

19 84
The Committee of the House on Journals has examined the within and finds the same properly enrolled.

Billy Milford of 13^{2d}
Chairman

Thomas B. Murphy
Speaker of the House

Glenn W. Ewald
Clerk of the House

Joe Moody
President of the Senate

Hamilton M. Whortley
Secretary of the Senate

Received *Tom Byrd*
Secretary, Executive Department

This *27th* day of *March* 19 *84*

Approved

Joe Frank Davis
Governor

This *29th* day of *March* 19 *84*



AN ACT

To incorporate the City of Santa Clause in the County of Toombs and provide a charter therefor; and for other purposes.

IN HOUSE

Read 1st time 2-20-84

Read 2nd time 2-21-84

Read 3rd time 2-22-84

And *Passed*

Ayes 110

Nays 0

Glenn W. Ewald
Clerk of the House

IN SENATE

Read 1st time 2-22-84

Read 2nd time 2-23-84

Read 3rd time 2-27-84

And *Passed*

Ayes 50

Nays 0

Hamilton M. Whortley
Secretary of the Senate

Reps. Moody of the 153rd and
By: Byrd of the 153rd and Phillips
of the 120th

AN ACT

To incorporate the City of Santa Claus in the County of Toombs and provide a charter therefore; to provide for corporate limits; to provide for the corporate powers of said city; to provide for a mayor and city council to include terms and qualifications for office, vacancies, filling of said city offices, forfeiture of said offices; to provide for compensation and expenses for the mayor and city council; to provide for certain prohibitions from members of the city council and other city employees; to provide for a code of ethics for the city council; to authorize inquires and investigations by the city council; to provide for the general power and authority of the city; to provide for a chief executive officer for the city; to provide for the powers and duties for the mayor as the chief executive officer of the city; to provide for the review of ordinances by the mayor; to provide a veto power for the mayor; to provide for a mayor pro tem, his selection and duties; to provide for an organization meeting for the mayor and city council; to provide for regular and special meetings of the mayor and city council; to provide for rules of procedure for the city council; to provide for a quorum and a voting procedure for the city council; to provide for the passage of city ordinances by the city council; to provide for emergency ordinances; to provide for modes of technical regulations for the city; to provide for the signing, authenticating, recording, codifying, and printing of city ordinances; to provide administrative and service departments for the city; to provide for boards, commissions, and authorities for the city; to provide for a

city attorney; to provide for a city clerk; to provide for a city tax collector; to provide for a city accountant; to provide for consolidation of related city functions; to create a municipal court; to provide for a judge; to provide for a term of court; to provide for jurisdiction and powers of the court; to provide for appeals; to provide for rules; to provide for elections and the practices and procedures related thereto; to provide for the removal of city officers; to provide for taxes and the practices and procedures related thereto; to provide for licenses, permits, fees, service charges, and other special levies; to provide for the collection of delinquent taxes and fees; to provide means for meeting the financial needs of the city by the issuance of general obligation bonds, and revenue bonds; to provide for budgets, appropriations, and audits; to provide for contracting procedures; to provide for centralized purchasing; to provide for the sale of city property; to provide for eminent domain; to provide for franchises; to provide for official bonds; to provide for penalties; to provide for practices and procedures related to first municipal elections; to provide for construction and severability; to repeal a specific Act; 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 Santa Claus. The city and the inhabitants thereof shall continue to be a body politic and corporate under the name and style the City

of Santa Claus, Georgia, and by that name shall have perpetual duration.

Section 1.11. Corporate boundaries. Be it further enacted, that the corporate limits of said city shall include all of the following areas:

(1) All that tract of land described by metes and bounds as follows: Beginning at Northwest at a point on U.S. Highway Number 1, where lands of Mrs. J.P. Pughsley and C. G. Greene joins, and thence East along the dividing line between lands of Mrs. J.P. Pughsley and C.G. Greene to branch, and thence south along the branch line between lands of John Hancock Mutual Life Insurance Company and C.G. Greene, to Kinsey's land, thence West along Kinsey's lane to U.S. Highway No. 1, thence North along U.S. Highway No. 1 to beginning point, said land being in Fifteen Hundred and thirty-six District, Georgia Militia, Toombs County, Georgia.

(2) All that land containing 47.12 acres located adjacent to the present City Limits of Santa Claus in the 1536th G.M. District, Toombs County, Georgia. Said tract of land being more particularly described by metes and bounds as follows: Beginning at an iron pin designated "Begin" North 12 degrees 52 feet East for 1031.38 feet to another iron pin; thence South 53 degrees 06 feet East for 914.43 feet to a concrete market, thence South 11 degrees 40 feet West for 2397.75 to a concrete marker, thence North 78 degrees 13 feet West for 570.70 feet to a concrete marker, thence North 31 degrees 34 feet West for 147.52 feet to an iron pin, thence North 18 degrees 49 feet West for 169.53 feet to an iron pin, thence

