

House Bill 1031 (AS PASSED HOUSE AND SENATE)

By: Representatives Collins of the 68th and Gravley of the 67th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Villa Rica; to provide for incorporation, boundaries,
2 powers, and construction; to provide for exercise of powers; to provide for the composition,
3 creation, election, qualifications, compensation and expenses of the governing authority; to
4 provide for prohibitions and a code of ethics; to provide for inquiries and investigations; to
5 provide for general power and authority of the council; to provide for the powers and duties
6 of the mayor; to provide for the organization of the council and the mayor pro tem; to
7 provide for meetings and voting of the governing authority; to provide for action requiring
8 an ordinance; to provide for codes of technical regulations; to provide for signing,
9 authenticating, recording, codification and printing of ordinances; to provide for submission
10 of ordinances and resolutions to the mayor; to provide for administrative and service
11 departments; to provide for a prohibition of the mayor or city council interfering with the city
12 administration; to provide for boards, commissions, and authorities; to provide for a city
13 manager, city clerk, city attorney, tax collector and city accountant; to provide for
14 employment matters; to provide for a municipal court, its judges, jurisdiction, and powers;
15 to provide for certiorari and rules of the court; to provide for elections and terms of office;
16 to provide for qualifying, nomination of candidates and absentee ballots; to provide for
17 special elections and vacancies; to provide for removal of officers; to provide for property
18 taxes, tax levies, tax due dates and tax bills, and the collection of delinquent taxes; to provide
19 for licenses, occupational taxes and excise taxes; to provide for a sewer service charge and
20 a sanitary and health service charge; to provide for special assessments; to provide for
21 transfer of executions; to provide for bonds and notes; to provide for a fiscal year; to provide
22 for the submission of the budget to the city council and action by the council on the budget;
23 to provide for additional appropriations; to provide for contract procedures and property
24 management; to provide for municipal services and utilities; to provide for eminent domain;
25 to provide for the power to regulate and license; to provide the power to grant franchises; to
26 provide for regulations regarding building, housing, electrical and plumbing; to provide for
27 zoning powers; to provide for prior ordinances, rules and regulations, existing personnel and
28 officers, penalties, official bonds, and construction; to provide for other matters relative to

29 the foregoing; to provide a specific repealer; to repeal conflicting laws; and for other
30 purposes.

31 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

32 ARTICLE I

33 CREATION, INCORPORATION, POWERS

34 SECTION 1.10.

35 Incorporation.

36 The City of Villa Rica, Georgia, in the Counties of Carroll and Douglas, and the inhabitants
37 thereof shall continue to be a body politic and corporate under the same name and style of
38 the City of Villa Rica, Georgia. Under that name, said city shall continue to be invested with
39 all the property which now belongs to the corporation; shall have perpetual succession; may
40 sue and be sued; may contract and be contracted with; may acquire and hold such property,
41 real and personal, as may be devised, bequeathed, sold or in any manner conveyed or
42 dedicated to or otherwise acquired by it, and from time to time may hold or invest, sell or
43 dispose of the same; may have a common seal and alter and renew the same at will; and may
44 exercise in conformity with this charter all municipal powers, functions, rights, privileges
45 and immunities of every name and nature whatsoever.

46 SECTION 1.11.

47 Corporate boundaries.

48 The boundaries of the City of Villa Rica shall be those existing on the effective date of the
49 adoption of this charter with such alterations as may be made from time to time in the
50 manner provided by law. The current boundaries of the City of Villa Rica, at all times, shall
51 be shown on a map, a written legal description or any combination thereof, to be retained
52 permanently in the office of the city manager and to be designated, as the case may be:
53 "Official Map (or Description) of the corporate limits of the City of Villa Rica, Georgia."
54 Alterations in these boundaries shall be indicated by appropriate entries upon or additions
55 to such map or legal description. Such entries or additions shall be made by and under the
56 direction of the mayor. Photographic, typed, or other copies of such map or description
57 certified by the city manager shall be admitted in evidence in all courts and shall have the
58 same force and effect as with the original map or description.

59 **SECTION 1.12.**

60 Specific powers.

61 The corporate powers of the government of the City of Villa Rica, to be exercised by the
62 governing authority, may include the following:

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

65 (2) To levy and provide for the collection of license fees and taxes on privileges,
66 occupations, trades, and professions, and to license and regulate such privileges,
67 occupations, trades, and professions and to provide for the manner and method of
68 payment of such licenses and taxes;

69 (3) To make appropriations for the support of the government of the city, to authorize
70 the expenditure of money for any purposes authorized by this charter and for any purpose
71 for which a municipality is authorized by the laws of the State of Georgia and to provide
72 for the payment of expenses of the city;

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

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

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

81 (7) To condemn property, inside or outside the corporate limits of the city for present or
82 future use, and for any corporate purpose deemed necessary by the governing authority,
83 under O.C.G.A. Title 22 or under oath applicable Public Acts as are or may be enacted;

84 (8) To acquire, lease, construct, operated, maintain, sell and dispose of public utilities,
85 including but not limited to a system of waterworks, sewers and drains, sewage disposal,
86 gas works, electric light plants, transportation facilities, public airports and any other
87 public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations and
88 penalties and withdrawal of service for refusal or failure to pay same and the manner in
89 which such remedies shall be enforced;

90 (9) To grant franchises or make contracts for public services; to prescribe the rates, fares,
91 regulations and standards and conditions of service applicable to the service to be
92 provided by the franchise grantee or contractor, insofar as not in conflict with such
93 regulations by the public service commission;

- 94 (10) To lay out, open, extend, widen, narrow, establish or change the grade of, abandon
95 or close, construct, pave, curb, gutter, adorn with shade trees, otherwise improve,
96 maintain, repair, clean, prevent erosion of, and light roads, alleys and walkways within
97 the corporate limits of the city;
- 98 (11) To grant franchise and rights-of-way throughout the streets and roads, and over the
99 bridges and viaducts, for the use of public utilities;
- 100 (12) To provide for the acquisition, construction, building, operation and maintenance
101 of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and
102 market houses, public buildings, libraries, sewers, drains, sewerage treatment, airports,
103 hospitals and charitable, cultural, educational, penal and medical institutions, agencies
104 and facilities; and any other public improvements, inside or outside the corporate limits
105 of the city; and to regulate the use thereof, and for such purposes, property may be
106 acquired by condemnation under O.C.G.A. Title 22, or other applicable Public Acts, as
107 are or may be enacted;
- 108 (13) To require real estate owners to repair and maintain in a safe condition the
109 sidewalks adjoining their lots or lands; and to enact ordinances establishing the terms and
110 conditions under which such repairs and maintenance shall be effected, including the
111 penalties to be imposed for failure to do so;
- 112 (14) To regulate and establish minimum standards for the construction and repair of
113 buildings and all other structures, electrical wiring and equipment, gas installation and
114 equipment, plumbing and housing; to adopt building, housing, plumbing, electrical, gas
115 and heating and air conditioning codes; to license all building trades and to license the
116 construction and erection of buildings and all other structures; and to provide for the
117 enforcement of such standards;
- 118 (15) To provide for the prevention and punishment of drunkenness and public
119 disturbances;
- 120 (16) To regulate or prohibit junk dealers; pawnshops; the manufacture, sale, or
121 transportation of intoxicating liquors; and to regulate the transportation, storage and use
122 of combustible, explosive and inflammable materials, the use of lighting and heating
123 equipment, and any other business or situation which may be dangerous to persons or
124 property;
- 125 (17) To regulate and control the conduct of peddlers and itinerant trades, theatrical
126 performances, exhibitions, shows of any kind whatever, by taxation or otherwise;
- 127 (18) To prohibit or regulate and control the erection, removal and maintenance of signs,
128 billboards, trees, shrubs, fences, buildings and any and all other structures or obstructions
129 upon or adjacent to the rights-of-way of streets and roads or within view thereof, within

