

THE CHARTER

Editorial Note:

To amend an Act to repeal and replace the charter of the Town of Tyrone in Fayette County, approved April 17, 1975 (GA L. 1975, p. 3876), as amended, so as to change certain provisions regarding the charter; to change the provisions relating to the specific powers of the Town of Tyrone; to provide for matters related to the governing of the Town of Tyrone; to provide for matters; to repeal conflicting laws; and for other purposes.

ARTICLE I

Charter, Incorporation, Definitions, Boundary and Corporate Powers

§ 1.101 Incorporation.

§ 1.102 Definitions.

§ 1.103 Corporate boundaries.

§ 1.104 Specific powers.

§ 1.105 General powers.

§ 1.106 Construction.

§ 1.107 Exercise of powers.

§ 1.108 Ordinances.

ARTICLE II

Legislative Branch

CHAPTER 1 Governing Body

§ 2.101 Creation; composition; number; election.

§ 2.102 Qualifications of office.

§ 2.103 Vacancy; forfeiture of office; filling of vacancies.

§ 2.104 Compensation and expenses.

§ 2.105 Prohibitions.

§ 2.106 Inquiries and investigations.

§ 2.107 General power and authority of the council.

**CHAPTER 2
Organization and Procedures**

§ 2.201 Organization.

§ 2.202 Regular and special meetings.

§ 2.203 Rules of procedure.

§ 2.204 Quorum; voting.

§ 2.205 Action requiring an ordinance.

3

§ 2.206 Codes of technical regulations.

§ 2.207 Signing; authenticating.

ARTICLE III

Executive Branch

**CHAPTER 1
Mayor**

§ 3.101 Chief executive office.

§ 3.102 Terms; qualifications; compensation.

§ 3.103 Powers and duties.

§ 3.104 Mayor pro tem.

§ 3.105 Town manager.

**CHAPTER 2
Organization and General Provisions**

§ 3.201 Administrative and service departments.

§ 3.202 Boards, commissions and authorities.

§ 3.203 Town attorney.

§ 3.204 Consolidation of functions.

§ 3.205 Town clerk.

**CHAPTER 3
Personnel Administration**

§ 3.301 Personnel policies.

§ 3.302 Position classification and pay plans.

**ARTICLE IV

Judicial Branch
Municipal Court**

§ 4.101 Creation.

§ 4.102 Judge.

§ 4.103 Convening.

§ 4.104 Jurisdiction; powers.

§ 4.105 Certiorari.

§ 4.106 Rules for court.

**ARTICLE V

Elections**

§ 5.101 Applicability of general laws.

§ 5.102 Qualifying; nomination and election of candidates; absentee ballots.

§ 5.103 Vacancies.

§ 5.104 Grounds for removal.

§ 5.105 Procedure for removal.

ARTICLE VI

Finance and Fiscal Taxation

§ 6.101 Property taxes.

§ 6.102 Tax levy.

§ 6.103 Tax due dates and tax bills.

§ 6.104 Collection of delinquent taxes.

§ 6.105 Licenses; Occupational taxes; regulatory fees; excise taxes.

§ 6.106 Sewer service charges.

§ 6.107 Sanitary and health service charge.

§ 6.201 Disbursements by checks.

§ 6.202 Official depository.

Borrowing

§ 6.203 General obligation bonds.

§ 6.204 Revenue bonds.

§ 6.205 Short term notes.

Accounting and Budget

§ 6.206 Fiscal year.

§ 6.207 Preparation of budgets.

§ 6.208 Submission of operating budget to town council.

§ 6.209 Public hearing.

§ 6.210 Acting by council on budget.

§ 6.211 Property tax levies.

§ 6.212 Additional appropriations.

§ 6.213 Capital improvements budget.

§ 6.214 Contracting procedures.

§ 6.215 Centralized purchasing.

ARTICLE VII

Municipal Services and Regulatory Functions

Municipal Services

§ 7.101 Streets.

§ 7.102 Municipal utilities.

§ 7.103 Sewers and drains.

§ 7.104 Right-of-way.

§ 7.105 Eminent domain.

Regulatory Functions

§ 7.106 Power to regulate and license.

§ 7.107 Franchises.

§ 7.108 Building, housing, electrical and plumbing regulations.

ARTICLE VIII

General Provisions

§ 8.101 Official bonds.

APPENDIX A

Code of Ethics and Prohibited Practices

§ 1 Conflict of interest.

§ 2 Disclosure.

§ 3 Use of public property.