North 32 degrees 14 feet West for 157.93 feet to an iron pin, thence North 25 degrees 16 feet West for 181.39 feet to an iron pin, thence North 0 degrees 56 feet East for 141.48 feet to an iron pin, thence North 42 degrees 08 feet East for 59.74 feet to an iron pin, thence North 40 degrees 13 feet East for 163.78 feet to an iron pin, then North 42 degrees 40 feet East for 89.39 feet to an iron pin, thence North 40 degrees 15 feet East for 104.40 feet to an iron pin, thence South 65 degrees 57 feet East for 35.74 feet to an iron pin, thence North 44 degrees 36 feet East for 99.94 feet to an iron pin, thence North 14 degrees 11 feet East for 40.23 feet to an iron pin, thence North 14 degrees 11 feet East for 10 feet to an iron pin, thence North 14 degrees 11 feet East for 94 feet to an iron pin, thence North 44 degrees 59 feet East for 101.24 feet to an iron pin, thence North 63 degrees 31 feet East for 100 feet to an iron pin, thence North 74 degrees 50 feet East for 101.98 feet to an iron pin, thence North 10 degrees 23 feet East for 167.20 feet to an iron pin, thence North 74 degrees 16 feet West for 156.22 feet to an iron pin, thence North 56 degrees 54 feet West for 48.26 feet to an iron pin, thence South 86 degrees 02 feet West for 127.47 feet to an iron pin, thence North 14 degrees 35 feet West for 79.44 feet to an iron pin, thence North 2 degrees 41 feet East for 103.50 feet to an iron pin marked "Begin", all according to a map survey prepared by William P. Johnson, Surveyor, dated October 27, 1979 and recorded in Plat Book 16, Page 6, Records of the Clerk of the Superior Court, Toombs County, Georgia. This plat and the record thereof are hereby incorporated into this description by reference.

Section 1.12. Examples of power. (a) The city shall have all powers possible for a city to have under the present or future Constitution and laws of the State of Georgia as fully and completely as though they were specifically enumerated in this charter, including all powers of self government not specifically prohibited by the general law or a local Act of the State of Georgia.

(b) The powers of the City of Santa Claus shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of the City of Santa Claus.

(c) The corporate powers of the City of Santa Claus shall include but are not limited to the following:

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

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

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

(4) Appropriations and expenditures. To make appropriations for the government of the city; and 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) Municipal debts. 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) Municipal property ownership. To acquire, dispose of, and hold in trust or otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;

(7) Gifts. 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) Condemnation. 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 Title 22 of the O.C.G.A. or under other applicable general laws of the State of Georgia as are or may be enacted or amended;

(9) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including by not limited to a system of waterworks, sewers and drains, sewage disposal, gas works, electric light plants, transportation facilities, public airports, and any other public utility;

to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and withdrawal of service for refusal or failure to pay same and the manner in which remedies shall be enforced;

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

(11) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, otherwise improve, maintain, repair, clean, prevent erosion of, and light roads, alleys, and walkways within the corporate limits of the city; and to grant franchises and rights of way throughout the streets and roads, and over the bridges and viaducts, for the use of public utilities;

(12) Public improvements. To provide for the acquisition, constructions, building, operation, and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal, and medical institutions, agencies,

and facilities and any other public improvements, inside or outside the corporate limits of the city; and to regulate the use thereof, and for such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A. or other applicable general laws of

the State of Georgia, as are or may be enacted or amended;

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

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

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

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

(17) Special areas of public regulation. To regulate or prohibit junk dealers and pawn shops; the manufacture, sale, or transportation of alcoholic beverages; the use and sale of firearms; to regulate the transportation, storage, and use of combustible, explosive, and inflammable materials, the use of lighting and heating equipment, and any

other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant trades, theatrical performances, exhibitions, shows of any kind whatever, by taxation or otherwise; to license, tax, regulate, or prohibit professional fortunetelling, palmistry, adult bookstores, and massage parlors;

(18) Regulation of roadside areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights of way of streets and roads or within view thereof, within or abutting the corporate limits of the city and to prescribe penalties and punishment for violation of such ordinances;

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

(20) Air and water pollution. To regulate the emission of smoke or other exhaust which pollutes the air and to prevent the pollution of natural streams which flow within the corporate limits of the city;

(21) Fire regulations. To fix and establish fire limits and from time to time 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;

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

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

(24) Garbage fees. To levy, fix, assess, and collect a garbage, refuse and trash collection and disposal and other sanitary service charge, tax, or fee, for such services as may be necessary in the operation of the 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;

(25) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a sewage disposal plant and sewerage system, and to levy on the users of sewers and the sewerage system a sewer service charge fee or sewer tax for the use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of same; to charge, impose, and collect a sewer connection fee or fees, and to charge the same from time to

time; such fees to be levied on the users connecting with the sewerage system;

(26) Nuisance. To define a nuisance and provide for its abatement whether on public or private property;

(27) Municipal property protection. 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;

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

(29) Animal regulations. To regulate and license or prohibit the keeping or running at large

of animals and fowl and to provide for the impoundment of same, if in violation of any ordinance or lawful order; to provide for their disposition by sale, gift, or humane disposal, when not redeemed as provided by ordinance; to provide punishment for violation of the ordinance enacted hereunder;

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

(31) Taxicabs. 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;

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

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

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

(35) City agencies and delegation of power. 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;

(36) Penalties. To provide penalties for violations of any ordinance adopted pursuant to the authority of this charter and the laws of the State of Georgia;

(37) Police and fire protection. To exercise the power of arrest through duly appointed policemen and to organize and operate a fire fighting agency;

(38) Emergencies. 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, of well-being of the citizens of the city;

(39) Urban development To organize and operate an urban redevelopment program;

(40) Public transportation. To organize such public transportation systems as are deemed beneficial;

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

(42) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; to exercise all implied powers necessary to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated herein; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia. No listing of particular powers in this charter shall be held to be exclusive of others nor restrictive of general words and phrases granting powers but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution of applicable laws of the State of Georgia.