- 130 or abutting the corporate limits of the city, and to prescribe penalties and punishment for
131 violation of such ordinances;
- 132 (19) To prescribe standards of health and sanitation and to provide for the enforcement
133 of such standards;
- 134 (20) To regulate the emission of smoke or other exhaust which pollutes the air and to
135 prevent the pollution of natural streams which flow within the corporate limits of the city;
- 136 (21) To fix and establish fire limits and from time to time to extend, enlarge or restrict
137 same; to prescribe fire safety regulations not inconsistent with general law, relating to
138 both fire prevention and detection and to firefighting, and to prescribe penalties and
139 punishment for violation thereof;
- 140 (22) To provide for the destruction and removal of any building or other structure which
141 may become dangerous or detrimental to the public;
- 142 (23) To provide for the collection, method of collection and disposal of garbage, rubbish
143 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
144 others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper
145 and other recyclable materials and to provide for the sale of such items;
- 146 (24) To levy, fix, assess and collect a garbage, refuse and trash collection and disposal
147 and other sanitary service charge or fee, for such services as may be necessary in the
148 operation of the city from all individuals, firms, and corporations residing in or doing
149 business therein benefiting from such services; to enforce the payment of such charges
150 and fees and to provide for the manner and method of collecting such service charges;
- 151 (25) To levy a fee, charge or sewer assessment as necessary to assure the acquiring,
152 constructing, equipping, operating, maintaining and extending of a sewerage disposal
153 plant and sewerage system and to levy on the users of sewers and the sewerage system
154 a sewer service assessment or sewer fee for the use of the sewers; and to provide for the
155 manner and method of collecting such service charges and for enforcing payment of
156 same;
- 157 (26) To charge, impose and collect a sewer connection fee or fees and to charge the same
158 from time to time; such fees to be levied on the users connecting with the sewerage
159 system;
- 160 (27) To define, regulate and prohibit any act, practice, conduct or use of property which
161 is detrimental, or likely to be detrimental, to the health, sanitation, cleanliness, welfare
162 and safety of the inhabitants of the city and to provide for the enforcement of such
163 standards;
- 164 (28) To define a nuisance and provide for its abatement whether on public or private
165 property;

- 166 (29) To provide for the preservation and protection of property and equipment of the city
167 and administration and use of same by the public and to prescribe penalties and
168 punishment for violations thereof;
- 169 (30) To provide that persons given jail sentences in the municipal court shall work out
170 such sentence in any public works or on the streets, roads, drains and squares in the city;
171 or to provide for the commitment of such persons to any county work camp or jail by
172 agreement with the appropriate county officials;
- 173 (31) To adopt ordinances and regulations for the prevention of disorderly conduct and
174 disturbing the peace in the corporate limits of the city and to prohibit or regulate by
175 ordinance such other conduct and activities within said city, which while not constituting
176 an offense against the laws of this state, are deemed by the governing authority to be
177 detrimental and offensive to the peace and good order of the city or to the welfare of the
178 citizens thereto;
- 179 (32) To regulate and license, or prohibit the keeping or running at large of animals and
180 fowl and to provide for the impoundment of same, if in violation of any ordinance or
181 lawful order; and to provide for their disposition by sale, gift, or humane destruction,
182 when not redeemed as provided by ordinance enacted hereunder;
- 183 (33) To regulate the operation of motor vehicles and exercise control over all traffic,
184 including parking, upon or across the streets, roads, alleys and walkways of the city;
- 185 (34) To provide and maintain a system of pensions and retirement for officers and
186 employees of the city;
- 187 (35) To levy and provide for the collection of special assessments to cover the costs for
188 any public improvements;
- 189 (36) To enter into contracts and agreements with other governmental entities and with
190 private persons, firms and corporations providing for services to be furnished and
191 payments to be made therefor;
- 192 (37) To create, alter, or abolish departments, boards, offices, commissions and agencies
193 of the city, and to confer upon such agencies the necessary and appropriate authority for
194 carrying out all the powers conferred or delegated to same;
- 195 (38) To make, ordain and establish such bylaws, ordinances, rules and regulations as
196 shall appear necessary for the security, welfare, convenience and interest of the city and
197 the inhabitants thereof and for preserving the health, peace, order and good government
198 of the city;
- 199 (39) To provide penalties for violations of any ordinance adopted pursuant to the
200 authority of this charter and the laws of the State of Georgia;
- 201 (40) To exercise the power of arrest through duly appointed policemen;

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

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

217 **SECTION 1.13.**

218 General powers.

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

224 **SECTION 1.14.**

225 Construction.

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

231 **SECTION 1.15.**

232 Exercise of powers.

233 All powers, functions, rights, privileges and immunities of the city, its officers, agencies or
234 employees shall be carried into execution as provided by this charter. If this charter makes
235 no provision such powers, functions, rights, privileges, and immunities shall be carried into
236 execution as provided by ordinance of the governing authority and as provided by pertinent
237 laws of the State of Georgia.

238 **ARTICLE II**
239 **GOVERNING BODY**

240 **SECTION 2.10.**

241 Creation; composition; number; election.

242 The legislative authority of the government of the City of Villa Rica except as otherwise
243 specifically provided in this charter, shall be vested in a city council to be composed of a
244 mayor and five councilmembers. The mayor and councilmembers shall be elected in a
245 manner provided by Article V of this charter.

246 **SECTION 2.11.**

247 Qualifications for office.

248 (a) No person shall be eligible to serve as mayor or councilmember unless he or she shall
249 have been a resident of the city for a period of not less than one year immediately prior to the
250 date of the election of mayor or members of the council and shall continue to reside therein
251 during his or her period of service and shall be registered and qualified to vote in municipal
252 elections of the City of Villa Rica and unless he or she shall meet the qualification standards
253 required for members of the Georgia House of Representatives, as are now or may in the
254 future be prescribed by the Georgia Constitution.

255 (b) No person shall be eligible as a candidate for the office of councilmember or to remain
256 in office as a councilmember, unless he or she shall reside in the ward for which he or she
257 is elected.

258

SECTION 2.12.

259

Compensation and expenses.

260 The mayor and councilmembers shall receive as compensation for their services an amount
261 prescribed by ordinance passed by the council in conformity with the laws of the State of
262 Georgia. The mayor and councilmembers shall be entitled to receive their actual and
263 necessary expenses incurred in the performance of their duties of office as prescribed by
264 ordinance.

265

SECTION 2.13.

266

Prohibitions.

267 (a) Holding other office. Except as authorized by law, no member of the council shall hold
268 any other elective city office or city employment during the term for which he or she was
269 elected.

270 (b) Voting when personally interested. Neither the mayor nor any other member of the
271 council shall vote upon any question in which he or she is personally interested. The mayor
272 and councilmembers shall abide by the "Code of Ethics and Prohibited Practices"
273 incorporated in this charter as "Appendix A."

274

SECTION 2.14.

275

Inquiries and investigations.

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

281

SECTION 2.15.

282

General power and authority of the council.

283 (a) Except as otherwise provided by law or by this charter, the council shall be vested with
284 all the powers of government of the City of Villa Rica as provided by Article I of this charter
285 and state law.

286 (b) In addition to all other powers conferred upon it by law, the council shall have the
287 authority to adopt and provide for the execution of such ordinances, resolutions, rules and

288 regulations, not inconsistent with this charter, the Constitution and the laws of the State of
 289 Georgia, which it shall deem necessary, expedient or helpful for the peace, good order,
 290 protection of life and property, health, welfare, aesthetics, sanitation, comfort, convenience,
 291 prosperity or well-being of the inhabitants of the City of Villa Rica and may enforce such
 292 ordinances by imposing penalties for violation thereof.

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

296 **SECTION 2.16.**

297 Powers and duties of mayor.

298 The mayor shall be the chief executive official of the city and chief advocate of policy. He
 299 or she shall preside at meetings of the council, shall sign ordinances and resolutions, except
 300 as otherwise provided by this charter, shall sign deeds, bonds, contracts, and other
 301 instruments or documents when authorized by the council to do so. The mayor shall vote
 302 only in case of a tie. The mayor shall perform such other duties as may be imposed by this
 303 charter or by ordinance of the council not inconsistent therewith.