§ 4 Contracts voidable and rescindable.

§ 5 Ineligibility of elected officials.

§ 6 Political activities of certain officers and employees.

§ 7 Penalties for violation.

ARTICLE I

Charter, Incorporation, Definitions, Boundary and Corporate Powers

Sec. 1.101 Incorporation.

This act shall constitute the whole charter of the Town of Tyrone, repealing and replacing the charter provided by an Act of the General Assembly approved August, 1911 (Ga. L. 182, p. 1604), as amended by an Act approved March 24, 1939 (Ga. L. 1939, p. 1375), and by an Act approved March 22, 1974 (Ga. L. 1974, p. 3030).

The Town of Tyrone, Georgia, in the County of Fayette and the inhabitants thereof, are hereby constituted and declared a body politic and corporate under the same name and style

of Tyrone, Georgia, and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, in all the courts of law and equity, and in all actions whatsoever, and may have and use a common seal and change it at pleasure.

Sec. 1.102 Definitions.

As used in this Act, the following words and terms shall have the following meanings:

- (a) Town shall mean the Town of Tyrone, Georgia.
- (b) Councilman shall mean a person elected to the town council as provided in this act.
- (c) Public way shall mean any land used by the public as a passage way, including but not limited to streets, roads, highways, expressways, freeways, boulevards, avenues, parkways, alleys, lanes, sidewalks, walks, bridges, viaducts, subways, underpasses, tunnels, and other thoroughfares, and including the right-of-ways of such public ways.
- (d) Code shall mean any publication or compilation of rules, regulations, specifications, standards, limitations, or requirements by an agency of the federal or state government, or by a municipality, or by a trade association or other organization generally recognized as an authority in its field of activity.
- (e) Agency shall mean any office, court, utility, board, commission, institution, or other organization in charge of or administering any public function or municipal affair of the town.
- (f) Officer shall mean and include the mayor, councilmen, town judge, member of boards and commissions, and any other persons classified as public officers by the laws or judicial decisions of this state. An “officer” as herein defined shall fill an “office,” and an “employee” shall fill a “position of employment.”

- (g) Elector shall mean a person residing within the town who is qualified to vote therein.
- (h) The masculine shall include the feminine, and the singular shall include the plural and vice versa.
- (i) The word shall is mandatory; may is permissive.
- (j) Member of the council shall mean the mayor and each councilman.

Sec. 1.103 Corporate boundaries.

- (a) The boundaries of the Town of Tyrone shall be those existing on the effective date of this charter with such alterations as may be made from time to time in the manner provided by law. The current boundaries of the Town of Tyrone, at all times, shall be shown on a map, a written description or any combination thereof, to be retained permanently in the office of the town clerk and to be designated as the case may be:

“Map (or Description) of the Corporate Limits of the Town of Tyrone, Georgia.”

Alterations in these boundaries shall be indicated by appropriate entries upon or as additions to such map or description. Such entries or additions shall be made under the direction of the mayor. Photographic, typed or other copies of such map or description certified by the mayor shall be admitted in evidence in all courts and shall have the same force and effect as with the original map or description.

- (b) The town council may provide for the redrawing of any such map. A redrawn map shall supersede for all purposes the earlier map or maps which it is designated to replace.

Sec. 1.104 Specific powers.

The corporate powers of the government of the Town of Tyrone to be exercised

by the governing authority, may include the following:

- (a) to levy and to provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;
- (b) to levy and to provide for the collection of license fees and taxes on privileges, occupations, trades and professions, and to license and regulate such privileges, occupations, trades and professions, and to provide for the manner and method of payment of such licenses and taxes;
- (c) to make appropriations for the support of the government of the town, to authorize the expenditure of money for any purposes authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia, and to provide for the payment of expenses of the town;
- (d) to appropriate and borrow money for the payment of debts of the town and

to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized by this charter or the laws of the State of Georgia;

- (e) to acquire, dispose of, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the town;
- (f) to accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the town and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose;
- (g) To condemn property, inside or outside the corporate limits of the Town, for present or future use and for any corporate purpose deemed necessary by the governing authority, under Code Section 22-1-8 and 22-2-21 of the O.C.G.A., Article 2 of Chapter 2 of Title 22 of the O.C.G.A., or under other applicable laws, as are or may be enacted.”
- (h) to acquire, lease, construct, operate, maintain, sell and dispose of public utilities, including but not limited to a system of waterworks, sewers and drains, sewage disposal, gas works, electric light plants, transportation facilities, public airports, and any other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties and withdrawal of service for refusal or failure to pay same and the manner in which such remedies shall be enforced;

