of special assessments to  
183 cover the costs for any public improvements;

184 (jj) Taxes; ad valorem. To levy and provide for the assessment, valuation, revaluation, and  
185 collection of taxes on all property subject to taxation;

186 (kk) Taxes; other. To levy and collect such other taxes as may be allowed, now or in the  
187 future, by law;

188 (ll) Vehicles for hire. To regulate and license vehicles operated for hire in the city; to limit  
189 the number of such vehicles; to require the operators thereof to be licensed; to require public  
190 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to  
191 regulate the parking of such vehicles;

192 (mm) Urban redevelopment. To organize and operate an urban redevelopment program; and

193 (nn) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and  
194 immunities necessary or desirable to promote or protect the safety, health, peace, security,  
195 good order, comfort, convenience, or general welfare of the city and its inhabitants; to  
196 exercise all implied powers necessary or desirable to carry into execution all powers granted

197 in this charter as fully and completely as if such powers were fully stated herein; to exercise  
198 all powers now or in the future authorized to be exercised by other municipal governments  
199 under other laws of the State of Georgia; and no listing of particular powers in this charter  
200 shall be held to be exclusive of others, nor restrictive of general words and phrases granting  
201 powers, but shall be held to be in addition to such powers, unless expressly prohibited to  
202 municipalities under the Constitution or applicable laws of the State of Georgia.

203 **SECTION 1.5.**

204 Exercise of powers.

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

209 **SECTION 1.6.**

210 Vesting of property owned.

211 The title to any property, real or personal, within or without the corporate limits of said city  
212 heretofore acquired by the City of Eatonton, with or without proper charter authority, is  
213 hereby vested in the City of Eatonton, Georgia created by this charter, the acquisition thereof  
214 being hereby ratified and made lawful.

215 **SECTION 1.7.**

216 Assumption of former debts.

217 The City of Eatonton created by this Act is hereby made responsible, as a body corporate,  
218 for all legal undertakings, liabilities, and debts of the former City of Eatonton, whether for  
219 principal and interest or outstanding bonds, or other contracts or indebtedness.

220 **ARTICLE II**

221 **GOVERNMENT STRUCTURE**

222 **SECTION 2.1.**

223 City council creation; number; election.

224 The legislative authority of the government of this city, except as otherwise specifically  
225 provided in this charter, shall be vested in a city council to be composed of a mayor and  
226 seven councilmembers. The city council established shall in all respects be a successor to  
227 and continuation of the governing authority under prior law. The mayor and councilmembers  
228 shall be elected in the manner provided by general law and this charter.

229 **SECTION 2.2.**

230 City councilmembers; terms and qualifications for office; wards.

231 (a) The mayor and councilmembers serving on the effective date of this charter shall serve  
232 until the expiration of the terms for which each was elected. Their successors shall be  
233 elected at the municipal election immediately preceding expiration of such term.

234 (b) The members of the city council shall serve for terms of four years and until their  
235 respective successors are elected and qualified. No person shall be eligible to serve as  
236 councilmember unless that person shall have been a resident of the city for 12 months prior

237 to qualifying for election to the office; each shall continue to reside therein during that  
238 member's period of service and to be registered and qualified to vote in municipal elections  
239 of this city.

240 (c) In addition to the above requirements, no person shall be eligible to serve as a  
241 councilmember representing a council district unless that person has been a resident of the  
242 district such person seeks to represent for a continuous period of at least six months  
243 immediately prior to qualifying for election to the office and continues to reside in such  
244 district during that person's period of service.

245 (d) No person shall be eligible to hold the office of mayor or councilmember until having  
246 passed his or her 21st birthday.

247 (e) No person shall be eligible to hold office of mayor or councilmember if convicted of any  
248 crime involving moral turpitude.

249 (f) The term of office of each member of the city council shall begin on the first day of  
250 January immediately following the election of such member unless general law authorizes  
251 or requires the term to begin upon some other date.

252 (g) For the purpose of electing councilmembers, the city shall be divided into four wards,  
253 which shall consist of the territory shown on "Exhibit A" attached hereto and are enumerated  
254 as follows:

255 WARD 1

256 COUNTY FIPS 237 TRACT 960201

257 1066

258 1067

259 1068

260 1070

261 COUNTY FIPS 237 TRACT 960203

262 1000

263 3001  
264 3004  
265 3005  
266 3006  
267 3007  
268 3009  
269 3010  
270 3011  
271 3012  
272 3013  
273 3021  
274 3023  
275 4000  
276 4001  
277 4012  
278 4016  
279 4024

280 COUNTY FIPS 237 TRACT 960204

281 1002  
282 1003  
283 1004  
284 1005  
285 1006  
286 1007  
287 1008  
288 1009

289 1010  
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291 1012  
292 1013  
293 1016  
294 1017  
295 1021  
296 1022  
297 1023  
298 1024  
299 1025  
300 3000  
301 3003  
302 3004

303 WARD 2

304 COUNTY FIPS 237 TRACT 960101

305 2009

306 COUNTY FIPS 237 TRACT 960203

307 1005

308 1006

309 1009

310 COUNTY FIPS 237 TRACT 960101

311 1014

312 1015

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314	1019
315	1020
316	2001
317	2002
318	2003
319	2004
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321	2006
322	2007
323	2008
324	2034
325	2035
326	2036
327	2037
328	2038
329	2039
330	3001
331	3002
332	3005
333	3006
334	3007
335	3008
336	3009
337	3010
338	3011
339	3012

340 3013  
341 3014  
342 3015  
343 3017

344 WARD 3

345 COUNTY FIPS 237 TRACT 960101

346 2010

347 COUNTY FIPS 237 TRACT 960203

348 1003

349 1007

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351 1010

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375 1038  
376 2047

377 COUNTY FIPS 237 TRACT 960204

378 2010  
379 2011  
380 2012  
381 2013  
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384 2016  
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386 2018  
387 2019  
388 2020  
389 2021  
390 2024

391 2025  
392 2028  
393 2031  
394 2032  
395 2033  
396 3016  
397 3018  
398 3019  
399 3020  
400 3021

401 COUNTY FIPS 237 TRACT 960301

402 2008  
403 2009  
404 2010  
405 2011  
406 2015  
407 2016

408 WARD 4

409 COUNTY FIPS 237 TRACT 960203

410 1001  
411 1002  
412 1004  
413 2022  
414 2025  
415 2029

416	2030
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428	2048
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463 4028

464 For the purposes of this section, the terms "tract" or "census tract," "block group," and  
465 "block" shall mean and shall describe the same geographical boundaries as provided in the  
466 report of the Bureau of the Census for the United States decennial census of 2020 for the  
467 State of Georgia (Putnam County).