304 **SECTION 2.17.**

305 Reserved.

306 **SECTION 2.18.**

307 Reserved.

308 **SECTION 2.19.**

309 Reserved.

310 **SECTION 2.20.**

311 Organization of council; mayor pro tem.

312 (a) The new councilmembers shall be sworn in by any officer authorized by law to
 313 administer an oath and the oath of office shall be administered as required by state law.

314 (b) Following the induction of members, the council by majority vote of all the members
 315 thereof shall elect one of their members to be mayor pro tem, who shall serve for a term of
 316 one year and until his or her successor is elected and qualified. The mayor pro tem shall
 317 preside at meetings of the council in the temporary absence of the mayor.

318 (c) In the event the mayor is unable to carry out his or her designated duties due to vacation
319 of office, or some other unforeseen circumstance, the mayor pro tem shall immediately
320 assume the position of interim mayor pending a special election to fill the vacancy or other
321 resolution of the vacancy or pursuant to state law. The interim mayor shall have all of the
322 powers of the mayor, with the exception of the power of veto. The interim mayor shall retain
323 his or her right to vote as a member of the council. Once the vacancy in the office of the
324 mayor is resolved by law then the interim mayor shall revert back to his or her prior status
325 on the council.

326 (d) If the mayor pro tem shall become the interim mayor pursuant to the provisions of
327 subsection (c) of this section, then the council shall elect a new mayor pro tem to complete
328 the term of the previous mayor pro tem. If the interim mayor should leave office as set forth
329 in the provisions of subsection (c) of this section, then the new mayor pro tem will become
330 the interim mayor.

331 (e) The interim mayor shall preside at meetings of the city council upon the mayor's absence
332 or due to vacation of office, suspension from office, or other unforeseen circumstance
333 preventing the mayor from temporarily carrying out the duties of the office. The interim
334 mayor shall have no veto power and shall not assume any other powers of the mayor except
335 that the interim mayor shall be authorized to sign contracts, ordinances, and resolutions the
336 mayor shall sign pursuant to Section 2.16. When presiding at meetings of the city council,
337 the interim mayor may vote on all matters and in all instances in which he or she would be
338 authorized to vote if he or she were not presiding.

339

SECTION 2.21.

340

Regular and special meetings.

341 (a) The council shall hold regular meetings at such places and times as prescribed by
342 ordinance. The council may recess any regular meeting and continue such meetings on any
343 weekday or hour it may fix and may transact any business at such continued meeting as may
344 be transacted at any regular meeting.

345 (b) Special meetings of the council may be held on call of the mayor with the consent of at
346 least two members of the council or upon the call of three councilmembers. Notice of such
347 special meetings shall be served on all other members by e-mail personally, by telephone
348 personally, or shall be left at their residences at least 24 hours in advance of the meeting.
349 Such notice shall not be required if the mayor and all councilmembers are present when the
350 special meeting is called.

351 (c) All meetings of the council shall be public.

352 **SECTION 2.22.**

353 Rules of procedure.

354 The council shall adopt its rules of procedure and order of business consistent with the
355 provisions of this charter and shall provide for keeping a journal of its proceedings, which
356 shall be of a public record.

357 **SECTION 2.23.**

358 Quorum; voting.

359 The mayor (or mayor pro tem when presiding) and three councilmembers shall constitute a
360 quorum and shall be authorized to transact business of the council. In the absence of the
361 mayor, three councilmembers may constitute a quorum for the purpose of transacting
362 business. Voting on the adoption of ordinances shall be taken by hand vote and the votes
363 shall be recorded in the journal. When a quorum is present, the affirmative vote of a majority
364 of those councilmembers present shall be required for the adoption of any ordinance,
365 resolution or motion except as otherwise provided in this charter.

366 **SECTION 2.24.**

367 Action requiring an ordinance.

368 (a) Except as herein provided, every official action of the council which is to become law
369 shall be by ordinance. Each proposed ordinance shall be introduced in writing and in the
370 form required for final adoption. No ordinance shall contain a subject which is not expressed
371 in its title. The enacting clause shall be "The Council of the City of Villa Rica, Georgia,
372 hereby ordains"

373 (b) An ordinance may be introduced by any member of the council and read at a regular or
374 special meeting of the council. Ordinances shall be considered and adopted or rejected by the
375 council in accordance with the rules which it shall establish. Upon introduction of any
376 ordinance, the clerk shall distribute a copy to the mayor and to each councilmember and shall
377 file a reasonable number of copies in the office of the clerk and at such other places as the
378 council may designate.

379 (c) Formal action by the council on matters of a special or temporary character generally
380 limited to one subject may be made by resolution. Resolutions may be introduced by any
381 member of the council or their designees. Resolutions shall be considered or adopted or
382 rejected by the council in accordance with the rules which it shall establish.

383

SECTION 2.25.

384

Codes of technical regulations.

385 (a) The council may adopt any standard code of technical regulations by reference thereto
386 in any adopting ordinance. The procedure and requirements governing such adopting
387 ordinance shall be as prescribed for ordinances generally, except that:

388 (1) The requirements of Section 2.24(b) for distribution and filing of copies of the
389 ordinance shall be construed to include copies of any code of technical regulations, as
390 well as the adopting ordinance; and

391 (2) A copy of each adopted code of technical regulations, as well as the adopting
392 ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.27.

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

395

SECTION 2.26.

396

Signing; authenticating; recording; codification; printing.

397 (a) The clerk or city manager shall authenticate by his or her signature and record in full in
398 a properly indexed book kept for the purpose of recording all ordinances adopted by the
399 council.

400 (b) The council shall provide for the preparation of a general codification of all of the
401 ordinances of the city having the force and effect of law. The general codification shall be
402 adopted by the council by ordinance and shall be published promptly, together with all
403 amendments thereto, with this charter, any amendment thereto, and such codes of technical
404 regulations and other rules and regulations as the city council may specify. This compilation
405 shall be known and cited officially as "The Code of the City of Villa Rica, Georgia." Copies
406 of the code shall be furnished to all officers, departments and agencies of the city and made
407 available for purchase by the public at a reasonable price as fixed by the council.

408 (c) The council shall cause each ordinance and each amendment to this charter to be printed
409 promptly following its adoption and the printed ordinance and charter amendments shall be
410 made available for purchase by the public at reasonable prices to be fixed by the council.
411 Following publication of the first Code of the City of Villa Rica, Georgia, and at all times
412 thereafter, the ordinances and charter amendments shall be printed in substantially the same
413 style as the code currently in effect and shall be suitable in form for incorporation therein.
414 The council shall make such further arrangements as deemed desirable with respect to
415 reproduction and distribution of any current changes in or additions to codes of technical
416 regulations and other rules and regulations included in the code.

417

SECTION 2.27.

418

Submission of ordinances, resolutions to the mayor; veto power.

419 (a) Every ordinance and written resolution adopted by the city council shall be presented
 420 promptly by the city clerk to the mayor with a transmittal sheet showing the date the
 421 document is presented to the mayor. Except as provided in subsection (d) of this section, no
 422 ordinance or written resolution adopted with five affirmative votes of the city council may
 423 be disapproved by veto of the mayor.

424 (b) The mayor, within three calendar days of receipt of an approved ordinance or resolution,
 425 shall return it to the city clerk with or without the mayor's approval or with the mayor's
 426 disapproval. If the ordinance or resolution has been approved by the mayor, it shall become
 427 law upon its return to the city clerk. If the ordinance or resolution is neither approved nor
 428 disapproved by the mayor, it shall become law at 12:00 noon on the third full calendar day
 429 after its adoption. If the ordinance or resolution is disapproved by the mayor, the mayor shall
 430 submit to the city council through the clerk a written statement of the reasons for the veto.
 431 The clerk shall record upon the ordinance or resolution the date of its delivery to and receipt
 432 from the mayor.