- (i) to grant franchises or make contracts for public utilities and public services, not to exceed periods of 10 years; 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 established by the Public Service Commission;
- (j) to lay out, open, extend, widen, narrow, establish or change the grade of, abandon, or close, construct, pave, curb, gutter, adorn with shade trees, alleys, otherwise improve, maintain, repair, clean, prevent erosion of, and light roads, and walkways within the corporate limits of the town;
- (k) to grant franchises and rights-of-way throughout the streets and roads, and over the bridges and viaducts, for the use of public utilities;
- (l) To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks, and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, sewers, drains, airports, hospitals, and charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities, and any other public improvements, inside or outside the corporate limits of the town, and to regulate the use thereof, and for such purposes, property may be acquired by condemnation

under Title 22 or Title 32 of the O.C.G.A. or other applicable laws, are or may be enacted.

- (m) to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands; and to enact ordinances establishing the terms and conditions under which such repairs and maintenance shall be effected, including the penalties to be imposed for failure to do so;
- (n) to regulate the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes and to regulate all housing, building, and building trades; to license all building trades, and to license the construction and erection of buildings and all other structures;
- (o) to provide for the prevention and punishment of drunkenness, riots, and public disturbances;
- (p) to regulate or prohibit junk dealers; pawn shops; the manufacture, sale or transportation of intoxicating liquors; the use and sale of firearms; and to regulate the transportation, storage and use of combustible, explosive and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property;
- (q) to regulate and control the conduct of peddlers, and itinerant trades,

theatrical performances, exhibitions, shows of any kind whatever, by
taxation or

otherwise;

- (r) to license, tax, regulate, or prohibit professional fortune telling or palmistry;
- (s) 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 obstruction upon or adjacent to the rights-of-way of streets and roads or within view thereof within or abutting the corporate limits of the town and to prescribe penalties and punishment for violation of such ordinances;
- (t) to prescribe standards of health and sanitation and to provide for the enforcement of such standards;
- (u) to regulate the emission of smoke, dust, sand, or other exhaust which pollutes the air and to prevent the pollution of natural streams which flow within the corporate limits of the town;
- (v) to fix and establish fire limits and from time to time to extend, enlarge or restrict same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to fire fighting, and to prescribe penalties and punishment for violations thereof;
- (w) to provide for the destruction and removal of any building or other structure which may or might become dangerous or detrimental to the public;

- (x) 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;
- (y) 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 town 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;
- (z) 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; and to provide for the manner and method of collecting such service charges and for enforcing payment of same;
- (aa) 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 connection with the sewerage system;
- (bb) to define, regulate and prohibit any act, practice, conduct or use of property which is detrimental, or likely to be detrimental, to the health, sanitation,

cleanliness, welfare, and safety of the inhabitants of the town and to provide for the enforcement of such standards;

- (cc) to define a nuisance and provide for its abatement whether on public or private property;
- (dd) to provide for the preservation and protection of property and equipment of the town and the administration and use of same by the public, and to prescribe penalties and punishment for violations thereof;
- (ee) to establish minimum standards for and to regulate building construction and repair, electrical wiring and equipment, gas installation and equipment, plumbing, and housing for the health, sanitation, cleanliness, welfare, and safety of inhabitants of the town and to provide for the enforcement of such standards;
- (ff) to provide that persons given jail sentences in the municipal court shall work out such sentences in any public works or services or on the streets, roads, drains and squares in the town; or to provide for commitment of such persons to any county camp or jail by agreement with the appropriate county officials;
- (gg) to adopt ordinances and regulations for the prevention of loitering, disorderly conduct, public drunkenness and disturbing the peace in the corporate limits of

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

- (hh) to regulate and license, or prohibit the keeping or running at large of animals and fowl and to provide for the impoundment of same, if in violation of any ordinance or lawful order; also to provide for their disposition by sale, gift, or humane destruction, when not redeemed as provided by ordinance; to provide punishment for violation of ordinance enacted hereunder;
- (ii) to regulate the operation of motor vehicles and exercise control over all traffic, including parking, upon or across the streets, roads, alleys and walkways of the town;
- (jj) to regulate and license vehicles operated for hire in the town; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amount to be prescribed by ordinance; and to regulate and rent parking spaces in public ways for the use of such vehicles;
- (kk) to provide and maintain a system of pensions and retirement for officers and employees of the town;