468 (h) The city council seats shall be designated Ward 1, Ward 2, Ward 3, Ward 4, Wards 1 and  
469 4, Wards 2 and 3, and At-Large. Candidates shall designate the district for which they are  
470 offering when qualifying for election.

471 (1) One councilmember shall be elected by a majority of the qualified voters from Ward  
472 1 of the city as delineated and described in this section.

473 (2) One councilmember shall be elected by a majority of the qualified voters from Ward  
474 2 of the city as delineated and described in this section.

475 (3) One councilmember shall be elected by a majority of the qualified voters from Ward  
476 3 of the city as delineated and described in this section.

477 (4) One councilmember shall be elected by a majority of the qualified voters from Ward  
478 4 of the city as delineated and described in this section.

479 (5) One councilmember shall be elected by a majority of the qualified voters from Ward  
480 1 and Ward 4 combined of the city as delineated and described in this section.

481 (6) One councilmember shall be elected by a majority of the qualified voters from Ward  
482 2 and Ward 3 combined of the city as delineated and described in this section.

483 (7) One councilmember shall be elected by a majority of the qualified voters from the city  
484 at large.

### 485 **SECTION 2.3.**

486 Vacancy; filling of vacancies; suspensions.

487 (a) Vacancies. The office of mayor or councilmember shall become vacant upon the  
488 incumbent's death, resignation, forfeiture of office, or occurrence of any event specified by  
489 the Constitution of the State of Georgia, Title 45 of the Official Code of Georgia Annotated,  
490 or such other applicable laws as are or may hereafter be enacted.

491 (b) Filling of vacancies. A vacancy in the office of mayor or councilmember shall be filled  
492 for the remainder of the unexpired term, if any, by appointment by the city council or those

493 members remaining if less than 12 months remain in the unexpired term. If such vacancy  
494 occurs 12 months or more prior to the expiration of the term of that office, it shall be filled  
495 for the remainder of the unexpired term by a special election, as provided for in Section 5.5  
496 of this charter and in accordance with Titles 21 and 45 of the Official Code of Georgia  
497 Annotated, or other such laws as are or may hereafter be enacted.

498 (c) Suspension. Upon the suspension from office of mayor or councilmember in any manner  
499 authorized by the general laws of the State of Georgia, the city council or those remaining  
500 shall appoint a successor for the duration of the suspension. If the suspension becomes  
501 permanent, then the office shall become vacant and shall be filled for the remainder of the  
502 unexpired term, if any, as provided for in this charter.

503 **SECTION 2.4.**

504 Compensation and expenses.

505 The mayor and each councilmember shall receive compensation, benefits, and expenses for  
506 their services as provided by ordinance.

507 **SECTION 2.5.**

508 Conflicts of interest; holding other offices.

509 (a) Elected and appointed officers of the city are trustees and servants of the residents of the  
510 city and shall act in a fiduciary capacity for the benefit of such residents.

511 (b) Conflict of interest. No elected official, appointed officer, or employee of the city or any  
512 agency or political entity to which this charter applies shall knowingly:

513 (1) Engage in any business or transaction or have a financial or other personal interest,  
514 direct or indirect, which is incompatible with the proper discharge of that person's official

515 duties or which would tend to impair the independence of that person's judgment or action  
516 in the performance of his or her official duties;

517 (2) Engage in or accept private employment or render services for private interests when  
518 such employment or service is incompatible with the proper discharge of that person's  
519 official duties or would tend to impair the independence of that person's judgment or action  
520 in the performance of his or her official duties;

521 (3) Disclose confidential information, including information obtained at meetings which  
522 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,  
523 government, or affairs of the governmental body by which that person is engaged without  
524 proper legal authorization, or use such information to advance the financial or other private  
525 interest of that person or others;

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

532 (5) Represent other private interests in any action or proceeding against this city or any  
533 portion of its government; or

534 (6) Vote or otherwise participate in the negotiation or in the making of any contract with  
535 any business or entity in which that person has a financial interest.

536 (c) Disclosure. Any elected official, appointed officer, or employee who shall have any  
537 financial interest, directly or indirectly, in any contract or matter pending before or within  
538 any department of the city shall disclose such interest to the city council. The mayor or any  
539 councilmember who has a financial interest in any matter pending before the city council  
540 shall disclose such interest, and such disclosure shall be entered on the records of the city  
541 council, and that person shall disqualify himself or herself from participating in any decision

542 or vote relating thereto. Any elected official, appointed officer, or employee of any agency  
543 or political entity to which this charter applies who shall have any financial interest, directly  
544 or indirectly, in any contract or matter pending before or within such entity shall disclose  
545 such interest to the governing body of such agency or entity.

546 (d) Use of public property. No elected official, appointed officer, or employee of the city  
547 or any agency or entity to which this charter applies shall use property owned by such  
548 governmental entity for personal benefit, convenience, or profit except in accordance with  
549 policies promulgated by the city council or the governing body of such agency or entity.

550 (e) Contracts voidable and rescindable. Any violation of this section which occurs with the  
551 knowledge, express or implied, of a party to a contract or sale shall render such contract or  
552 sale voidable at the option of the city council.

553 (f) Ineligibility of elected official. Except where authorized by law, neither the mayor nor  
554 any councilmember shall hold any other elective or compensated appointive office in the city  
555 or otherwise be employed by said government or any agency thereof during the term for  
556 which that person was elected. No former councilmember and no former mayor shall hold  
557 any compensated appointive office in the city until one year after the expiration of the term  
558 for which that person was elected.

559 (g) Political activities of certain officers and employees. No appointed officer or employee  
560 of the city shall continue in such employment upon qualifying as a candidate for nomination  
561 or election to any public office. No employee of the city shall continue in such employment  
562 upon election to any public office in this city or any other public office which is inconsistent,  
563 incompatible, or in conflict with his or her duties as a city employee. Such determination  
564 shall be made by the mayor and city council either immediately upon election or at any time  
565 such conflict may arise.

566 (h) Penalties for violation.

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

570 (2) Any officer or employee of the city who shall forfeit his or her office or position as  
571 described in paragraph (1) of this subsection shall be ineligible for appointment, election  
572 to, or employment in a city government position for a period of three years thereafter.