433 (c) Ordinances or resolutions vetoed by the mayor shall be presented by the clerk to the city
 434 council at its next meeting. If the city council then adopts the ordinance or resolution by an
 435 affirmative vote of four members, it shall become law. A majority of a quorum of the council
 436 may delay a vote on the override of a veto to a meeting no later than 30 days subsequent to
 437 the date the mayor submits a written statement of reasons for the veto to the clerk.

438 (d) The mayor may disapprove or reduce any item or items of appropriation in any ordinance
 439 within three calendar days from its adoption. The approved part or parts of any ordinance
 440 making appropriations shall become law, and the part or parts disapproved shall not become
 441 law unless subsequently passed by the councilmembers over the mayor's veto as provided
 442 in this section. The reduced part or parts shall be presented to the city council as though
 443 disapproved and shall not become law unless overridden by the council as provided in
 444 subsection (c) of this section.

445

ARTICLE III

446

EXECUTIVE BRANCH

447

SECTION 3.10.

448

Administrative and service departments.

449 (a) The council, by ordinance, may establish, abolish, merge or consolidate offices, positions
 450 of employment, departments and agencies of the city, as they may deem necessary for the

451 proper administration of the affairs and government of the city. The council shall prescribe
 452 the functions and duties of existing departments, offices and agencies or of any departments,
 453 offices and agencies hereinafter created or established; may provide that the same person
 454 shall fill any number of offices and positions of employment; and may transfer or change the
 455 function or duties of offices, positions of employment, departments and agencies of the city.

456 (b) The operations and responsibilities of each department now or hereafter established in
 457 the city shall be distributed among such divisions or bureaus as may be provided by
 458 ordinance of the council. Each department shall consist of such officers, employees and
 459 positions as may be provided by this charter or by ordinance and shall be subject to the direct
 460 supervision and guidance of the city manager and to the general supervision and guidance
 461 of the mayor and council.

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

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

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

471 **SECTION 3.11.**

472 Council's interference with administration.

473 The mayor and councilmembers shall not attempt to direct city officers and employees who
 474 are subject to the direction and supervision of the city manager, and shall not give orders to
 475 any such officer or employee, either publicly or privately. The city council when acting as
 476 a body pursuant to this charter does retain the right to control and direct city operations.

477 **SECTION 3.12.**

478 Boards, commissions, and authorities.

479 (a) All members of boards, commissions and authorities of the city shall be appointed by the
 480 council for such terms of office and such manner of appointment as provided by ordinance,
 481 except where another appointing authority, term of office or manner of appointment is
 482 prescribed by this charter or by applicable state law.

483 (b) No voting member of any board, commission or authority shall hold any elective office
484 in the city, except as may be specifically allowed by city ordinance or state law.

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

488 (d) No member of any board, commission or authority shall assume office until he or she
489 shall have executed and filed with the clerk of the city an oath obligating himself or herself
490 to faithfully and impartially perform the duties of his or her office, such oath to be prescribed
491 by ordinance of the council and administered by the mayor.

492 (e) Any member of a board, commission or authority serves at will of the city council and
493 may be removed from office by a vote of a majority of the members of the city council.

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

496 (g) The qualifications required of members of boards, commissions, and authorities shall be
497 prescribed by ordinance.

498 (h) Except as otherwise provided by this charter or by applicable state law, each board,
499 commission or authority of the city government shall elect one of its members as chair and
500 one member as vice chair for terms of one year. The board, commission, or authority may
501 elect a city employee to serve as a non-voting clerk to the body. Each board, commission or
502 authority of the city government may establish (after appointment by the councilmembers)
503 such bylaws, rules and regulations, not inconsistent with this charter, ordinances of the city
504 or applicable state law, as it deems appropriate and necessary for the conduct of its affairs,
505 copies of which shall be filed with the clerk of the city.

506 **SECTION 3.13.**

507 Reserved.

508 **SECTION 3.14.**

509 Reserved.

510 **SECTION 3.15.**

511 Reserved.

512 **SECTION 3.16.**

513 Reserved.

514 **SECTION 3.17.**

515 Reserved.

516 **SECTION 3.18.**

517 Reserved.

518 **SECTION 3.19.**

519 Reserved.

520 **SECTION 3.20.**

521 City manager: appointment, qualification and compensation.

522 The council may appoint, for an indefinite term, an officer whose title shall be city manager.

523 The manager may be appointed solely on the basis of his or her executive and administrative
524 qualifications with special reference to his or her educational background and his or her
525 actual experience in and knowledge of, the duties of office as hereinafter prescribed. The
526 manager shall serve at the pleasure of the council. At the time of his or her appointment, the
527 city manager need not be a resident of the city and neither shall he or she be required to
528 reside therein during his or her tenure of office.

529 **SECTION 3.21.**

530 Chief administrative officer.

531 The manager shall be chief administrative officer of the government of the City of Villa Rica.
532 He or she shall be responsible to the council for the proper and efficient administration of the
533 affairs of the city.

534 **SECTION 3.22.**

535 Powers and duties.

536 As chief administrative officer, the city manager shall have the power to appoint and remove
537 all city officers and department directors with the approval of the council. He or she shall
538 also have such other powers and duties as are vested in him or her by this charter and by
539 ordinance.

540 **SECTION 3.23.**

541 Removal of city manager.

542 The city manager is employed at will and may be summarily removed from office at any time
543 by the city council subject to the terms of any employment agreement.

544 **SECTION 3.24.**

545 Reserved.

546 **SECTION 3.25.**

547 Reserved.

548 **SECTION 3.26.**

549 Reserved.

550 **SECTION 3.27.**

551 Reserved.

552 **SECTION 3.28.**

553 Reserved.

554 **SECTION 3.29.**

555 Reserved.

556 **SECTION 3.30.**

557 City clerk.

558 The city manager shall appoint a city clerk to keep a journal of the proceedings of the city
559 council and to maintain in a safe place all records and documents pertaining to the affairs of
560 the city and to perform such other duties as may be required by law or as the city manager
561 may direct.

562 **SECTION 3.31.**

563 Tax collector.

564 The city manager may appoint, subject to the approval of the city council, a tax collector to
565 collect all taxes, licenses, fees and other monies belonging to the city, subject to the

566 provisions of this charter and the ordinances of the city, and the tax collector shall diligently
567 comply with and enforce all general laws of Georgia relating to the collection, sale or
568 foreclosure of taxes by municipalities.

569 **SECTION 3.32.**

570 City attorney.

571 (a) The city manager, subject to the approval of the city council, shall appoint and may
572 terminate a city attorney, together with such assistant city attorneys as may be authorized,
573 and shall provide for the payment of such attorney or attorneys for services rendered to the
574 city. The city attorney shall be responsible for providing for the representation and defense
575 of the city in all litigation in which the city is a party; may be the prosecuting officer in the
576 municipal court; shall attend the meetings of the council as directed; shall advise the city
577 council, mayor, and other officers and employees of the city concerning legal aspects of the
578 city's affairs, and shall perform such other duties as may be required by virtue of the person's
579 position as city attorney.

580 (b) The city attorney is not a public official of the city and does not take an oath of office.
581 A law firm, rather than an individual, may be designated as the city attorney.

582 **SECTION 3.33.**

583 City accountant.

584 The city manager may appoint or terminate, subject to the approval of the city council, a city
585 accountant to perform the duties of an accountant.

586 **SECTION 3.34.**

587 Consolidation of functions.

588 The city manager, with the approval of the council, may consolidate any two or more of the
589 positions of city clerk, city tax collector, and city accountant, or any other positions or may
590 assign the functions of any or more of such positions to the holder or holders of any other
591 positions. The city manager may also, with the approval of the city council, perform all or
592 any part of the functions of any of the positions or offices in lieu of appointing other persons
593 to perform the same.