- (ll) to levy and provide for the collection of special assessments to cover the costs for any public improvements;
- (mm) to enter into contracts and agreements with other governmental entities and with private persons, firms and corporations providing for services to be furnished and payments to be made therefor;
- (nn) to create, alter or abolish departments, boards, offices, commissions and agencies of the town, and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to same;
- (oo) to make, ordain and establish such bylaws, ordinances, rules and regulations as shall appear necessary for the security, welfare, convenience and interest of the town and the inhabitants thereof, and for preserving the health, peace, order and good government of the town;
- (pp) to provide penalties for violations of any ordinance adopted pursuant to the authority of this charter and the laws of the State of Georgia;
- (qq) to exercise the power of arrest through duly appointed policemen;
- (rr) to establish procedures for determining and proclaiming that an emergency situation exists within or without the town, and to make and carry out all

reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health or well being of the citizens of the town;

- (ss) to establish a volunteer fire department and an auxiliary police; to levy a tax for the purpose of operating a volunteer fire department and an auxiliary police force; to expend part of this tax levy for the payment of premiums of personal liability insurance for each member of the auxiliary police force and for each member of the volunteer fire department in an amount fixed at the discretion of the mayor and council;
- (tt) to exercise and enjoy all other powers, functions, rights, privileges and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the town and its inhabitants, and to exercise all implied powers necessary to carry into execution all powers granted in this charter as fully and completely as if such powers were fully enumerated herein; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under the laws of the State of Georgia. No enumeration of particular powers in this charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers; but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

Sec. 1.105 General powers.

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

Sec. 1.106 Construction.

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

Sec. 1.107 Exercise of powers.

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

Sec. 1.108 Ordinances.

All ordinances, bylaws, rules and regulations now in force in the town not

inconsistent with this charter, are hereby declared valid and of full effect and force until amended or repealed by the governing authority.

ARTICLE II

Legislative Branch

CHAPTER 1 Governing Body

Sec. 2.101 Creation; composition; number; election.

(a) The legislative authority of the Town of Tyrone shall be vested in a town council to be composed of a mayor and four councilmembers. The mayor and councilmembers shall be elected by the voters of the town at large and in accordance with the provisions of Article V. For the purpose of electing councilmembers, positions on the council shall be numbered as posts 1 through 4. The terms of office of the mayor and councilmen shall be four years and until their successors are elected and qualified.

(b)

(1) The councilmembers from posts 3 and 4 who are in office immediately prior

to the date this paragraph becomes effective in 2003, and any person selected to fill a vacancy in such office, shall serve out their terms of office, which shall expire December 31,

2003, and upon the election and qualification of their respective successors. Those successors shall be elected at the municipal general election in 2003, shall take office the first day of January immediately following that election, and shall serve for initial terms of office which shall expire December 31, 2005, and upon the election and qualifications of their

respective successors.

(2) The mayor and councilmembers from posts 1 and 2 who are in office immediately prior to the date this paragraph becomes effective in 2003, and any person selected to fill a vacancy in such office, shall serve out their terms of office, which shall expire December 31, 2004, and upon the election and qualification of their respective successors. Those successors shall be elected at the municipal general election in 2004, shall take office the first day of January immediately following that election, and serve for initial terms of office which shall expire December 31, 2007, and upon the election and qualification of their respective successors.

(3) Successors to the mayor and councilmembers whose initial terms of office are to expire as provided in paragraphs (1) and (2) of this subsection, and all future successors to such officers whose terms are to expire, shall be elected at the municipal general election immediately preceding the expiration of such terms, shall take office the first day of January immediately following that election, and shall serve for terms of office of four years and until their respective successors are elected and qualified.

(4) For purposes of this charter, the terms “councilmen” and “councilmembers” shall be synonymous.

(b) The municipal general election for the Town of Tyrone shall be conducted on the Tuesday next following the first Monday in November in 2003 and 2004 and on that day thereafter in only the odd-numbered years. (Ga. L. 1975, p. 3876, as amended by Ga. L. 1983, p. 4705; Ga. L. 1985, H.B. 1083; Ord. No. 188, 12/21/89; Ga. L. 1990, H.B. 2008; Ga.

L. 2003, p. 4489)

Sec. 2.102 Qualifications of office.