Section 1.13. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the city and its officers, agencies, or employees shall be carried into execution as provided by this charter. If this charter makes no provision, such shall be carried into execution as provided by ordinance or as provided by pertinent laws of the State of Georgia.

ARTICLE II GOVERNING BODY

Section 2.10. Creation; composition; number; election. The governing authority of this city shall be

composed of a mayor and four councilmen who shall be elected in the manner provided by Article V of this charter.

Section 2.11. Terms and qualifications of office. The members of the city council shall serve for terms of four years and until the election and qualification of their respective successors. The mayor shall serve for a term of four years and until the election and qualification of a successor. No person shall be eligible to serve as mayor or councilman unless such person shall have been a resident of the area comprising the corporate limits of the City of Santa Claus for a period of one year immediately prior to the date of the election of mayor or member of the council and shall continue to reside therein during his period of service and shall be registered and qualified to vote in municipal elections of the city.

Section 2.12. Vacancy; filling of; forfeiture of office. (a) The office of mayor or councilmen 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) 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.

(c) The mayor or any councilman shall forfeit his office if he:

(1) Lacks at any time during his term of office any qualifications of the office as prescribed by this charter or the laws of the State of Georgia;

(2) Willfully and knowingly violate any express prohibition of this charter; or

(3) Is convicted of a crime involving moral turpitude.

Section 2.13. Compensation and expenses. The salaries of the mayor and council shall be fixed by said mayor and council at the first regularly scheduled meeting in the month following the city's regular election except as otherwise limited by the general laws of the State of Georgia. The mayor and councilman shall be entitled to receive their actual and necessary expenses incurred in the performance of their duties.

Section 2.14. Prohibitions. Except as authorized by law, no member of the council shall hold any other elective city office or city employment during the term for which he was elected.

Section 2.15. Code of ethics. The council may enact by ordinance a code of ethics which shall apply to all elected officials, appointed officers, and employees of this city.

Section 2.16. Inquiries and investigations. The council may make inquiries and investigations into the affairs of the city and the conduct of any department, office, or agency thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. 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.

Section 2.17. 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 this city as provided by Article I of this charter.

(b) In addition to all other powers conferred upon it by law, the council shall have the authority to adopt and provide for the creation 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, property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the city. The council may enforce such ordinances by imposing penalties for the 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 by this charter.

Section 2.18. Chief executive officer. The mayor shall be the chief executive of this city. 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.

Section 2.19. Powers and duties of mayor. As the chief executive of the city, the mayor:

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

(2) Shall preside at all meetings of the mayor and council and vote in the event of a tie vote among the council;

(3) May appoint and remove all officers, department heads, and employees of the city by and with the consent of council as otherwise provided for in this charter;

(4) Shall exercise supervision over all executive and administrative work of the city and provide for the coordination of administrative activities;

(5) May prepare and submit to the council a recommended annual operating budget and recommended capital budget;

(6) May submit to the council at least once a year a statement covering the financial condition of the city and from time to time such other information as the council may request;

(7) Shall recommend to the council such measures relative to the affairs of the city, improvements of the government, and promotion of the welfare of its inhabitants as he may deem expedient;

(8) Shall call special meetings of the council as provided in subsection (b) of Section 2.23 of this Act;

(9) Shall approve or disapprove ordinances as provided in Section 2.20 of this Act;

(10) May examine and audit all accounts of the city;

(11) May require any department or agency of the city to submit written reports whenever deemed expedient; and

(12) Shall perform other duties as may be required by general state law, this charter, or ordinance.

Section 2.20 Submission of ordinance to the mayor; veto power (a) Every ordinance adopted by the council shall be presented promptly by the clerk to the mayor.

(b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the clerk with or without approval, or with 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 reasons for a veto. The clerk shall record upon the ordinance the date of its delivery to and receipt from the mayor.

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

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

part or parts shall be presented to council as though disapproved and shall become law unless overridden by council as in subsection (c) of this section.

Section 2.21. Mayor pro tem; selection; duties. The council shall elect by majority vote from among its members a mayor pro tem who shall assume the duties and powers of the mayor upon the mayor's disability or absence. The council shall elect an acting mayor pro tem from among its members for any period in which the mayor pro tem is disabled, absent, or acting as mayor. Any such absence or disability shall be declared by majority vote of all members of the council.

Section 2.22. Organization meeting. (a) The mayor and council elected under this charter shall meet for organization on the date and at the time of the first regular meeting in January following the city elections. Prior to entering upon office, the oath of office shall be administered to the newly elected members by the mayor, mayor pro tem, or anyone authorized to administer oaths as follows:

“We each do swear that we will faithfully and impartially administer the laws of the City of Santa Claus to the best of our skill and ability.”