### 573 **SECTION 2.6.**

#### 574 Inquiries and investigations.

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

### 581 **SECTION 2.7.**

#### 582 General power and authority of the city council.

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

585 (b) In addition to all other powers conferred upon it by law, the council shall have the  
586 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and  
587 regulations, not inconsistent with this charter and the Constitution and the laws of the State  
588 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,  
589 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,

590 or well-being of the inhabitants of the City of Eatonton and may enforce such ordinances by  
591 imposing penalties for violation thereof.

592 **SECTION 2.8.**

593 Eminent domain.

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

602 **SECTION 2.9.**

603 Meetings.

604 (a) The city council shall hold regular meetings at such times and places as shall be  
605 prescribed by ordinance.

606 (b) At the first regular meeting in January of each even-numbered year, the oath of office  
607 shall be administered to the newly elected members by a judicial officer authorized to  
608 administer oaths and shall, to the extent that it comports with federal and state law, be as  
609 follows:

610 "I do solemnly (swear)(affirm) that I will faithfully perform the duties of  
611 (mayor)(councilmember) of this city and that I will support and defend the charter thereof  
612 as well as the Constitution and laws of the State of Georgia and of the United States of

613 America. I am not the holder of any unaccounted for public money due this state or any  
614 political subdivision or authority thereof. I am not the holder of any office of trust under  
615 the government of the United States, any other state, or any foreign state which I by the  
616 laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold  
617 said office according to the Constitution and laws of Georgia. I have been a resident of my  
618 ward and the City of Eatonton for the time required by the Constitution and laws of this  
619 state and by the municipal charter. I will perform the duties of my office in the best interest  
620 of the City of Eatonton to the best of my ability without fear, favor, affection, reward, or  
621 expectation thereof."

622 (c) Special meetings of the city council may be held on call of the mayor or three members  
623 of the city council. Notice of such special meeting shall be served on all other members  
624 personally, or by telephone personally, at least 24 hours in advance of the meeting. Such  
625 notice to councilmembers shall not be required if the mayor and all councilmembers are  
626 present when the special meeting is called. Such notice of any special meeting may be  
627 waived by a councilmember in writing before or after such a meeting, and attendance at the  
628 meeting shall also constitute a waiver of notice on any business transacted in such  
629 councilmember's presence. Only the business stated in the call may be transacted at the  
630 special meeting.

631 (d) All meetings of the city council shall be public to the extent required by law and notice  
632 to the public of special meetings shall be made as fully as is reasonably possible, as provided  
633 by O.C.G.A. § 50-14-1 or other such applicable laws as are or may hereafter be enacted.

634 **SECTION 2.10.**

635 Rules of procedure.

636 (a) The city council shall adopt its rules of procedure and order of business consistent with  
637 the provisions of this charter and shall provide for keeping of a book of minutes, or journal,  
638 of its proceedings, which shall be a public record.

639 (b) All committees and committee chairpersons of the city council shall be appointed by the  
640 mayor and shall serve at the pleasure of the mayor. The mayor shall have the power to  
641 appoint new members to any committee at any time.

642 **SECTION 2.11.**

643 Quorum; voting.

644 Four councilmembers, including the presiding officer but not the mayor, shall constitute a  
645 quorum to transact business of the city council. The affirmative vote of a majority of the  
646 councilmembers present at a meeting at which a quorum is present shall be sufficient to  
647 transact business, unless a greater number is required by this charter or by general law.  
648 Voting on the adoption of ordinances shall be by voice vote, show of hands, or similar  
649 indicator and the vote shall be recorded in the minutes, or journal; but any councilmember  
650 shall have the right to request a roll-call vote, and such vote shall also be recorded in the  
651 minutes, or journal.

652 **SECTION 2.12.**

653 Ordinance form; procedures.

654 (a) Every proposed ordinance should be introduced in writing and in the form required for  
655 final adoption. No ordinance shall contain a subject which is not expressed in its title. The

656 enacting clause shall be "It is hereby ordained by the governing authority of the City of  
657 Eatonton..." and every ordinance shall so begin.

658 (b) Amendments to any of the provisions of this Code may be made by amending such  
659 provisions by specific reference to the section number of this Code in the following  
660 language: "That section \_\_\_\_\_ of the Code of Ordinances, City of Eatonton, Georgia, is  
661 amended to read as follows:...." The new provisions shall then be set out in full.

662 (c) An ordinance may be introduced by any councilmember and be read at a regular or  
663 special meeting of the city council. Ordinances shall be considered and adopted or rejected  
664 by the city council in accordance with the rules which it shall establish; provided, however,  
665 an ordinance shall not be considered for adoption the same day it is introduced, except for  
666 emergency ordinances provided for in Section 2.15 of this charter. Upon introduction of any  
667 ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to each  
668 councilmember and shall file a reasonable number of copies in the office of the clerk and at  
669 such other public places as the city council may designate.

670 **SECTION 2.13.**

671 Action requiring an ordinance.

672 Acts of the city council which have the force and effect of law shall be enacted by ordinance.

673 **SECTION 2.14.**

674 Codes of technical regulations.

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

678 (1) The requirements of subsection (b) of Section 2.12 of this charter for distribution and  
679 filing of copies of the ordinance shall be construed to include copies of any code of  
680 technical regulations, as well as the adopting ordinance; and

681 (2) A copy of each adopted code of technical regulations, as well as the adopting  
682 ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.16 of this  
683 charter.

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

## 686 SECTION 2.15.

### 687 Emergencies.

688 (a) To meet a public emergency affecting life, health, property, or public peace, the city  
689 council may convene on call of the mayor or three councilmembers and may promptly adopt  
690 an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a  
691 franchise; regulate the rate charged by any public utility for its services; or authorize the  
692 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance  
693 shall be introduced in the form prescribed for ordinances generally, except that it shall be  
694 plainly designated as an emergency ordinance and shall contain, after the enacting clause,  
695 a declaration stating that an emergency exists and describing the emergency in clear and  
696 specific terms. An emergency ordinance may be adopted, with or without amendment, or  
697 rejected at the meeting at which it is introduced, but the affirmative vote of at least three  
698 councilmembers shall be required for adoption. It shall become effective upon adoption or  
699 at such later time as it may specify. Every emergency ordinance shall automatically stand  
700 repealed 30 days following the date upon which it was adopted, but this shall not preclude  
701 reenactment of the ordinance in the manner specified in this section if the emergency still

702 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance  
703 in the same manner specified in this section for adoption of emergency ordinances.