No person shall be elected to serve as mayor or councilmember until he or she shall have

been a resident of the Town of Tyrone for a period of at least 12 months immediately prior to

the election of the mayor or members of the council, and he or she shall continue to reside

therein during the period of service and shall have attained 21 years of age prior to the date

of the election. (Ga. L. 1975, p. 3877, as amended by Ga. L. 1989, p. 4065; Ord. No. 188,

12/21/89; Ga. L. 1990, H.B. 2008)

Amendment Note: Ga. L. 1989, p. 4065 increased the residency requirement from one to two

years and raised the minimum age to run for office to 21. Ord. No. 188 and Ga. L. 1990, H.B.

2008 decreased the residency requirement from two (2) years to one (1) year.

Sec. 2.103 Vacancy; forfeiture of office; filling of vacancies.

(a) Vacancies. The office of mayor or councilman shall become vacant upon the incumbent's death, resignation, forfeiture of office or removal from office in any manner authorized by this charter or the laws of the State of Georgia.

(b) Forfeiture of office. 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 violates any express prohibition of this charter; or

(2) is convicted of a felony.

(c) Filling of vacancies. 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.

Sec. 2.104 Compensation and expenses.

The mayor shall receive an annual salary and each councilman shall receive such annual salary as shall be fixed by the town council which shall not be reduced during the term for which such official shall have been appointed or elected. Said salaries shall be paid in 12 equal monthly installments on the last day of each month. The mayor and councilmen shall

also be entitled to receive their actual and necessary expenses incurred in the performance

of their duties of office.

Sec. 2.105 Prohibitions.

(a) Holding other offices. Except as authorized by law, no member of the council shall

hold any other elective town office or town employment during the term for which he

was elected.

(b) Voting when personally interested. Neither the mayor nor any other member of the

council shall vote upon any question in which he is personally interested.

Sec. 2.106 Inquiries and investigations.

Following the adoption of an authorizing resolution, the mayor and council may make inquiries and investigations into affairs of the town and the conduct of any department, office, or agency thereof and for this purpose may subpoena

witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the council shall be punished as provided by ordinance.

Sec. 2.107 General power and authority of the council.

(a) Except as otherwise provided by law or by this charter, the council shall be vested

with all the powers of government of the Town of Tyrone as provided by article I.

(b) In addition to all other powers conferred upon it by law, the council shall have the

authority to adopt and provide for the execution of such ordinances, resolutions, rules

and regulations, not inconsistent with this charter, the Constitution, and the laws of the

State of Georgia, which it shall deem necessary, expedient, or helpful for the peace,

good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the Town of Tyrone and

may enforce such ordinance by imposing penalties for violation thereof.

(c) The council may by ordinance create, change, alter, abolish, or consolidate offices,

agencies, and departments of the town and may assign additional functions to any of

the offices, agencies, and departments expressly provided for by this charter.

Section 2.108 Manner of election.

All elections for town offices shall be nonpartisan. Political parties shall not conduct primaries for town offices and all names of candidates for town offices shall be listed without party designations. The person receiving a plurality of the votes cast shall be elected.

**CHAPTER 2
Organization and Procedures**

Sec. 2.201 Organization.

During the last meeting of each election year, or as otherwise provided, the council shall hold a special meeting at which the oath of office shall be administered to the mayor-elect and newly elected councilmembers as follows:

“I do solemnly swear (or affirm) that I will faithfully perform all the duties of

(mayor or councilmember as the case may be) of the town; that I am not the holder of

any unaccounted or public money due this state or any political subdivision or authority

thereof; that I am not a holder of any officer of trust under the government of the

United States, any other state, or any foreign state which I am by the laws of the State

of Georgia prohibited from holding; that I am not an officer or employee of the Town of

Tyrone, Georgia; that I am otherwise qualified to hold this office according to the

Constitution and laws of Georgia; that I am a resident of the place required by law; and

that I will support the Constitution of the United States and the State of Georgia.”

(c) 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 one (1) year and until his successor is elected and qualified. (Ga. L. 1975, p. 3876, as amended by Ga. L. 1987, H.B. 1081)

Sec. 2.202 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 on any weekday or hour it may fix, and may transact any business at such continued meetings that 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 personally, or shall be left at their residence at least 24 hours in advance of the meeting. Such notice shall not be required if the mayor and all councilmen are present when the special meeting is called. Notice of any special meeting may be waived in writing before or after such a meeting, and attendance at the meeting shall also 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 in a regular meeting may be conducted at the special meeting.

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

Sec. 2.203 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.

Sec. 2.204 Quorum; voting.

The mayor and three councilmembers 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. A minimum of three votes shall be required for the adoption of any ordinance, resolution, or motion. The mayor shall vote only in the event of a tie vote.