(b) Following the induction of members, the council, by majority vote of all the members thereof, shall elect one of their number to be mayor pro tem, who shall serve for a term of office of four years and until the election and qualification of a successor.

Section 2.23. 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 meeting on any weekday or hour it may fix and may transact any business at such continues meeting as may be transacted at any regular meeting.

(b) Special meetings of the council may be held on call of the mayor or three members of the council. Notice of such special meetings shall be served on all other members personally, or by telephone, or shall be left at their residences 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. Notice of any special meeting may be waived in writing before or after any such special meeting and attendance at the meeting shall constitute a waiver of notice of any special meeting. 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 at a regular meeting may be conducted at the special meeting.

(c) All meetings of the council shall be public to the extent required by general state law and notice to the public of special meetings shall be made as fully as is reasonably possible 48 hours prior to such meetings.

Section 2.24. 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 keeping a journal of its proceedings which shall be a public record.

Section 2.25. Quorum; voting. Three 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 voice vote and the ayes and nays shall be recorded in the journal, but any member of the council shall have the right to request a roll-call vote. The affirmative vote of a majority of the council shall be required for the adoption of any ordinance, resolution, or motion except as otherwise provided in this charter.

Section 2.26. Action requiring an ordinance. Except as herein provided, every official action of the council which is to become law shall be by ordinance. Each proposed ordinance or resolution shall be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be: “The council of the City of Santa Claus hereby ordains ...” and every ordinance shall so begin. Any proposed ordinance shall be presented in written form to the mayor and council in regular session for two sessions and shall receive a majority vote of the entire body (three votes) at two sessions before becoming a law, after which it must be recorded in the minute book kept by the mayor.

Section 2.27. Emergency ordinances. To meet a public emergency affecting life, health, property, or public peace, the council may adopt one or more emergency ordinances but such ordinances may not: levy taxes, grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except as provided by law. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally except that it shall be plainly designated as an emergency ordinance and

shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of a majority of the council shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 60 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Section 2.28. Codes of technical regulations. (a) The council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be prescribed for ordinances generally except that:

(1) The requirements of subsection (b) of Section 2.29 of this charter for assuring public access to the ordinance shall be construed to include copies of any code of technical regulations as well as the adopting ordinance; and

(2) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 2.29 of this charter.

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

Section 2.29. Signing; authenticating; recording; codifying; printing. (a) The city clerk shall authenticate by signature and record in full, in a properly indexed book kept for the purpose, all ordinances adopted by council. Every ordinance shall be signed by the mayor after adoption.

(b) The council shall provide for the preparation of a general codification of all the ordinances of the city. The general codification shall be adopted by the council by ordinance and shall be published promptly together with all amendments thereto, with this charter and any amendment thereto, and such codes of technical regulations and other rules and regulations as the council may specify. This compilation shall be known and cited officially as “The Code of the City of Santa Claus, Georgia.” Copies of the code may be furnished to all officers, departments, and agencies of the city and made available for purchase by the public at a reasonable price as fixed by the council.

(c) The council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption. Following publication of the first code of this city and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for incorporation therein. The council shall make such further arrangements as deemed desirable with respect to reproduction and distribution of any current charges in or additions to codes of technical

regulations and other rules and regulations included in the code.

ARTICLE III ADMINISTRATIVE AFFAIRS

Section 3.10. Administrative and service departments. (a) Except as otherwise provided in this charter, the council shall prescribe the functions or duties of and establish, abolish, or alter all non-elective offices, positions of employment, departments, and agencies of the city as necessary for the proper administration of the affairs and government of this city.

(b) Except as otherwise provided by this charter or general state law, department heads and other appointed officers of the city shall be appointed solely on the basis of their respective administrative and professional qualifications as shall be prescribed by the governing authority.

(c) All appointive officers and department heads shall receive such compensation as prescribed by the council.

(d) There may be a supervisor of each department or agency who shall be its principal officer. Each supervisor shall, subject to the direction and supervision of the mayor, be responsible for the administration and direction of the affairs and operations of his department or agency.

(e) All supervisors under the supervision of the mayor shall be nominated by the mayor with confirmation of appointment by the council. The mayor may suspend or remove supervisors under his or her supervision. The supervisor involved may appeal to the council, which after

a hearing may override the mayor's action by a vote of four council members.

Section 3.11. Boards, commissions, and authorities. (a) The council shall create by ordinance such boards, commissions, and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function as the council deems necessary and shall by ordinance establish the composition, period of existence, duties, and powers thereof.

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

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

(d) Any vacancy on 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 general state law.

(e) No member of a board, commission, or authority of the city shall assume office until executing and filing with the clerk of the city an oath obligating the member to faithfully and impartially perform the duties of the office, such oath to be administered by the mayor.

(f) Any member of a board, commission, or authority may be removed from office for cause by a vote of four members of the council.

(g) Except as otherwise provided by this charter or by general state law, each board, commission, or authority of the city shall elect one of its members as chairman and one member as vice chairman and may elect as its secretary one of its own members or may appoint as secretary an employee of the 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 general state law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs, copies of which bylaws, rules, and regulations shall be filed with the clerk of the city.