594 **SECTION 3.35.**

595 Reserved.

596 **SECTION 3.36.**

597 Reserved.

598 **SECTION 3.37.**

599 Reserved.

600 **SECTION 3.38.**

601 Reserved.

602 **SECTION 3.39.**

603 Reserved.

604 **SECTION 3.40.**

605 Position classification and pay plans.

606 The city manager shall be responsible for the preparation of a position classification and pay
 607 plan which shall be submitted to the council for approval. Said plans may apply to all
 608 employees of the City of Villa Rica and of any of its agencies and offices. When a pay plan
 609 has been adopted, the council shall not increase or decrease the grade or step categories of
 610 individual employees except by amendment of said plan.

611 **SECTION 3.41.**

612 Personnel policies.

613 (a) Unless otherwise provided for by ordinance duly adopted by the city council or by
 614 contract approved by the city council, all city employees shall be at-will employees.

615 (b) The council shall adopt rules and regulations consistent with this charter concerning:

616 (1) The method of employee selection and probationary periods of employment;

617 (2) The administration of position classification and pay plan, methods of promotion and
 618 application of service ratings thereto and transfer of employees within the classification
 619 plan;

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

622 (4) Such other personnel policies as may be necessary to provide for adequate and
 623 systematic handling of the personnel affairs of the City of Villa Rica.

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627

ARTICLE IV
JUDICIAL BRANCH
SECTION 4.10.

Municipal court: creation, jurisdiction.

628 There is hereby established a court to be known as the Municipal Court of the City of Villa
629 Rica, which shall have jurisdiction and authority to try offenses against the laws and
630 ordinances of said city and state as allowed by state law and to punish for a violation of the
631 same. Such court shall have the power and authority to enforce its judgments by the
632 imposition of such penalties as may be provided by law; to punish witnesses for
633 nonattendance, and to punish also any person who may counsel or advise, aid, encourage or
634 persuade another whose testimony is desired or material in any proceeding before said court,
635 to go or move beyond the reach of the process of the court; to try all offenses within the
636 territorial limits of the city constituting traffic cases which under the laws of Georgia are
637 placed within the jurisdiction of municipal or police courts to the extent of, and in accordance
638 with, the provisions of such laws and all laws subsequently enacted amendatory thereof. Said
639 court shall be presided over by the judge of said court. In the absence or disqualification of
640 the judge, the judge pro tem shall preside and shall exercise the same powers and duties as
641 the judge when so acting. In the case of removal, the council shall follow those requirements
642 set forth in O.C.G.A. § 36-32-2.1 or as now or hereafter amended.

643
644

SECTION 4.11.

Judge.

645 (a) No person shall be qualified or eligible to serve as judge unless he or she is licensed to
646 practice law in the State of Georgia and an active member in good standing of the State Bar
647 of Georgia; provided, however, that any judge serving on June 30, 2011, who does not meet
648 the qualifications required by O.C.G.A. § 36-32-1.1 may serve as municipal court judge so
649 long as such judge is in compliance with O.C.G.A. § 36-32-27.

650 (b) The governing authority is authorized to appoint a judge. Such judge shall receive
651 compensation as shall be fixed by the governing authority of the municipal corporation. Any
652 such judge shall serve for a minimum term of one year and until a successor is appointed or
653 if the judge is removed from office. Such term shall be memorialized in a written agreement
654 between such individual and the governing authority of the municipal corporation or in an
655 ordinance.

656 (c) The judge pro tem shall serve in the absence of the judge, shall have the same
657 qualifications as the judge, shall be appointed by the council, and shall take the same oath
658 as the judge.

659 (d) Before entering on duties of his or her office, the judge shall take an oath before an
660 officer duly authorized to administer oaths in this state, that he or she will truly, honestly, and
661 faithfully discharge the duties of his or her office to the best of his or her ability, without fear,
662 favor or partiality. The oath shall be entered upon the minutes of the council.

663 (e) The city attorney shall not serve as the judge or judge pro tem of the municipal court.

664 **SECTION 4.12.**

665 Convening.

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

668 **SECTION 4.13.**

669 Powers.

670 (a) The municipal court shall have authority to punish those in its presence for contempt,
671 provided that such punishment shall not exceed \$1,000.00 or 12 months in jail. The
672 municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine
673 of \$1,000.00 or as otherwise may be provided by state law or imprisonment for 12 months
674 or both and, in addition, may sentence any offender upon conviction to community service
675 for a period not exceeding 30 days.

676 (b) The municipal court shall have authority to establish a schedule of fees, including an
677 information technology fee, to defray the costs of operation and shall be entitled to
678 reimbursement of the cost of meals, transportation and caretaking of prisoners bound over
679 to state or superior courts for violation of state laws.

680 (c) The municipal court shall have authority to establish bail and recognizances to insure the
681 presence of those charged with violations before said court, and shall have discretionary
682 authority to accept cash or personal or real property as surety for appearance of persons
683 charged with violations. Whenever any person shall give bail for his or her appearance and
684 shall fail to appear at the time fixed for trial, his or her bond shall be forfeited by the judge
685 presiding at such time and an execution issued thereon by serving the defendant and his or
686 her sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the event
687 that cash or property is accepted in lieu of bond for security for the appearance of a defendant
688 at trial and if such defendant fails to appear at the time and place fixed for trial, the cash so

689 deposited shall be on order of the judge declared forfeited to the City of Villa Rica, or the
690 property so deposited shall have a lien against it for the value forfeited, which lien shall be
691 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

699 (g) The municipal court is specifically vested with all of the jurisdiction and powers
700 throughout the entire area of the City of Villa Rica granted by state laws generally to
701 mayor's, recorder's, and police courts, and particularly by such laws as authorize the
702 abatement of nuisance.

703 **SECTION 4.14.**

704 Certiorari.

705 The right of certiorari from the decision and judgment of the municipal court shall exist in
706 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
707 the sanction of a judge of the Superior Court of Carroll County or of Douglas County,
708 depending upon where the offense occurred, under the laws of the State of Georgia
709 regulating the granting and issuance of writs of certiorari.

710 **SECTION 4.15.**

711 Rules for court.

712 With the approval of the council, the judge shall have full power and authority to make
713 reasonable rules and regulations necessary and proper to secure the efficient and successful
714 administration of the municipal court; provided, however, that the court shall comply with
715 the general laws of the State of Georgia. The rules and regulations made or adopted for said
716 court shall be filed with the city clerk, shall be available for public inspection and, upon
717 request, a copy may be furnished to all defendants in municipal court proceedings at least 48
718 hours prior to said proceedings.

755 and describe individual blocks within a VTD as provided in the report of the Bureau of
 756 the Census for the United States decennial census of 2010 for the State of Georgia; and
 757 (2) Except as otherwise provided in the description of any district, whenever the
 758 description of any district refers to a named city, it shall mean the geographical
 759 boundaries of that city as shown on the census maps for the United States decennial
 760 census of 2010 for the State of Georgia.

761 (j) Any part of Villa Rica which is not included in any district described in subsection (a)
 762 of this section shall be included within that district contiguous to such part which contains
 763 the least population according to the United States decennial census of 2010 for the State of
 764 Georgia.

765 (k) Any part of Villa Rica which is described in subsection (a) of this section as being
 766 included in a particular district shall nevertheless not be included within such district if such
 767 part is not contiguous to such district. Such noncontiguous part shall instead be included
 768 within that district contiguous to such part which contains the least population according to
 769 the United States decennial census of 2010 for the State of Georgia.

770 (l) The city shall evaluate and redraw, if necessary, the boundaries of the five wards, as soon
 771 as practical subsequent to each decennial census.

772 **SECTION 5.11.**

773 Qualifying; nomination of candidates; absentee ballots.

774 The council may by ordinance, when permitted by state law, prescribe rules and regulations
 775 governing qualifying fees, nomination of candidates, absentee ballots, write-in votes,
 776 challenge of votes, and such other rules and regulations as may be necessary for the conduct
 777 of elections in the City of Villa Rica.