Sec. 2.205 Action requiring an ordinance.

(a) Except as herein provided, every official action of the council that 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 Town of Tyrone hereby ordains . . . "

(b) An ordinance may be introduced by any member of the council and read at a regular or special meeting of the council. Ordinances shall be considered and adopted or rejected by the council in accordance with the rules which it shall establish. The clerk shall read the heading of the ordinance, shall distribute a

copy to the mayor, and shall file a copy in the office of the clerk.

Sec. 2.206 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 as prescribed for ordinances generally except that:

(1) the requirements of section 2.207 of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adoption ordinance; and

(2) a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to section 2.207 of this charter.

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

Sec. 2.207 Signing; authenticating.

(a) The clerk shall authenticate by his or her signature and record in full in a properly

indexed book kept for the purpose all ordinances adopted by the council. Every

ordinance shall be signed by the mayor as a matter of course after final adoption and

stamped with the town seal. Each ordinance will also be approved as to form by the

town attorney and will be signed by the town attorney to indicate such approval.

(b) The council shall cause the general and permanent ordinances and the

amendments to this charter to be printed periodically, and the printed ordinances and

charter amendments shall be made available for purchase by the public at reasonable

prices to be fixed by the council. Following publication of the first Code of the Town of

Tyrone and at all times thereafter, the ordinances and charter amendments shall be

printed 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 changes

in or additions to codes of technical regulations and other rules and regulations included in the code.

ARTICLE III

Executive Branch

CHAPTER 1 Mayor

Sec. 3.101 Chief executive office.

The mayor shall be the chief executive of the Town of Tyrone. He shall possess, have and

exercise all of the executive and administrative powers granted to the town under the Constitution and laws of the State of Georgia, and all the executive and administrative powers contained in this charter.

Sec. 3.102 Terms; qualifications; compensation.

The mayor shall be elected for a term of four years and until his successor is elected and qualified. The mayor shall have attained the age of 21 years prior to the date of the election

and shall have been a resident of the Town of Tyrone for a period of at least 12 months immediately preceding his or her election. He or she shall continue to reside in the Town of Tyrone during the period of his or her service. The mayor shall receive such annual salary as shall be fixed by the town council which shall not be reduced during the term for which he or she shall have been appointed or elected. The mayor shall also receive compensation for any actual and necessary expenses incurred in the performance of his or her duties of office as provided in Section 2.104 of this charter. (Ga. L. 1975 p. 3876, as amended by Ga. L. 1989, p. 4065; Ord. No. 188, 12/21/89; Ga. L. 1990, H.B. 2008; Ga. L. 2003, p. 4490)

Sec. 3.103 Powers and duties.

- (a) As the chief executive of the Town of Tyrone the mayor shall:
- (1) see that all laws and ordinances of the town are faithfully executed;
 - (2) appoint and remove all officers, department heads and employees of the town with the approval of the town council, except as otherwise provided in this charter;
 - (3) exercise supervision over all executive and administrative work of the town and provide for the coordination of administrative activities;
 - (4) prepare and submit to the council a recommended annual operating budget and recommended capital improvement program;
 - (5) submit to the council at least once a year a statement concerning the

financial and general conditions of the town and from time to time such other

information as the council may request;

(6) recommend to the council such measures relative to the affairs of the town, improvement of the government and promotion of the welfare of its inhabitants as he may deem expedient;

(7) call special meetings of the council as provided for in section 2.202 of this charter

(8) sign ordinances as provided in section 2.207 of this charter

(9) examine and audit all accounts of the town before payment;

(10) require any department, agency or officer of the town to submit written reports

on the duties thereof whenever he deems it expedient;

(11) appoint and be an ex officio member of all standing committees and special committees of the town council;

(12) preside at all meetings of the town council;

(13) see that all meetings are conducted in a parliamentary manner, and preserve order and decorum in such meetings;

(14) see that all funds of the town are properly accounted and that all revenues are properly and promptly collected;

(15) inspect or cause to be inspected the records and books of account of the officers of the town and shall see that they are properly and correctly kept;

(16) see that order is maintained in the town and that its property and effects are preserved;

(17) perform such other duties as may be required by law, this charter or ordinance.

(b) The said mayor shall have authority to:

(1) inflict punishment upon any person guilty of contempt of the council by imposing such sentence or penalty as may be authorized by the ordinance of the town;

(2) bind the town by signing any contract, obligation or other matter entered into and authorized by ordinance or resolution of the council, properly passed in accordance with the provisions of this charter; further, such authorization and/or approval must have been given by the council prior to execution of any such contract(s);

(3) do acts and things as may be proper and necessary in the proper conduct of the affairs of the town and as may be hereafter authorized.