Section 3.12. City attorney. The council may appoint a city attorney, together with such assistant city attorneys as may be authorized, and shall provide for the payment of such attorney or attorneys for services rendered to the city. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the council as directed; shall advise the council, mayor, and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of his position as city attorney.

Section 3.13. City clerk. The council may appoint a city clerk to keep a journal of the proceedings of the city council and to maintain in a safe place all records and documents pertaining to the affairs of the city and to

perform such other duties as may be required by law or as the council may direct.

Section 3.14. Tax collector. The council may appoint a tax collector to collect all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of this charter and the ordinances of the city, and the tax collector shall diligently comply with and enforce all general laws of the State of Georgia relating to the collection, sale, or foreclosure of taxes by municipalities.

Section 3.15. City accountant. The council may appoint a city accountant to perform the duties of an accountant.

Section 3.16. Consolidation of functions. The council may consolidate any two or more of the positions of city clerk, city tax collector, and city accountant or any other positions or may assign the functions of any one or more of such positions to the holder or holders of any other positions.

ARTICLE IV MUNICIPAL COURT

Section 4.10. Creation of mayor's court. (a) There is hereby established a court to be known as the mayor's court of the city which shall have jurisdiction and authority to try offenses against the laws and ordinances of the city and to punish for a violation of the same.

(b) Said mayor and council shall have authority to elect a marshal for said city and fix his salary and to require the marshal to make bond to the mayor and

council in such sum as deemed proper for the faithful performance of his duty. Such marshal shall be elected annually for one year and shall arrest all persons violating the laws of the city, with or without warrant or summons, and carry them before the mayor for trial. The marshal shall be the ministerial officer of the mayor's court and shall enforce its sentences or collect its fines. For all such services the marshal shall receive such fees as the constable would receive for similar services in the magistrate court, to be taxed in the cost bill. The marshal shall enforce all the laws of said city and orders of the mayor and council.

Section 4.11. Jurisdiction; powers. (a) The mayor's court shall try and punish for crimes against the city and for violation of its ordinances. The mayor's court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$200.00 or imprisonment for 30 days, or both. The mayor's court may fix punishment for offenses, within its jurisdiction not exceeding a fine of \$1000.00 or imprisonment for 365 days, or both. As an alternative to fine or imprisonment, the mayor's court may sentence any offender upon conviction to labor for the city on the streets, sidewalks, squares, or other public works for a period not exceeding 365 days.

(b) The mayor's court shall have authority to establish a schedule of fees to defray the costs of operation and shall be entitled to reimbursement of the costs of meals, transportation, and caretaking of prisoners bound over to superior courts for violations of state law.

(c) The mayor's 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 appearance of persons charged with violations. Whenever any person shall give bail for his appearance and shall fail to appear at the time fixed for trial, his bond shall be forfeited by the judge presiding at such time and an execution issued thereon by serving the defendant and his sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall on order of the judge be forfeited to the city or the property so deposited shall have a lien against it for the value forfeited, which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

(d) The mayor's court shall have authority to bind prisoners over to the appropriate court when it appears by probable cause that a state law has been violated.

(e) The mayor's 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.

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

(g) The mayor's court is specifically vested with all of the jurisdiction and powers throughout the entire area of

the city granted by general state laws generally to mayor's, recorders, and police courts and particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.

Section 4.12. Appeal. The right of appeal shall exist in all cases from the judgment of the mayor's court to the Superior Court of Toombs County in the same manner and under the same procedure as generally prescribed for appeals and appeal bonds from the probate court; provided, however, that any person who fails to file his appeal to the superior court in either of the above cases within 30 days of the date of his conviction in the mayor's court shall be deemed to have waived any such right. An appeal to the superior court shall be a de novo proceeding.

Section 4.13. 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 mayor's court; provided, however, that the council may adopt in part or in toto the rules and regulations relative to the procedure of the operation of the superior courts under the general laws of the State of Georgia. The rules and regulations made or adopted for said court may be filed with the city clerk and shall be available for public inspection upon request.

ARTICLE V ELECTIONS

Section 5.10. Applicability of general law. All elections shall be held and conducted in accordance with

the Georgia Municipal Election Code, as now or hereafter amended, or under other applicable general laws of the State of Georgia as are or may be enacted or amended.

Section 5.11. Election of council and mayor. An election shall be conducted annually on the second Monday in September at some public place in said city between the hours of 7:00 a.m. and 8:00 p.m., said election to be held by three persons resident of said city who are qualified voters. For the purpose of electing members to the council, positions on the council shall be numbered Posts One through Four. The election of the two at-large council members from Post One and Two shall be held in odd-numbered years, and the elections of the two at-large council members from Post Three and Four and the mayor shall be held in even-numbered years. Said election shall otherwise be conducted as are elections for the members of the General Assembly of Georgia, except that in all succeeding elections no resident of said city may vote in the elections thereof unless he or she has registered with the mayor in a book for such purpose, ten days before the election, making affidavit that he or she is qualified to vote for members of the General Assembly of Georgia and owes no taxes to the said city which are past due. The said election managers shall ascertain and make public the results of said election by posting the same conspicuously in writing at the place of election, and, if there is no contest, the persons declared elected shall at once assume their official duties. Election returns shall also be made to the existing mayor and council who shall canvass the same and preserve them for six months. Any contest of elections shall be had as now provided by law

of Georgia, and any illegal voting shall be punished as provided by the laws of Georgia.