778 **SECTION 5.12.**

779 Reserved.

780 **SECTION 5.13.**

781 Reserved.

782 **SECTION 5.14.**

783 Reserved.

784 **SECTION 5.15.**

785 Reserved.

786 **SECTION 5.16.**

787 Reserved.

788 **SECTION 5.17.**

789 Reserved.

790 **SECTION 5.18.**

791 Reserved.

792 **SECTION 5.19.**

793 Reserved.

794 **SECTION 5.20.**

795 Applicability of general laws.

796 The procedures and requirements for election of all elected officials of the City of Villa Rica
 797 as to primary, special or general elections shall be in conformity with the provisions of state
 798 law as now or hereafter amended.

799 **SECTION 5.21.**

800 Special elections; vacancies.

801 In the event that the office of the mayor or councilmember shall become vacant for any cause
 802 whatsoever, the council or those remaining shall order a special election to fill the balance
 803 of the unexpired term of such office; provided, however, if such vacancy occurs within 12
 804 months of the expiration of the term of office of the mayor or councilmember, said vacancy
 805 in office may be filled by appointment by the remaining members of the council. Said
 806 appointee shall be a qualified person and, if for council, a resident of the unrepresented ward.
 807 Both special elections and qualifications of candidates therefor shall conform to the
 808 applicable provisions of this charter and the Georgia Election Code, O.C.G.A. § 21-2-1 et
 809 seq., as now or hereafter amended.

810 **SECTION 5.22.**

811 Other provisions.

812 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe
 813 such rules and regulations it deems appropriate to fulfill any options and duties under the
 814 Georgia Election Code, O.C.G.A. § 21-2-1 et seq., as now or hereafter amended.

815 **SECTION 5.23.**

816 Reserved.

817 **SECTION 5.24.**

818 Reserved.

819 **SECTION 5.25.**

820 Reserved.

821 **SECTION 5.26.**

822 Reserved.

823 **SECTION 5.27.**

824 Reserved.

825 **SECTION 5.28.**

826 Reserved.

827 **SECTION 5.29.**

828 Reserved.

829 **SECTION 5.30.**

830 Removal of officers.

831 (a) The mayor or councilmembers shall be removed from office for any one or more of the
 832 causes provided in O.C.G.A. Title 45, or such other applicable laws or ordinances as are or
 833 may hereafter be enacted.

834 (b) Removal of the mayor or a councilmember pursuant to subsection (a) of this section shall
 835 be accomplished by one of the following methods:

836 (1) By an order of the Superior Court of Carroll County or Douglas County following
 837 a hearing on a complaint seeking such removal brought by any resident of the City of
 838 Villa Rica. Venue for such action will be determined by the residency of the office
 839 subject to the removal action.

840 (2) By an order of the Superior Court of Carroll County or Douglas County following
 841 a hearing on a complaint seeking such removal brought by the city pursuant to approval
 842 of such action by an affirmative vote of at least four councilmembers.

843 (3) By recall election as provided by state law.

844 (4) By any other method permitted by state law.

845 **ARTICLE VI**

846 **FINANCE AND FISCAL**

847 **SECTION 6.10.**

848 **Property taxes.**

849 All property subject to the taxation for state and county purposes, assessed as of January 1
 850 each year, shall be subject to the property tax levied by the City of Villa Rica. The city will
 851 use the county assessment for the year in which the city taxes are to be levied and the county
 852 is to furnish appropriate information for such purpose unless otherwise directed by state law.
 853 The maximum general operation millage rate will be that permitted by state law.

854 **SECTION 6.11.**

855 **Tax levy.**

856 The council shall be authorized to levy an ad valorem tax on all real and personal property
 857 within the corporate limits of the city as permitted by state law for the purpose of raising
 858 revenues to defray the costs of operating the city government, providing governmental
 859 services and for any other public purposes as determined by the council in its discretion. The
 860 council is also authorized to provide for sufficient levy to pay principal and interest on
 861 general obligations.

862 **SECTION 6.12.**

863 **Tax due dates and tax bills.**

864 The council shall provide by ordinance when the taxes of the city shall fall due and in what
 865 length of time said taxes may be paid and shall provide by ordinance for the payment of taxes
 866 due to the city in installments, or in one lump sum and when and how and upon what terms

867 such taxes shall be due and payable, as well as to authorize the voluntary payment of taxes
868 prior to the time when due.

869 **SECTION 6.13.**

870 Collection of delinquent taxes.

871 The council may provide by ordinance for the collection of delinquent taxes by fi. fa. issued
872 by the city clerk and executed by any police officer of the city under the same procedure
873 provided by the laws governing execution of such process from the superior court, or by the
874 use of any other available legal processes and remedies. The council shall be authorized to
875 impose interest and penalty upon delinquent tax payments as may be authorized by state law.
876 A lien shall exist against all property upon which city property taxes are levied, as of the
877 assessment date of each year. In cases of hardship, the council shall have discretionary
878 authority to waive any and all penalties imposed by this charter on delinquent taxes,
879 assessments, or on other amounts due to the city.

880 **SECTION 6.14.**

881 Licenses, occupational taxes, excise taxes.

882 The council by ordinance shall have full power to levy such license and specific or
883 occupational taxes upon the residents of the City of Villa Rica, both individual and corporate,
884 and on all those who transact or offer to transact business therein, as the council may deem
885 expedient for the public health, safety, benefit, convenience or advantage of the city; to
886 classify businesses, occupations, professions or callings for the purpose of such taxation in
887 any way which may be lawful; to require such persons to procure licenses; to compel the
888 payment of such licenses, by execution or any other lawful manner; and to make laws and
889 regulations necessary or proper to carry out the powers herein conferred and to prescribe
890 penalties for the violation thereof. The council shall have full power and authority to levy an
891 excise tax not prohibited by general law.

892 **SECTION 6.15.**

893 Sewer service charges.

894 The council by ordinance shall have the right, power and authority to assess and collect fees,
895 charges and tolls for sewer services rendered both within and without the corporate limits of
896 the City of Villa Rica, to provide for the cost and expense of providing for the collection and
897 disposal of sewage through the sewage facilities of the city. If unpaid, said sewer service

898 charge shall constitute a lien against any property of persons served, and shall be enforceable
899 in the same manner and under the same remedies as a lien for city property taxes.

900 **SECTION 6.16.**

901 Sanitary and health service charge.

902 The council shall have authority by ordinance to provide for, to enforce, to levy and collect
903 the cost of sanitary and health services necessary in the operation of the city from all
904 individuals, firms and corporations, residing in or doing business in said city benefiting from
905 such services, Such authority shall include the power to assess, levy, and collect annual or
906 monthly sanitary taxes or fees in such amount or amounts and based upon and in accordance
907 with such classification of property and sanitary service or services provided, as may be fixed
908 by ordinance. Said sanitary taxes and the assessment thereof shall be a charge and lien
909 against the real estate in respect to which said taxes are so assessed and the owner or owners
910 thereof, and shall be enforceable in the same manner and under the same remedies as a lien
911 for city property taxes.

912 **SECTION 6.17.**

913 Special assessments.

914 The council shall have power and authority to assess all or part of the cost of constructing,
915 reconstructing, or improving any public way, street, sidewalk, curbing, gutters, sewers, water
916 systems, gas systems or other utility mains and appurtenances, against the abutting property
917 owners, under such terms and conditions as may be prescribed by ordinance. Such special
918 assessments shall become delinquent 30 days after their due dates, shall thereupon be subject,
919 in addition to fi. fa. charges, to a penalty of 10 percent and shall thereafter be subject to
920 interest at the rate of 7 percent per annum from date due until paid. A lien shall exist against
921 the abutting property superior to all other liens, except that it shall be of equal dignity with
922 liens for county and city property taxes, and said lien shall be enforceable by the same
923 procedure and under the same remedies as provided for in this article for city property taxes.

924 **SECTION 6.18.**

925 Transfer of executions.

926 The city clerk shall be authorized to assign or transfer any fi. fa. or execution issued for any
927 tax, or for any street, sewer, or other assessment in the same manner and to the same extent
928 as provided by Georgia law, regarding sales and transfers of tax fi. fas. Provided that, upon

929 levy of execution and sale of property pursuant to such tax fi. fa., whether assigned,
 930 transferred or executed by the city, the owner of such property, in fee simple or lesser
 931 interest, shall not lose his or her right to redeem the property in accord with the requirements
 932 of redemption of property sold under state or county ad valorem tax fi. fas., as said
 933 requirements now exist or may be hereinafter provided by law.