(Ga.

L.1975, p. 3876, as amended by Ord. No. 52, 1/15/81; Ord. No. 91, 7/19/84;

Ord. No. 130, 3/19/87)

Sec. 3.104 Mayor pro tem.

During the absence or disability of the mayor for any cause, the mayor pro tempore, or in his or her absence or disability for any reason, any one of the councilmembers chosen by

the council, shall be clothed with all the rights and privileges of the mayor and shall perform

the duties of the office of the mayor as long as such absence or disability shall continue.

Notwithstanding any provisions in this charter to the contrary, in the event that it is

necessary for the mayor pro tempore to assume the role of mayor in order to preside over

meetings of the council, the mayor pro tempore shall be entitled to vote.

Sec. 3.105 Town manager.

The mayor and town council shall have the right and authority to create the office of town manager when deemed necessary. The town manager shall serve at the pleasure of the mayor and town council.

CHAPTER 2

Organization and General Provisions

Sec. 3.201 Administrative and service departments.

(a) The council may establish, abolish, merge or consolidate offices, positions

of employment, departments and agencies of the town, as it shall deem necessary

for the proper administration of the affairs and government of the town. The council

shall prescribe the functions and duties of the existing departments, offices, and

agencies hereafter created or established; may provide that the same person shall

fill any number of offices and positions of employment; and may transfer or change

the function or duties of offices, positions of employment, departments and agencies of the town.

(b) The operations and responsibilities of each department now or hereafter

established in the town shall be distributed among such divisions or bureaus as

may be provided by the council. Each department shall consist of such officers, employees, and positions as may be provided by this charter or by ordinance consistent therewith, and shall be subject to the general supervision and guidance

of the mayor and council.

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

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

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

Sec. 3.202 Boards, commissions and authorities.

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

(b) Any vacancy in office of any member of a board, commission, or authority of the town shall be filled for the unexpired term in the manner prescribed herein for

original appointment, except as otherwise provided by this charter or any applicable state law.

- (c) No member of any board, commission or authority shall assume office until he shall

have executed and filed with the clerk of council an oath obligating himself to faithfully and impartially perform the duties of his office, such oath to be administered by the mayor.

- (d) Any member of a board, commission or authority may be removed from office for cause by a vote of 3/4 members of the council.

- (e) Members of boards, commissions and authorities may receive expenses in the performance of their official duties as approved by the council.

- (f) The qualifications required of members of boards, commissions, and authorities shall be as prescribed by ordinance.

- (g) Except as otherwise provided by this charter or by applicable state law,

each board, commission and authority of the town government shall elect one of its

members as chairman and one member as vice chairman for terms of one (1) year

and may elect as its secretary one of its own members or may appoint as secretary an employee of the town. Each board, commission, or authority of the

town government may establish such bylaws, rules and regulations, not

inconsistent with this charter, ordinances of the town, or applicable state law, as it

deems appropriate and necessary for the conduct of its affairs, copies of which shall be filed with the clerk of the town.

Sec. 3.203 Town attorney.

The mayor shall appoint with approval of council a town attorney for a term of one year. The

town attorney shall be responsible for representing and defending the town in all litigation in

which the town is part; shall advise the council, mayor and other officers and employees of

the town concerning legal aspects of the town's affairs; shall approve as to form and legality

all contracts, deeds, bonds, ordinances, resolutions, and motions as requested by the mayor

or council. (Ord. No 214, 7/17/91)

The town attorney is not a public official of the town and does not take an oath of office. The

town attorney shall at all times be an independent contractor. A law firm, rather than an individual, may be designated as town attorney.

Sec. 3.204 Consolidation of functions.

The council may consolidate any two or more of the positions of clerk of council, town tax collector, and town accountant, or any other positions or may assign the functions of one or

more of such positions to the holders of any other positions.

Sec. 3.205 Town clerk.

The council shall appoint a town clerk who shall not be a councilmember. The town clerk shall be custodian of the official town seal and town records; maintain town council records

required by this charter; and perform such other duties as may be required by the town council.

CHAPTER 3

Personnel Administration

Sec. 3.301 Personnel policies.

The council shall adopt rules and regulations consistent with this charter concerning personnel policies as may be necessary for adequate and systematic handling of the personnel affairs of the Town of Tyrone. All employees serve at-will and may be removed from office at any time unless otherwise provided by ordinance.