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

707 **SECTION 2.16.**

708 Signing; authenticating; recording; codification; printing.

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

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

719 (c) The city council shall cause each ordinance and each amendment to this charter to be  
720 printed promptly following its adoption, and the printed ordinances and charter amendments  
721 shall be made available for purchase by the public at reasonable prices to be fixed by the city  
722 council. Following publication of the first code under this charter and at all times thereafter,  
723 the ordinances and charter amendments shall be printed in substantially the same style as the  
724 code currently in effect and shall be suitable in form for incorporation therein. The city  
725 council shall make such further arrangements as deemed desirable with reproduction and

726 distribution of any current changes in or additions to codes of technical regulations and other  
727 rules and regulations included in the code.

728 **SECTION 2.17.**

729 Election of mayor; forfeiture; compensation.

730 (a) The mayor shall be elected at large by majority vote and shall serve for a term of four  
731 years and until a successor is elected and qualified. The mayor shall be a qualified elector  
732 of this city and shall have been a resident of the city for 12 months prior to the election. The  
733 mayor shall continue to reside in this city during the period of service. The mayor shall  
734 forfeit the office on the same grounds and under the same procedure as for councilmembers.  
735 The compensation of the mayor shall be established in the same manner as for  
736 councilmembers.

737 (b) The term of office of mayor shall begin on the first day of January immediately  
738 following such election unless general law authorizes or requires the term to begin upon  
739 some other date.

740 **SECTION 2.18.**

741 Mayor pro tem; selection; duties.

742 (a) By a majority vote, the councilmembers shall elect a councilmember to serve as mayor  
743 pro tem. The mayor pro tem shall assume the duties and powers of the mayor during the  
744 mayor's physical or mental disability, suspension from office, or absence. Any such  
745 disability or absence shall be declared by a majority vote of the councilmembers. The mayor  
746 pro tem shall sign all contracts and ordinances in which the mayor has a disqualifying  
747 financial interest as provided in Section 2.5 of this charter.

748 (b) If the mayor pro tem is absent, any one of the remaining councilmembers, chosen by a  
749 majority vote of the members present, shall be clothed with all the rights and privileges of  
750 the mayor and shall perform the mayor's duties during the mayor's physical or mental  
751 disability, suspension from office, or absence. When serving as mayor, the mayor pro tem  
752 shall not also vote as a member of the council.

753 **SECTION 2.19.**

754 Powers and duties of mayor.

755 The mayor shall have authority:

- 756 (1) To serve as the head of the city for the purpose of service of process and for ceremonial  
757 purposes and be the official spokesperson for the city and the chief advocate of policy;
- 758 (2) To administer oaths and to take affidavits;
- 759 (3) To preside over any and all meetings of the city council, but not to vote therein except  
760 in elections and impeachments;
- 761 (4) To call special meetings of the council whenever he or she may deem same necessary,  
762 provided that he or she shall be required to call a meeting of said city council whenever  
763 three councilmembers shall so request in writing;
- 764 (5) To have general oversight over all executive officers, employees or servants of the city,  
765 and in case of misconduct, or neglect of duty on the part of any such officer, employee or  
766 servant, he or she shall have power to suspend any such officer, employee or servant,  
767 pending investigation by city council;
- 768 (6) To pardon offenders against the city ordinances and to suspend, revoke or vacate any  
769 sentence of the municipal court of the city, four of the seven councilmembers approving  
770 such veto, suspension or reduction;

771 (7) Sign as a matter of course on behalf of the city all written and approved contracts,  
772 ordinances, and other instruments executed by the city which by law are required to be in  
773 writing and within a level of authorization as established by the city council; and  
774 (8) To exercise all other powers conferred upon him or her by this charter, or which may  
775 hereafter be conferred upon him or her by ordinance of the city council not in conflict with  
776 this charter.

777 **SECTION 2.20.**

778 City administrator; appointment; qualifications; compensation.

779 The city council shall appoint a city administrator for an indefinite term and shall fix the city  
780 administrator's compensation. The city administrator shall be appointed without regard to  
781 political beliefs and solely on the basis of his or her executive and administrative  
782 qualifications with special reference to his or her educational background and actual  
783 experience in and knowledge of the duties of office.

784 **SECTION 2.21.**

785 City administrator; powers and duties enumerated.

786 The city administrator shall have the power, and it shall be his or her duty to:

- 787 (1) See that all laws and ordinances of the city are faithfully enforced;  
788 (2) Hire and discharge for cause any employee of the city not authorized to be appointed  
789 or elected by the city council, provided that such power to appoint or discharge may be  
790 delegated to any other official or employee by the city administrator;  
791 (3) Supervise and direct the official conduct of all appointed city officers;  
792 (4) Exercise supervision and control over all departments and divisions of the city except  
793 where otherwise provided by law;

- 794 (5) Attend all meetings of the city council with the right to take part, but not vote, in all  
795 discussions;
- 796 (6) Recommend to the city council for adoption such measures as he or she may deem  
797 necessary and expedient;
- 798 (7) Supervise the purchasing and submit to the city council prior to the beginning of such  
799 fiscal year a budget of proposed expenditures for the ensuing year, showing in as much  
800 detail as practicable the amounts allotted to each department of the city government, and  
801 the reasons for such estimated expenditures;
- 802 (8) Keep current accounts showing at all times the fiscal condition of the city, including  
803 the current and anticipated expenses, appropriations, cash on hand and anticipated revenue  
804 of all municipal funds and accounts;
- 805 (9) Keep the members of the city council fully advised as to the financial condition and  
806 needs of the city;
- 807 (10) Fix all salaries and compensation of city employees lawfully employed by him or her,  
808 subject to the approval of the city council;
- 809 (11) Examine all proposed contracts to which the city may be party, and sign on behalf of  
810 the city any contract authorized by the city council, except where the city council directs  
811 that some other officer may do so;
- 812 (12) Supervise the performance of all contracts made for work for the city;
- 813 (13) Supervise, through the purchasing agents, all purchases of supplies, material and  
814 equipment for the city and see that they are received as contracted for, provided that if a  
815 purchase of unbudgeted items in excess of \$500.00 is involved, prior approval of the city  
816 council shall be necessary;
- 817 (14) Conduct all sales which the city council may authorize of personal property of the city  
818 which has become unnecessary or unfit for the city to use;
- 819 (15) Keep a current inventory showing all real and personal property of the city, and its  
820 location;

- 821 (16) See to publication of all notices and documents required by law to be published;  
822 (17) Prepare for the election officials all notices, ballots and election supplies necessary  
823 in connection with municipal elections;  
824 (18) Prepare and have custody of all municipal records required by law to be kept by the  
825 city and not by a specific officer; and  
826 (19) Perform such other duties as may be prescribed by this charter, or required by  
827 ordinance or resolution of the city council.