Section 5.12. Special elections; vacancies. In the event that the office of mayor or council member shall become vacant for any cause whatsoever, the remaining members of the mayor and council shall appoint a successor to fill the balance of the unexpired term of such office.

Section 5.13. Nonpartisan elections. Political parties shall not conduct primaries for city offices and all names of candidates for city offices shall be listed without party labels.

Section 5.14. Other provisions. Except as otherwise provided by this charter, the council shall by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any option and duties under the Georgia Municipal Election Code, as now or hereafter amended, or under other applicable general laws of the State of Georgia as are or may be enacted or amended.

Section 5.15. Grounds for removal. The mayor, council members, or others provided for in this charter shall be removed from office for any one or more of the following causes:

- (1) Incompetence, misfeasance, or malfeasance in office;
- (2) Conviction of a crime involving moral turpitude;

(3) Failure at any time to possess any of the qualifications of office as provided by this charter or by law;

(4) Knowing violation of any express prohibition of this charter;

(5) Abandonment of office or neglect to perform the duties thereof; or

(6) Failure for any other cause to perform the duties of office as required by this charter or by law.

Section 5.16. Procedure for removal. Removal of an above-described officer may be accomplished by one of the following methods:

(1) By majority vote of the full council after an investigative hearing, the officer to be removed not voting if he is a member 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 grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. Any elected officer sought to be removed from office as herein provided shall have the right of appeal from the decision of the council to the Superior Court of Toombs County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or

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

ARTICLE VI FINANCE

Section 6.10. Property Tax. The council may assess, levy, and collect an ad valorem tax on all real and

personal property with 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 6.11. Millage rate; due dates; payment methods. The council, by ordinance, shall establish a millage rate for the city property tax, which shall become due December 1. The council, by ordinance, may provide for the payment of these taxes by installments or in one lump sum and may authorize the voluntary payment of taxes prior to the time when due. The tax rate set by such ordinance shall be such that reasonable estimates of revenue from such levy shall at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual operating budget for defraying the expenses of the general government of the city.

Section 6.12. Occupation of business taxes. The 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 the city or who practice or offer to practice any profession or calling therein to the extent such persons have a constitutionally

sufficient nexus to the city to be so taxed. The 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 this article.

Section 6.13. License, permits, fees. The council, by ordinance, shall have the power to require any individuals or corporations who transact business in the 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 costs to the city of regulating the activity and if unpaid shall be collected as provided in this article for delinquent taxes and fees. The council, by ordinance, may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety, and welfare necessitate.

Section 6.14. 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 upon the abutting property owners, under such terms and conditions as may be prescribed by ordinances. Such special assessment shall become delinquent 30 days after their due dates, shall thereupon by subject, in addition to fi. fa. charges, to a penalty of 10 percent, and shall thereafter be subject to interest at the rate of 7 percent per

annum from date due until paid. A lien shall exist against the abutting property superior to all other liens except that it shall be of equal dignity with liens for county and city property

taxes. Said lien shall also be enforceable by the same procedures and under the same remedies as provided for in this article for city property taxes.

Section 6.15. Construction other taxes. The city shall be empowered to levy any other tax 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 6.16. Collection of delinquent taxes. The mayor may issue fi. fa. for the collection of unpaid taxes, which may be levied by the marshal. Property to be sold, if personalty, shall be paid before the place of holding election in said city after ten days' advertisement by posting three notices in said city, and if realty, to be sold in the same place after four weeks' advertisement in a newspaper of said county. The marshal shall execute deeds of title. All property in said city shall be returned to the mayor for taxation and entered in a book for tax returns, and all property existing in said city on January 1 hereafter shall be taxable that year against the owner. All taxes, fines, and forfeitures shall be collected and held by the mayor and disbursed by him. He shall give bond to the members of the council after each election in the sum of \$10,000.00 for the faithful performance of his duty.

Section 6.17. Transfer of executions. The city clerk shall be authorized to assign or transfer any fi. fa. or execution issued for any tax or for any street, sewer, or other assessment in the same manner and to the same extent as provided by Georgia law regarding sales and transfer of tax fi. fas. Such transfer or assignment, when made, shall vest the purchaser or transferee with all right, title, and interest as provided by Georgia law governing sales and transfer of tax fi. fas.; provided, however, that upon levy of execution and sales of property pursuant to such tax fi. fa., whether assigned, transferred, or executed by the city, the owner of such property in fee simple or lesser interest shall not lose his right to redeem the property in accordance with the requirements of redemption of property sold under state or county ad valorem tax fi. fas. as said requirements now exist or as may be hereinafter provided by law.

Section 6.18. 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 6.19. Revenue bonds. Revenue bonds may be issued by the council as provided by the Revenue Bond Law, as now or hereafter amended or by any other Georgia law as now or hereafter amended.

Section 6.20. Short-term notes. The city must obtain and repay any short-term loans between January 1 and December 31 of each year or as is otherwise provided by present or future state law.

Section 6.21. Fiscal year. The council shall set the fiscal year by ordinance. The fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, agency, and activity of the city government, unless otherwise provided by general state or federal law.