934 **SECTION 6.19.**

935 General obligation bonds.

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

940 **SECTION 6.20.**

941 Revenue bonds.

942 Revenue bonds may be issued by the city council as permitted by state law, as now or
 943 hereafter amended, or by any other Georgia law as now or hereafter provided.

944 **SECTION 6.21.**

945 Short-term notes.

946 Pursuant to applicable state law, the city may obtain temporary loans between January 1 and
 947 December 31 of each year.

948 **SECTION 6.22.**

949 Reserved.

950 **SECTION 6.23.**

951 Reserved.

952 **SECTION 6.24.**

953 Reserved.

954 **SECTION 6.25.**

955 Reserved.

956 **SECTION 6.26.**

957 Reserved.

958 **SECTION 6.27.**

959 Reserved.

960 **SECTION 6.28.**

961 Reserved.

962 **SECTION 6.29.**

963 Reserved.

964 **SECTION 6.30.**

965 Fiscal year.

966 The council shall set the fiscal year by ordinance. Said fiscal year shall constitute the budget
 967 year and the year for financial accounting and reporting of each and every office, department,
 968 institution, agency and activity of the city government, unless otherwise provided by state
 969 or federal law.

970 **SECTION 6.31.**

971 Preparation of the budget.

972 The council shall provide by ordinance the procedures and requirements for the preparation
 973 and execution of an annual budget, including requirements as to the scope, content, and form
 974 of such budget.

975 **SECTION 6.32.**

976 Submission of the budget to the city council.

977 On or before a date fixed by the council, the city manager shall submit to the council a
 978 proposed budget for the ensuing fiscal year. The budget shall be accompanied by a message
 979 from the mayor containing a statement of the general fiscal policies of the city, the important
 980 features of the budget, explanation of major changes recommended for the next fiscal year,
 981 a general summary of the budget and such other comments and information as he or she may
 982 deem pertinent. The budget, the budget message, and all supporting documents shall be filed
 983 in the office of the city clerk and shall be open to public inspection.

984

SECTION 6.33.

985

Action by council on budget.

986 (a) The council may amend the budget proposed by the city manager, except that the budget
 987 as finally amended and adopted must provide for all expenditure required by law or by other
 988 provisions of this charter and for all debt service requirements for the ensuing fiscal year.
 989 The total appropriations from any fund shall not exceed the estimated fund balance, reserves
 990 and revenues, constituting the fund availability of such fund.

991 (b) The council shall adopt the final budget for the ensuing fiscal year no later than the last
 992 day of the previous fiscal year. If the council fails to adopt the budget by this date, the
 993 amounts appropriated for operation for the current year shall be deemed adopted for the
 994 ensuing fiscal year on a month to month basis, with all items prorated accordingly until such
 995 time as the council adopts a budget for the ensuing fiscal year. Such adoption shall take the
 996 form of an appropriation ordinance setting out the estimated revenues in detail by sources
 997 and making appropriations according to fund and by organization unit, purpose or activity
 998 as set out in the budget document.

999 (c) The amount set out in the adopted budget for each organizational unit shall constitute the
 1000 annual appropriation for such item, and no expenditure shall be made or encumbrance
 1001 created in excess of the otherwise unencumbered balance of the appropriations, or allotment
 1002 thereof, to which it is chargeable unless authorized by the council.

1003 (d) The council shall be authorized to establish a tax millage rate each year after the
 1004 submission of the budget to the council to ensure that the necessary revenue will be available
 1005 to meet the appropriations provided for in the budget. The tax millage rate levied by the
 1006 council shall not exceed 13 mills to cover general operating expenses. An additional millage
 1007 rate may be levied for the retirement of bonded indebtedness.

1008

SECTION 6.34.

1009

Property tax levies.

1010 Following adoption of the budget, the council shall levy, by ordinance, an annual tax on all
 1011 real and personal property within the City of Villa Rica. The tax rate set by such ordinance
 1012 shall be such that reasonable estimates of revenues from such levy shall at least be sufficient,
 1013 together with other anticipated revenues, fund balances and applicable reserves, to equal the
 1014 total amount appropriated for each of the several funds set forth in the annual budget for
 1015 defraying the expenses of the general government of the City of Villa Rica.

SECTION 6.35.

1016

1017

Additional appropriations.

1018 The council may make appropriations in addition to those contained in the current budget,
 1019 at any regular or special meeting called for such purpose, but any such additional
 1020 appropriations may be made only from an existing unappropriated surplus in the fund to
 1021 which it applies.

SECTION 6.36.

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Reserved.

SECTION 6.37.

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Reserved.

SECTION 6.38.

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Reserved.

SECTION 6.39.

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Reserved.

SECTION 6.40.

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1031

Procurement and property management; contracting procedures.

1032 All contracts shall be made or authorized by the council and no contracts shall bind the city
 1033 unless reduced to writing and approved by the council. All contracts and all ordinances or
 1034 resolutions making contracts or authorizing the same shall be drawn by the city attorney or
 1035 shall be submitted to him or her before authorization by the council.

SECTION 6.41.

1036

1037

Centralized purchasing.

1038 (a) The council shall, by ordinance, prescribe procedures for a system of centralized
 1039 purchasing for the City of Villa Rica.

1040 (b) The council may sell and convey any real or personal property owned or held by the City
 1041 of Villa Rica for governmental or other purposes in accordance with state law and the
 1042 ordinances of the city.

SECTION 7.13.

Rights-of-way.

1076 The City of Villa Rica shall have the right, easement and franchise of laying the necessary
1077 mains, pipes, conduits and drains, for waterworks and sewerage system purposes along the
1078 highways in the Counties of Carroll and Douglas; to have full power and authority to enact
1079 and enforce such rules, regulations, and ordinances as may be necessary to protect the water
1080 basin and watershed, from which the water supplies are taken, from contamination; and to
1081 protect said waterworks and sewerage system, including the mains, pipes and conduits
1082 whether the same be situated within or without the corporate limits of said city.

SECTION 7.14.

Eminent domain.

1085 The council is hereby empowered to acquire, construct, build, operate and maintain public
1086 ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,
1087 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports,
1088 hospitals and charitable, educational, recreational, sport, curative, corrective, detentional,
1089 penal and medical institutions, agencies and facilities and any other public improvements
1090 inside or outside the city, and to regulate the use thereof, and for such purposes, property
1091 may be taken under O.C.G.A. Title 22 or O.C.G.A. Title 32, subject to such amendments as
1092 shall be enacted, or any other applicable Georgia law.

SECTION 7.15.

Reserved.

SECTION 7.16.

Reserved.

SECTION 7.17.

Reserved.

SECTION 7.18.

Reserved.

SECTION 7.19.

Reserved.

1103 **SECTION 7.20.**

1104 Power to regulate and license.

1105 The council shall have the power and authority to provide by ordinance for the registration
 1106 and licensing of any trade, business, occupation, vocation, profession, or any and every other
 1107 undertaking pursued for the purpose of personal gain or profit of whatever nature, engaged
 1108 in or carried on within the limits of the City of Villa Rica, regardless of whether or not the
 1109 subject has an office or establishment within said city. The council shall be authorized to fix
 1110 the amount, terms, and manner of issuing and revoking licenses, provided that this authority
 1111 is subject to the Constitutions and laws of the United States and State of Georgia. This power
 1112 is conferred for the purpose of regulations under the police powers of the city and for the
 1113 purpose of raising revenue for the operation of the city government through the imposition
 1114 of a tax or fee on the privilege of operating within the city. This authority extends over
 1115 individuals, partnerships, associations, corporations and their agents and any other legal
 1116 entity capable of transacting business.