828 **SECTION 2.22.**

829 City council interference with administration.

830 Except for the purpose of inquiries and investigations under Section 2.6 of the city charter,  
831 the mayor and the city council or its members shall deal with city officers and employees  
832 who are subject to the direction or supervision of the city administrator solely through the  
833 city administrator, and neither the mayor, nor the city council nor its members shall give  
834 orders directly to any such officer or employee, either publicly or privately.

835 **SECTION 2.23.**

836 Removal of city administrator.

837 The city administrator shall be employed at will and may be summarily removed from office  
838 at any time by the city council.

839

**SECTION 2.24.**

840

Acting city administrator.

841 By letter filed with the city clerk, the city administrator shall designate, subject to approval

842 of the city council, a qualified city administrative officer to exercise the powers and perform

843 the duties of administrator during the city administrator's temporary absence or physical or

844 mental disability. During such absence or disability, the city council may revoke such

845 designation at any time and appoint another officer of the city to serve until the city

846 administrator shall return or the city administrator's disability shall cease.

847

**ARTICLE III**

848

**ADMINISTRATIVE AFFAIRS**

849

**SECTION 3.1.**

850

Administrative and service departments.

851 (a) Except as otherwise provided in this charter, the city council shall prescribe the functions

852 or duties of and shall establish, abolish, alter, consolidate, or leave vacant all nonelective

853 offices, positions of employment, departments, and agencies of the city as necessary for the

854 proper administration of the affairs and government of this city.

855 (b) Except as otherwise provided by this charter or by law, the department heads and other

856 appointed officers of the city shall be appointed solely on the basis of their respective

857 administrative and professional qualifications.

858 (c) All appointed officers and department heads shall receive such compensation as

859 prescribed by resolution.

860 (d) There shall be a head of each department or agency who shall be its principal officer.

861 Each department head shall, subject to the direction and supervision of the city administrator,

862 be responsible for the administration and direction of the affairs and operations of that  
863 particular department or agency.

864 (e) All appointed officers and department heads, except where otherwise prescribed by this  
865 charter or by law, shall be appointed by the city council. All officers and department heads  
866 shall be employees at will and subject to removal or suspension at any time, unless otherwise  
867 provided by law or ordinance.

### 868 **SECTION 3.2.**

#### 869 **Boards, commissions, and authorities.**

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

874 (b) All members of boards, commissions, and authorities of the city shall be appointed by  
875 the mayor and council for such terms of office and in such manner as shall be provided by  
876 ordinance, except where other appointing authority, terms of office, or manner of  
877 appointment is prescribed by this charter or by law.

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

880 (d) Except as otherwise provided by charter or by law, no member of any board,  
881 commission, or authority shall hold any elective office in the city or Putnam County. This  
882 provision shall not apply to the mayor or councilmembers.

883 (e) Any vacancy on a board, commission, or authority of the city shall be filled for the  
884 unexpired term in the manner prescribed in this charter for original appointment, except as  
885 otherwise provided by this charter or by law.

886 (f) No member of a board, commission, or authority shall assume office until that person has  
887 executed and filed with the clerk of the city an oath obligating that person to perform  
888 faithfully and impartially the duties of his or her office; such oath shall be prescribed by  
889 ordinance and administered by the mayor or the mayor's designee.

890 (g) All members of boards, commissions, or authorities of the city serve at will and may be  
891 removed at any time by the mayor and council unless otherwise provided by law.

892 (h) Except as otherwise provided by this charter or by law, each board, commission, or  
893 authority of the city shall elect one of its members as chairperson and one member as vice  
894 chairperson and may elect as its secretary one of its own members or may appoint as  
895 secretary an employee of the city. Each board, commission, or authority of the city  
896 government may establish such bylaws, rules, and regulations not inconsistent with this  
897 charter, ordinances of the city, or law, as it deems appropriate and necessary for the  
898 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and  
899 regulations shall be filed with the clerk of the city.

900 **SECTION 3.3.**

901 City attorney.

902 (a) The city council shall appoint a city attorney, together with such assistant city attorneys  
903 as may be authorized, and shall provide for the payment of such attorney or attorneys for  
904 services rendered to the city. The city attorney shall be responsible for providing for the  
905 representation and defense of the city in all litigation in which the city is a party, may be the  
906 prosecuting officer in the municipal court, shall attend the meetings of the city council as  
907 directed, shall advise the mayor and council and other officers and employees of the city  
908 concerning legal aspects of the city's affairs, and shall perform such other duties as may be  
909 required by virtue of such person's position as city attorney.

910 (b) The city attorney is not a public official of the city and does not take an oath of office.  
911 A law firm, in lieu of an individual, may be designated as the city attorney.

912 **SECTION 3.4.**

913 City clerk.

914 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk  
915 shall be custodian of the official city seal and city records, maintain city council records  
916 required by this charter, and perform such other duties as may be required by the city council.

917 **SECTION 3.5.**

918 Position classification and pay plans.

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

925 **SECTION 3.6.**

926 Personnel policies.

927 All employees serve at will and may be removed from office at any time unless otherwise  
928 provided by ordinance.

929                                   ARTICLE IV  
930                                   JUDICIAL BRANCH  
931                                   **SECTION 4.1.**  
932                                   Creation; name.

933    There shall be a court to be known as the Municipal Court of the City of Eatonton, Georgia.

934                                   **SECTION 4.2.**  
935                                   Chief judge; associate judge.

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

938    (b) No person shall be qualified or eligible to serve as judge of the municipal court unless  
939    that person shall have attained the age of 25 years, shall be a member of the State Bar of  
940    Georgia, shall have practiced law for at least three years prior to his or her appointment, and  
941    shall possess all other qualifications required by law. He or she shall hold no other municipal  
942    office in the city during his or her tenure as judge. The judge shall be appointed by the  
943    governing body and shall serve until a successor is appointed and qualified.

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

945    (d) Any judge shall serve at will and may be removed from office in accordance with  
946    O.C.G.A. § 36-32-2.1, as amended, or any successor statute enacted by the General  
947    Assembly.

948    (e) Before assuming office, each judge shall take an oath, given by the mayor or other  
949    officer authorized by law to administer oaths, that such judge will honestly and faithfully  
950    discharge the duties of the judge's office to the best of his or her ability and without fear,  
951    favor, or partiality. The oath shall be entered upon the official minutes of the city council.

952 **SECTION 4.3.**

953 Solicitor.

954 There shall be a solicitor of the Municipal Court of Eatonton, Georgia. Duties, powers,  
955 qualifications, appointment, term of service, compensation, and removal may be provided  
956 by ordinance.