Section 6.22. Preparation of budgets. The council may provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget and a capital improvement program and a capital budget including requirements as to the scope, content, and form of such budgets and programs.

Sections 6.23. Additional appropriations. The council may make appropriations in addition to those contained in the current operating budget at any regular meeting or at any special meeting called for such purpose. Any such additional appropriations, however, may be made only from an existing unappropriated surplus in the fund to which it applies.

Section 6.24. Capital improvements budget. (a) The mayor may submit to the council a proposed capital improvements budget with recommendations as to the means of financing the improvements proposed for the

ensuing fiscal year. The council shall have power to accept with or without amendments or reject the proposed program and proposed means of financing. The council shall not authorize an expenditure for the construction of any building, structure, work, or improvement unless the appropriations for such project are included in the capital improvements budget, except to meet a public emergency threatening the lives, health, or property of the inhabitants, provided that such authorization is passed by two-thirds' vote of the membership of the council.

(b) No appropriation provided for in the capital improvements budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided, however, that the mayor may submit amendments to the capital improvements budget, accompanied by his recommendations thereon, at any time during the fiscal year. Any such amendments to the capital improvements budget shall become effective only upon adoption by a vote of the council.

Section 6.25. Independent audit. There shall be a biennial, independent audit of all city accounts, funds, and financial transactions by a certified public accountant selected by the council. The audit shall be conducted according to generally accepted governmental accounting principles. Any audit of any funds by the state or federal governments may be accepted as satisfying the requirements of this charter. Copies of all audit reports shall be available at printing cost to the public.

Section 6.26. Contracting procedures. No contract with the city shall be binding on the city unless:

- (1) It is in writing; and
- (2) It is made or authorized by the council and such approval is entered in the council minutes.

Section 6.27. Centralized purchasing. The council may, by ordinance, prescribe procedures for a system of centralized purchasing for the city.

Section 6.28. Sale of town property. (a) The council may sell and convey any real or personal property owned or held by the city for governmental or other purposes as provided by general state law, as now or later amended.

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

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

ARTICLE VII
GENERAL PROVISIONS

Section 7.10. Eminent domain. The council is hereby empowered to acquire, construct, operate, and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drain, sewage treatment facilities, waterworks, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities and any other public improvements inside or outside the city, and to regulate the use thereof, and for such purposes, property may be taken under Title 22 of the O.C.G.A. or any other Georgia law applicable now or provided in the future.

Section 7.11. Franchises. The council shall have the power to grant franchises for the use of the city's streets and alleys, for the purposes of railroads, street railways, telephone companies, electrical companies, cable television, gas companies, transportation companies, and other similar organizations. The council shall determine the duration, provisions, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, no franchise shall be granted for a period in excess of thirty-five years and no franchise shall be granted unless the city receives just and adequate compensation therefor. The council shall provide for the registration of all franchises with the city clerk in a registration book to be kept by the clerk. The council may provide by ordinance for the

registration within a reasonable time of all franchises previously granted.

Section 7.12. Official bonds. The officers and employees of the city, both elective and appointive, shall execute such official bonds in such amounts and upon such terms and conditions as the council may from time to time require by ordinance or as may be provided by state law.

Section 7.13. Penalties. The violation of any provision of this charter, except those provisions which have been amended by home rule action, for which a penalty is not specifically prescribed by this charter is hereby declared to be a misdemeanor; and a person convicted thereof shall be punished by a fine of not more than \$1,000.00, by imprisonment not to exceed 365 days, or both such fine and imprisonment.

Section 7.14. Qualified electors. At municipal elections, the qualified electors of the City of Santa Claus shall be determined pursuant to the authority of the Georgia Municipal Election Code, or under other applicable general laws of the State of Georgia as are or may be enacted or amended.

Section 7.15. Construction. (a) Section captions in this charter are informative only and are not to be considered as a part thereof.

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

(c) The word “city” shall mean the City of Santa Claus, Georgia, and its governing authority.

(d) The word “council” shall mean the city council of this city.

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

Section 7.16. 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 independently of each other.

Section 7.17. Specific repealer. An Act incorporating the City of Santa Claus, approved March 27, 1941 (Ga. L. 1941, p. 1742), as amended by an Act approved March 13, 1970 (Ga. L. 1970, p. 2733), is repealed in its entirety.

Section 7.18. Repealer. All laws and parts of laws in conflict with this Act are repealed.

NOTICE OF INTENT TO INTRODUCE LOCAL LEGISLATION

Notice is hereby given that there will be introduced at the regular 1984 session of the General Assembly of Georgia, a bill to provide a new corporate charter for the City of Santa Clara; to provide for corporate limits; to provide for the corporate powers of said city; to provide for a mayor and city council to include terms and qualifications for office, vacancies, filling of said city offices, forfeiture of said offices; to provide for compensation and expenses for the mayor and city council; to provide for certain prohibitions from members of the city council and other city employees; to provide for a code of ethics for the city council; to authorize inquiries and investigations by the city council; to provide for the general power and authority of the city; to provide for a chief executive officer for the city; to provide for the powers and duties for the mayor as the chief executive officer of the city; to provide for the review of ordinances by the mayor; to provide a veto power for the mayor; to provide for a mayor pro tem, his selection and duties; to provide for an organization meeting for the mayor and city council; to provide for regular and special meetings of the mayor and city council; to provide for rules of procedure for the city council; to provide for a quorum and a voting procedure for the city council; to provide for the passage of city ordinances by the city council; to provide for emergency ordinances; to provide for modes of technical regulations for the city; to provide for the signing, authenticating, recording, codifying and printing of city ordinances; to provide administrative and service departments for the city; to provide