1117 **SECTION 7.21.**

1118 Franchises.

1119 The council shall have the authority to exercise control over the streets of the City of Villa
 1120 Rica. The power is hereby conferred upon the council to grant franchises for the use of said
 1121 city's streets and alleys, for the purposes of railroads, street railways, telephone companies,
 1122 electric companies, gas companies and transportation. This franchise right extends to, but is
 1123 not limited to, the erection of poles, stringing of wires, laying of pipes, lines or conduits both
 1124 above and below the ground surface. The council shall determine the duration, provisions,
 1125 terms, whether the same shall be exclusive or nonexclusive and the consideration of such
 1126 franchises. The council shall provide for the registration of all franchises with the city clerk
 1127 in the registration book to be kept by him or her. The council may provide by ordinance for
 1128 the registration within a reasonable time of all franchises previously granted.

1129 **SECTION 7.22.**

1130 Building, housing, electrical and plumbing regulations.

1131 The council shall have the power and authority to enact such reasonable rules and regulations
 1132 as it may deem necessary or expedient regarding the construction and maintenance of
 1133 buildings, remodeling of buildings, plumbing and electrical wiring and equipping of
 1134 buildings, in order to promote the safety and welfare of its citizens and to guard against fire

1135 or other property damage. This power may, in the discretion of the council, be exercised by
 1136 adoption of any such standard building, housing, gas, heating and air conditioning, electrical,
 1137 and plumbing codes as may be deemed appropriate. The council shall be empowered to
 1138 engage the necessary personnel to enforce such rules and regulations as adopted and to
 1139 charge reasonable fees of inspections and permits; and may require the obtaining of a permit
 1140 as a condition precedent to any construction, building, electrical or plumbing work. The
 1141 council may enact all ordinances necessary to enforce such rules and regulations.

1142 **ARTICLE VIII**

1143 Reserved.

1144 **ARTICLE IX**

1145 **ZONING**

1146 **SECTION 9.10.**

1147 Zoning powers.

1148 The mayor and council shall have the power to adopt zoning ordinances which shall set forth
 1149 the zoning rules and regulations and the zoning map within the city in accordance with state
 1150 law.

1151 **ARTICLE X**

1152 **GENERAL PROVISIONS**

1153 **SECTION 10.10.**

1154 Official bonds.

1155 The officers and employees of the City of Villa Rica, both elective and appointive, shall
 1156 execute such official bonds in such amounts and upon such terms and conditions as the city
 1157 council may from time to time require.

1158 **SECTION 10.11.**

1159 Existing ordinances and regulations.

1160 Existing ordinances and regulations of the City of Villa Rica, not inconsistent with the
 1161 provisions of this charter, shall continue in effect until they have been repealed, modified or
 1162 amended by the council. Existing rules and regulations of departments or agencies of the
 1163 City of Villa Rica, not inconsistent with the provisions of this charter, shall continue in effect
 1164 until they have been repealed, modified or amended.

SECTION 10.12.

Section captions.

The captions to the sections of this charter are informative only and are not to be considered as a part thereof.

SECTION 10.13.

Construction.

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

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

(c) The use of gender defining nouns or pronouns is unintentional and should be read as being inclusive of all persons.

SECTION 10.14.

Penalties.

The violation of any provisions of this charter, for which a penalty is not specifically provided for in this charter, is hereby declared to be a misdemeanor and shall be punishable by a fine of not more than \$1,000.00 or by imprisonment not to exceed 12 months or community service not to exceed 30 days, or any combination of such fine, imprisonment, and community service.

SECTION 10.15.

Specific repealer.

An Act incorporating the City of Villa Rica in the Counties of Carroll and Douglas, approved April 25, 1975 (Ga. Laws 1975, page 4575), as amended, is hereby repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety. It is the specific intent of this Act to replace and supersede all acts of incorporation and amendments to the charter for the city.

SECTION 10.16.

General repealer.

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

1193 APPENDIX A. - CODE OF ETHICS AND PROHIBITED PRACTICES

1194 **SECTION 1.**

1195 Conflict of interest.

1196 No elected official, appointed officer, or employee of the city or any agency or political
1197 entity to which this code of ethics applies shall knowingly:

1198 (1) Engage in any business or transaction or have a financial or other personal interest,
1199 direct or indirect, which is incompatible with the proper discharge of his or her official
1200 duties or which would tend to impair his or her independence of judgment or action in the
1201 performance of his or her official duties;

1202 (2) Engage in or accept private employment or render services for private interests when
1203 such employment or service is incompatible with the proper discharge of his or her
1204 official duties, or would tend to impair his or her independence of his or her judgment or
1205 action in the performance of his or her official duties;

1206 (3) Disclose confidential information concerning the property, government or affairs of
1207 the governmental body by which he or she is employed without proper authorization, or
1208 use such information to advance the financial or other private interest of himself or
1209 herself or others;

1210 (4) Accept any valuable gift, whether in the form of service, loan, thing, promise, from
1211 any person, firm or corporation which to his or her knowledge is interested, directly or
1212 indirectly, in any manner whatsoever in business dealings with the governmental body
1213 by which he or she is employed; provided, however, that an elected official who is a
1214 candidate for public office may accept campaign contributions and services in connection
1215 with any such campaign;

1216 (5) Represent private interest in any action or proceeding against the council by which
1217 he or she is employed; or

1218 (6) Vote or otherwise participate in the negotiation or the making of any contract with
1219 any business or entity in which he or she has a financial interest.

1220 **SECTION 2.**

1221 Disclosure.

1222 Any elected official, appointed officer, or employee of the city government who shall have
1223 any private financial interest, directly or indirectly, in any contract or matter pending before
1224 or within any department of the city shall disclose such private interest to the council. The
1225 mayor or any councilmember who has a private interest in any matter pending before the

1226 council shall disclose such private interest and such disclosure shall be entered on the records
1227 of the council and he or she shall disqualify himself from participating in any decision or
1228 vote thereto. Any elected official, appointed officer or employee of any agency or political
1229 entity to which this code of ethics applies who shall have any private financial interest,
1230 directly or indirectly, in any contract or matter pending before or within such agency or entity
1231 shall disclose such private interest to the governing body of such agency or entity.

1232 **SECTION 3.**

1233 Use of public property.

1234 No elected official, appointed officer, or employee of the city or any agency or any agencies
1235 or entity to which this code of ethics applies shall use property owned by such governmental
1236 body for personal benefit, convenience or profit except in accordance with policies
1237 promulgated by the council or the governing body of such agency or entity.

1238 **SECTION 4.**

1239 Contracts voidable and rescindable.

1240 Any violation of this code of ethics which occurs with the knowledge, express or implied,
1241 of another party to a contract or sale shall render said contract or sale voidable as to that
1242 party, at the option of the council.

1243 **SECTION 5.**

1244 Ineligibility of elected officials.

1245 Except where authorized by law, neither the mayor nor any councilmember shall hold any
1246 other elective or appointive office in the city or otherwise be employed by said government
1247 or any agency thereof during the term for which he or she was elected. No former mayor and
1248 no former councilmember shall hold any compensated appointive office in the city until one
1249 year after the expiration of the term for which he or she was elected.

1250 **SECTION 6.**

1251 Political activities of certain officers and employees.

1252 No appointive officer and no employee of the city shall continue in such employment upon
1253 qualifying as a candidate for nomination or election to any public office. This provision shall
1254 not apply to members of appointed boards, commissions, or authorities.

SECTION 7.

1255

1256

Penalties for violation.

1257 (a) Any city officer or employee who willfully conceals such financial interest or willfully
1258 violates any of the requirements of this section shall upon conviction be guilty of
1259 malfeasance in office or position and shall be deemed to have forfeited his or her office or
1260 position.

1261 (b) Any officer or employee of the city who shall forfeit his or her office or position as
1262 described in subsection (a) of this section shall be ineligible for appointment or election to
1263 or employment in a position in the city government for a period of three years thereafter.

1264 APPENDIX B. - DESCRIPTION OF WARDS OF THE CITY