957 **SECTION 4.4.**

958 Clerk.

959 There shall be a clerk of the Municipal Court of Eatonton, Georgia. Duties, powers,  
960 qualifications, appointment, term of service, compensation, and removal may be provided  
961 by ordinance.

962 **SECTION 4.5.**

963 Convening.

964 The municipal court shall be convened at regular intervals as determined by the chief judge,  
965 subject to ordinance.

966 **SECTION 4.6.**

967 Jurisdiction; powers.

968 (a) The municipal court shall try and punish violations of this charter, all city ordinances,  
969 and such other violations as provided by law.

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

972 (c) The municipal court may fix punishment for offenses within its jurisdiction not  
973 exceeding a fine of \$1,000.00 or imprisonment for 180 days or both such fine and  
974 imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing, as  
975 now or hereafter provided by law.

976 (d) The municipal court shall have authority to establish a schedule of fees to defray the cost  
977 of operation and shall be entitled to require reimbursement from any defendant found guilty  
978 of any violation of an ordinance or state law the costs of transportation, incarceration, and  
979 the caretaking of any defendant bound over to superior or state court for violations of state  
980 law.

981 (e) The municipal court shall have authority to establish bail and recognizances to ensure  
982 the presence of those charged with violations before such court and shall have discretionary  
983 authority to accept cash or personal or real property as surety for the appearance of persons  
984 charged with violations. Whenever any person shall give bail for that person's appearance  
985 and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by the  
986 judge presiding at such time and an execution issued thereon by serving the defendant and  
987 the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi.  
988 In the event that cash or property is accepted in lieu of bond for security for the appearance  
989 of a defendant at trial, and if such defendant fails to appear at the time and place fixed for  
990 trial, the cash so deposited shall be, on order of the judge, declared forfeited to the city, or  
991 the property so deposited shall have a lien against it for the value forfeited which lien shall  
992 be enforceable in the same manner and to the same extent as a lien for city property taxes.

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

996 (g) The municipal court may compel the presence of all parties necessary to a proper  
997 disposal of each case by the issuance of summonses, subpoenas, and warrants which may be  
998 served as executed by any officer as authorized by this charter or by law.

999 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of  
1000 persons charged with offenses against any ordinance of the city, and each judge of the  
1001 municipal court shall have the same authority as a magistrate of the state to issue warrants  
1002 for offenses against state laws committed within the city.

1003 **SECTION 4.7.**

1004 Certiorari.

1005 The right of certiorari from the decision and judgment of the municipal court shall exist in  
1006 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under  
1007 the sanction of a judge of the Superior Court of Putnam County under the laws of the State  
1008 of Georgia regulating the granting and issuance of writs of certiorari.

1009 **SECTION 4.8.**

1010 Rules for court.

1011 With the approval of the city council, the judge shall have full power and authority to make  
1012 reasonable rules and regulations necessary and proper to secure the efficient and successful  
1013 administration of the municipal court; provided, however, that the city council may adopt in  
1014 part or as a whole the rules and regulations applicable to municipal courts. The rules and  
1015 regulations made or adopted shall be filed with the city clerk and be available for public  
1016 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court  
1017 proceedings at least 48 hours prior to such proceedings.



**SECTION 5.4.**

1037

1038

Election by majority vote.

1039 The councilmembers from Ward 1, Ward 2, Ward 3, Ward 4, Ward 1 and 4, and Ward 2 and  
1040 3 shall be elected by a majority vote of the electors of their respective districts. The mayor  
1041 and councilmember at-large shall be elected by a majority vote of the votes cast for each  
1042 position by the electors of the city at large.

**SECTION 5.5.**

1043

1044

Special elections; vacancies.

1045 In the event that the office of mayor or councilmember shall become vacant as provided in  
1046 Section 2.3 of this charter, the city council or those remaining shall order a special election  
1047 to fill the balance of the unexpired term of such official; provided, however, that, if such  
1048 vacancy occurs within 12 months of the expiration of the term of that office, the city council  
1049 or those members remaining shall appoint a successor, who shall meet the qualifications for  
1050 office in Section 2.2 of this charter, for the remainder of the term. In all other respects, the  
1051 special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the  
1052 O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

**SECTION 5.6.**

1053

1054

Other provisions.

1055 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe  
1056 such rules and regulations as it deems appropriate to fulfill any options and duties under  
1057 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

**SECTION 5.7.**

## Removal of officers.

1058  
1059  
1060 (a) A councilmember, the mayor, or other appointed officers provided for in this charter  
1061 shall be removed from office for any one or more of the causes provided in Title 45 of the  
1062 O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

1063 (b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished  
1064 by one of the following methods:

1065 (1) Following a hearing at which an impartial panel shall render a decision. In the event  
1066 an elected officer is sought to be removed by the action of the city council, such officer  
1067 shall be entitled to a written notice specifying the ground or grounds for removal and to a  
1068 public hearing which shall be held not less than ten days after the service of such written  
1069 notice. The city council shall provide by ordinance for the manner in which such hearings  
1070 shall be held. Any elected officer sought to be removed from office as provided in this  
1071 section shall have the right of appeal from the decision of the city council to the Superior  
1072 Court of Putnam County. Such appeal shall be governed by the same rules as govern  
1073 appeals to the superior court from the probate court; or

1074 (2) By an order of the Superior Court of Putnam County following a hearing on a  
1075 complaint seeking such removal brought by any resident of the City of Eatonton.

1076 (c) This section shall not apply to municipal court judges, whose removal is governed by  
1077 Article IV of this charter and state law.

1078                                   ARTICLE VI  
1079                                   FINANCE  
1080                                   **SECTION 6.1.**  
1081                                   Property tax.

1082   The city council may assess, levy, and collect an ad valorem tax on all real and personal  
1083   property within the corporate limits of the city that is subject to such taxation by the state and  
1084   county. This tax is for the purpose of raising revenues to defray the costs of operating the city  
1085   government, of providing governmental services, for the repayment of principal and interest  
1086   on general obligations, and for any other public purpose as determined by the city council  
1087   in its discretion.

1088                                   **SECTION 6.2.**  
1089                                   Millage rate; due dates; payment methods.

1090   The city council by resolution shall establish a millage rate for the city property tax, a due  
1091   date, and the time period within which these taxes must be paid. The city council may  
1092   provide for the payment of these taxes by installments or in one lump sum, as well as  
1093   authorize the voluntary payment of taxes prior to the time when due.