for boards, commissions and authorities for the city; to provide for a city attorney; to provide for a city clerk; to provide for a city tax collector; to provide for a city accountant; to provide for consolidation of related city functions; to create a municipal court; to provide for a judge; to provide for a term of court; to provide for jurisdiction and powers of the court; to provide for appeals; to provide for rules; to provide for elections; and the practices and procedures related thereto; to provide for the removal of city officers; to provide for taxes and the practices and procedures related thereto; to provide for licenses, permits, fees, service charges and other special levies; to provide for the collection of delinquent taxes and fees; to provide means for meeting the financial needs of the city by the issuance of general obligation bonds; revenue bonds, etc.; to provide for budgets, appropriations and audits; to provide for contracting procedures; to provide for centralized purchasing; to provide for the sale of city property; to provide for eminent domain; to provide for franchises; to provide for official bonds; to provide for penalties; to provide for practices and procedures related to first municipal elections; to provide for construction and severability; to provide for effective dates; to repeal conflicting laws; and for other purposes.

This 14th day of February, 1984.

EARL HORTON JR., Mayor, City of Santa Claus 7c1t-c0fsc

GEORGIA, FULTON COUNTY

Personally appeared before me, the undersigned authority,
duly authorized to administer oaths, _____ Lunsford Moody

_____, who, on oath, deposes and says that he

is Representative from the 153rd District, and that the

attached copy of Notice of Intention to Introduce Local Legislation

was published in the Lyons Progress

which is the official organ of Toombs County,

on the following date: February 16, 1984

E. *James M. Moody*
 LUNSFORD MOODY
 Representative, 153rd District

Sworn to and subscribed before me,

this 20th day of February

19 84 .

Cathy Ann Walls
Notary Public s/ Cathy Ann Walls

(SEAL)

H. B. No. 1673

H. B. No. 1673

NOTICE OF INTENT TO INTRODUCE LOCAL LEGISLATION

Notice is hereby given that there will be introduced at the regular 1984 session of the General Assembly of Georgia, a bill to provide a new corporate charter for the City of Santa Claus; to provide for corporate limits; to provide for the corporate powers of said city; to provide for a mayor and city council to include terms and qualifications for office, vacancies, filling of said city offices, forfeiture of said offices; to provide for compensation and expenses for the mayor and city council; to provide for certain prohibitions from members of the city council and other city employees; to provide for a code of ethics for the city council; to authorize inquiries and investigations by the city council; to provide for the general power and authority of the city; to provide for a chief executive officer for the city; to provide for the powers and duties for the mayor as the chief executive officer of the city; to provide for the review of ordinances by the mayor; to provide a veto power for the mayor; to provide for a mayor pro tem, his selection and duties; to provide for an organization meeting for the mayor and city council; to provide for regular and special meetings of the mayor and city council; to provide for rules of procedure for the city council; to provide for a quorum and a voting procedure for the city council; to provide for the passage of city ordinances by the city council; to provide for emergency ordinances; to provide for modes of technical regulations for the city; to provide for the signing, authenticating, recording, codifying and printing of city ordinances; to provide administrative and service departments for the city; to provide

for boards, commissions and authorities for the city; to provide for a city attorney; to provide for a city clerk; to provide for a city tax collector; to provide for a city accountant; to provide for consolidation of related city functions; to create a municipal court; to provide for a judge; to provide for a term of court; to provide for jurisdiction and powers of the court; to provide for appeals; to provide for rules; to provide for elections and the practices and procedures related thereto; to provide for the removal of city officers; to provide for taxes and the practices and procedures related thereto; to provide for licenses, permits, fees, service charges and other special levies; to provide for the collection of delinquent taxes and fees; to provide means for meeting the financial needs of the city by the issuance of general obligation bonds, revenue bonds, etc.; to provide for budgets, appropriations and audits; to provide for contracting procedures; to provide for centralized purchasing; to provide for the sale of city property; to provide for eminent domain; to provide for franchises; to provide for official bonds; to provide for penalties; to provide for practices and procedures related to first municipal elections; to provide for construction and severability; to provide for effective dates; to repeal conflicting laws; and for other purposes.

This 14th day of February, 1984.

EARL HORTON JR., Mayor, City of Santa Claus 7elt-cofsc

GEORGIA, FULTON COUNTY

Personally appeared before me, the undersigned authority,
duly authorized to administer oaths, Lunsford Moody
_____, who, on oath, deposes and says that he
is Representative from the 153rd District, and that the
attached copy of Notice of Intention to Introduce Local Legislation
was published in the Lyons Progress
which is the official organ of Toombs County,
on the following date: February 16, 1984.

s/ LUNSFORD MOODY
Representative, 153rd District

Sworn to and subscribed before me,
this 20th day of February,