1094                                   **SECTION 6.3.**  
1095                                   Occupation and business taxes.

1096   The city council by ordinance shall have the power to levy such occupation or business taxes  
1097   as are not denied by law. The city council may classify businesses, occupations, or  
1098   professions for the purpose of such taxation in any way which may be lawful and may  
1099   compel the payment of such taxes as provided in Section 6.9 of this charter.

**SECTION 6.4.**

1100

1101

Licenses; permits; fees.

1102 The city council by ordinance shall have the power to require businesses or practitioners  
1103 doing business in this city to obtain a permit for such activity from the city and pay a  
1104 regulatory fee for such permit as provided by general law. Such fees shall reflect the total  
1105 cost to the city of regulating the activity and, if unpaid, shall be collected as provided in  
1106 Section 6.9 of this charter.

**SECTION 6.5.**

1107

1108

Franchises.

1109 (a) The city council shall have the power to grant franchises for the use of this city's streets  
1110 and alleys for the purposes of railroads, street railways, telephone companies, electric  
1111 companies, electric membership corporations, cable television and other telecommunications  
1112 companies, gas companies, transportation companies, and other similar organizations. The  
1113 city council shall determine the duration and terms, whether the same shall be exclusive or  
1114 nonexclusive, and the consideration for such franchises; provided, however, that no franchise  
1115 shall be granted for a period in excess of 35 years, and no franchise shall be granted unless  
1116 the city receives just and adequate compensation therefor. The city council shall provide for  
1117 the registration of all franchises with the city clerk in a registration book kept by the city  
1118 clerk. The city council may provide by ordinance for the registration within a reasonable  
1119 time of all franchises previously granted.

1120 (b) If no franchise agreement is in effect, the city council has the authority to impose a tax  
1121 on gross receipts for the use of this city's streets and alleys for the purposes of railroads,  
1122 street railways, telephone companies, electric companies, electric membership corporations,

1123 cable television and other telecommunications companies, gas companies, transportation  
1124 companies, and other similar organizations.

1125 **SECTION 6.6.**

1126 Service charges.

1127 The city council by ordinance shall have the power to assess and collect fees, charges,  
1128 assessments, and tolls for services provided or made available within and outside the  
1129 corporate limits of the city. If unpaid, such charges shall be collected as provided in Section  
1130 6.9 of this charter.

1131 **SECTION 6.7.**

1132 Special assessments.

1133 The city council by ordinance shall have the power to assess and collect the costs of  
1134 constructing, reconstructing, widening, or improving any public way, street, sidewalk,  
1135 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property  
1136 owners. If unpaid, such charges shall be collected as provided in Section 6.9 of this charter.

1137 **SECTION 6.8.**

1138 Construction; other taxes.

1139 This city shall be empowered to levy any other tax or fee allowed now or hereafter by law,  
1140 and the specific mention of any right, power, or authority in this article shall not be construed  
1141 as limiting in any way the general powers of this city to govern its local affairs.

**SECTION 6.9.**

## Collection of delinquent taxes and fees.

1144 The city council by ordinance may provide generally for the collection of delinquent taxes,  
1145 fees, or other revenue due the city under Sections 6.1 through 6.8 of this charter by whatever  
1146 reasonable means as are not precluded by law. This shall include providing for the dates  
1147 when the taxes or fees are due; late penalties or interest; issuance and execution of fi. fas.;  
1148 creation and priority of liens; making delinquent taxes and fees personal debts of the persons  
1149 required to pay the taxes or fees imposed; revoking city permits for failure to pay any city  
1150 taxes or fees; and providing for the assignment or transfer of tax executions.

**SECTION 6.10.**

## General obligation bonds.

1153 The city council shall have the power to issue bonds for the purpose of raising revenue to  
1154 carry out any project, program, or venture authorized under this charter or the laws of the  
1155 state. Such bonding authority shall be exercised in accordance with the laws governing bond  
1156 issuance by municipalities in effect at the time said issue is undertaken.

**SECTION 6.11.**

## Revenue bonds.

1159 Revenue bonds may be issued by the city council as state law now or hereafter provides.  
1160 Such bonds are to be paid out of any revenue produced by the project, program, or venture  
1161 for which they were issued.

1162 **SECTION 6.12.**

1163 Short-term loans.

1164 The city may obtain short-term loans and must repay such loans not later than December 31  
1165 of each year, unless otherwise provided by law.

1166 **SECTION 6.13.**

1167 Lease-purchase contracts.

1168 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the  
1169 acquisition of goods, materials, real and personal property, services, and supplies, provided  
1170 the contract terminates without further obligation on the part of the municipality at the close  
1171 of the calendar year in which it was executed and at the close of each succeeding calendar  
1172 year for which it may be renewed. Contracts must be executed in accordance with the  
1173 requirements of O.C.G.A. § 36-60-13, or other such applicable laws as are or may hereafter  
1174 be enacted.

1175 **SECTION 6.14.**

1176 Fiscal year.

1177 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the  
1178 budget year and the year for financial accounting and reporting of each and every office,  
1179 department, agency, and activity of the city government.

**SECTION 6.15.**

## Budget ordinance.

1182 The city council shall provide an ordinance on the procedures and requirements for the  
1183 preparation and execution of an annual operating budget, a capital improvement plan, and  
1184 a capital budget, including requirements as to the scope, content, and form of such budgets  
1185 and plans. The city council shall also comply with the budgeting and auditing provisions of  
1186 Chapter 81 of Title 36 of the O.C.G.A.

**SECTION 6.16.**

## Operating budget.

1189 On or before a date fixed by the city council but not later than 60 days prior to the beginning  
1190 of each fiscal year, the mayor, through the city administrator, shall submit to the city council  
1191 a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied  
1192 by a message from the city administrator containing a statement of the general fiscal policies  
1193 of the city, the important features of the budget, explanations of major changes recommended  
1194 for the next fiscal year, a general summary of the budget, and other pertinent comments and  
1195 information. The operating budget and the capital budget provided for in Section 6.10 of this  
1196 charter, the budget message, and all supporting documents shall be filed in the office of the  
1197 city clerk and shall be open to public inspection.

**SECTION 6.17.**

## Action by city council on budget.

1200 (a) The councilmembers may amend the operating budget proposed by the mayor, except  
1201 that the budget as finally amended and adopted must provide for all expenditures required

1202 by state law or by other provisions of this charter and for all debt service requirements for  
1203 the ensuing fiscal year. The total appropriations from any fund shall not exceed the  
1204 estimated fund balance, reserves, and revenues.

1205 (b) The city council by resolution shall adopt the final operating budget for the ensuing fiscal  
1206 year not later than the first day of such fiscal year. If the city council fails to adopt the  
1207 budget by said date, the amounts appropriated for operation for the then current fiscal year  
1208 shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items  
1209 prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal  
1210 year. Adoption of the budget shall take the form of an appropriations resolution setting out  
1211 the estimated revenues in detail by sources and making appropriations according to fund and  
1212 by organizational unit, purpose, or activity as set out in the budget preparation ordinance  
1213 adopted pursuant to Section 6.15 of this charter.

1214 (c) The amount set out in the adopted operating budget for each organizational unit shall  
1215 constitute the annual appropriation for such, and no expenditure shall be made or  
1216 encumbrance created in excess of the otherwise unencumbered balance of the appropriations  
1217 or allotment thereof to which it is chargeable.

1218 **SECTION 6.18.**

1219 Levy of taxes.

1220 The city council shall levy by resolution such taxes as are necessary. The taxes and tax rates  
1221 set by such resolution shall be such that reasonable estimates of revenues from such levy  
1222 shall at least be sufficient, together with other anticipated revenues, fund balances, and  
1223 applicable reserves, to equal the total amount appropriated for each of the several funds set  
1224 forth in the annual operating budget for defraying the expenses of the general government  
1225 of this city.

**SECTION 6.19.**

1226

1227

Changes in appropriations.

1228 The city council by resolution may make changes in the appropriations contained in the  
1229 current operating budget at any regular meeting or special or emergency meeting called for  
1230 such purpose, but any additional appropriations may be made only from an existing  
1231 unexpended surplus.

**SECTION 6.20.**

1232

1233

Capital improvements.

1234 On or before the date fixed by the city council, but not later than 60 days prior to the  
1235 beginning of each fiscal year, the city administrator shall submit to the city council a  
1236 proposed capital improvements plan, with a recommended capital budget containing the  
1237 means of financing the improvements proposed for the ensuing fiscal year. The city council  
1238 shall have power to accept, with or without amendments, or reject the proposed plan and  
1239 budget.

**SECTION 6.21.**

1240

1241

Audits.

1242 There shall be an annual independent audit of all city accounts, funds, and financial  
1243 transactions by a certified public accountant selected by the city council. The audit shall be  
1244 conducted according to generally accepted auditing principles. Any audit of any funds by the  
1245 state or federal governments may be accepted as satisfying the requirements of this charter.  
1246 Copies of annual audit reports shall be available at printing costs to the public.

**SECTION 6.22.**

1247

1248

Procurement and property management.

1249 No contract with the city shall be binding on the city unless:

1250 (1) It is in writing;

1251 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of  
1252 course, is signed by the city attorney to indicate such drafting or review; and1253 (3) It is made or authorized by the city council and such approval is entered in the city  
1254 council minutes book, or journal, of proceedings pursuant to Section 2.16 of this charter.**SECTION 6.23.**

1255

1256

Purchasing.

1257 The city council may by ordinance prescribe procedures for a system of centralized  
1258 purchasing for the city.**SECTION 6.24.**

1259

1260

Sale and lease of property.

1261 (a) The city council may sell and convey or lease any real or personal property owned or  
1262 held by the city for governmental or other purposes as now or hereafter provided by law.1263 (b) The city council may quitclaim any rights it may have in property not needed for public  
1264 purposes upon report by the city administrator and adoption of a resolution, both finding that  
1265 the property is not needed for public or other purposes and that the interest of the city has no  
1266 readily ascertainable monetary value.1267 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place  
1268 of the city, a small parcel or tract of land is cut off or separated by such work from a larger

1269 tract or boundary of land owned by the city, the city council may authorize the city  
1270 administrator to sell and convey said cut-off or separated parcel or tract of land to an abutting  
1271 or adjoining property owner or owners where such sale and conveyance facilitates the highest  
1272 and best use of the abutting owner's property. Included in the sales contract shall be a  
1273 provision for the rights of way of said street, avenue, alley, or public place. Each abutting  
1274 property owner shall be notified of the availability of the property and given the opportunity  
1275 to purchase said property under such terms and conditions as set out by ordinance. All deeds  
1276 and conveyances heretofore and hereafter so executed and delivered shall convey all title and  
1277 interest the city has in such property, notwithstanding the fact that no public sale after  
1278 advertisement was or is hereafter made.

1279 **ARTICLE VII**

1280 **GENERAL PROVISIONS**

1281 **SECTION 7.1.**

1282 **Bonds for officials.**

1283 The officers and employees of this city, both elected and appointed, shall execute such surety  
1284 or fidelity bonds in such amounts and upon such terms and conditions as the city council  
1285 shall from time to time require by ordinance or as may be provided by law.

1286 **SECTION 7.2.**

1287 **Prior ordinances.**

1288 All ordinances, resolutions, rules, and regulations now in force in the city and not  
1289 inconsistent with this charter are hereby declared valid and of full effect and force until  
1290 amended or repealed by the city council.

**SECTION 7.3.**

1291

1292

Existing personnel and officers.

1293 Except as specifically provided otherwise by this charter, all personnel and officers of the  
1294 city and their rights, privileges, and powers shall continue beyond the time this charter takes  
1295 effect for a period of 180 days before or during which the existing city council shall pass a  
1296 transition ordinance detailing the changes in personnel and appointed officers required or  
1297 desired and arranging such titles, rights, privileges, and powers as may be required or desired  
1298 to allow a reasonable transition.

**SECTION 7.4.**

1299

1300

Pending matters.

1301 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,  
1302 contracts, and legal or administrative proceedings shall continue, and any such ongoing work  
1303 or cases shall be completed by such city agencies, personnel, or offices as may be provided  
1304 by the city council.

**SECTION 7.5.**

1305

1306

Construction and definitions.

1307 (a) Section captions in this charter are informative only and are not to be considered as a part  
1308 thereof.

1309 (b) The word "shall" is mandatory and the word "may" is permissive.

1310 (c) The singular shall include the plural, the masculine shall include the feminine, and vice  
1311 versa.

**SECTION 7.6.**

Severability.

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

**SECTION 7.7.**

Effective date.

This Act shall become effective on July 1, 2026.

**ARTICLE VIII****REPEALER****SECTION 8.1.**

Specific repealer.

An Act to incorporate the City of Eatonton, approved August 5, 1908 (Ga. L. 1908, p. 620), is hereby repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety.

1330

**SECTION 8.2.**

1331

General repealer.

1332 All laws and parts of laws in conflict with this Act are repealed.