Sec. 3.302 Position classification and pay plans.

The mayor shall be responsible for the preparation of a position classification and pay plan

which shall be submitted to the council for approval. Said plans may apply to all employees of

the Town of Tyrone, and of any of its agencies and offices. When a pay plan has been adopted, the council shall not increase or decrease the salaries of individual employees except by amendment of said pay plan.

ARTICLE IV

Judicial Branch Municipal Court

Sec. 4.101 Creation.

When it is deemed necessary by the town council a court shall be established to be known as the Municipal Court of the Town of Tyrone which shall have jurisdiction and authority to try offenses against the laws and ordinances of said town and to punish for a violation of the same. The judge of the court shall have the power and authority to enforce its judgments by the imposition of such penalties as may be provided by law; to

punish witnesses for nonattendance, and to punish also any person who may counsel or advise, aid, encourage or persuade another whose testimony is desired or material in any proceeding before said court, to go or move beyond the reach of the process of the court; to try all offenses within the territorial limits of the town constituting traffic cases which under the laws of Georgia are placed within the jurisdiction of municipal or police courts to the extent of and in accordance with the provisions of such laws and all laws subsequently enacted amendatory thereof. Said court shall be presided over by the judge of said court. In the absence or disqualification of the judge, the judge pro tem shall preside and exercise the same powers and duties as the judge when so acting.

Sec. 4.102 Judge.

(a) No person shall be qualified or eligible to serve as judge unless he shall have attained the

age of 21 years and shall be a member of the State Bar of Georgia. The judge shall be appointed by the mayor and council and shall serve for one (1) year. The compensation of

the judge shall be fixed by the council.

(b) The judge pro tem shall serve in the absence of the judge, shall have the same

qualifications as the judge, shall be appointed by the council, and shall take the same oath as

the judge.

(c) Before entering on duties of his office, the judge shall take an oath before an officer duly

authorized to administer oaths in this state, that he will truly, honestly and

faithfully discharge the duties of his office to the best of his ability without fear, favor or partiality. The oath shall be entered upon the minutes of the council.

(d) The mayor upon recommendation of judge of the municipal court shall appoint a prosecutor of municipal court subject to approval of majority of council.

(e) The town attorney is prohibited from representing a defendant on trial in the Municipal court of the Town of Tyrone. (Ga. L. 1975, p. 3876, as amended by Ord. No. 54, 9/17/81)

Sec. 4.103 Convening.

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

Sec. 4.104 Jurisdiction; powers.

(a) The municipal court shall try and punish for crimes against the Town of Tyrone and for violation of its ordinances. The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$200 or 10 days in

jail. Unless a lesser penalty is provided by ordinance the judge shall have the power to impose fines, costs and forfeitures for the violation of any law or ordinance of the Town of

Tyrone passed in accordance with this charter, to an amount not to exceed \$1,000 for each

offense, to imprison offenders for a period of not more than 12 months for each offense, or at

labor on the roads and streets or other public works of said town for not more than 12 months

for each offense, any one or more of these punishments in the discretion of the judge.

(b) The municipal court shall adopt a schedule of fees for the superior court as now set.

The municipal court shall have authority to establish bail and recognizance to insure the presence of those charged with violations before said court, and shall have discretionary authority to accept cash or personal or real property as surety for appearance of persons

charged with violations. All cash bonds shall be immediately deposited with the court clerk and not retained by the arresting officer(s). Whenever any person shall give bail for his appearance and shall fail to appear at the time fixed for trial, his bond shall be forfeited by the judge presiding at such time, and an execution issued thereon by serving the defendant and his sureties with a rule nisi, at least two (2) days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the Town of Tyrone, or the property so deposited shall have a lien against it for the value forfeited, which lien shall be enforceable in the same manner and to the same extent as a lien for town property taxes.

(d) The municipal court judge shall have the authority to bind prisoners over to the appropriate court when it appears by probable cause that a state law has been violated and shall have all power vested in the justice of the peace.

(e) The municipal court shall have the authority to administer oaths and to perform all other

acts necessary or proper to the conduct of said court.

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

(g) The municipal court is specifically vested with all of the jurisdiction and powers throughout

the entire area of the Town of Tyrone granted by state laws generally to mayor's, municipal

and police courts, and particularly by such laws as authorize the abatement of nuisances.

(Ga. L. 1975, p. 3876, as amended by Ord. No. 54, 9/17/81)

Sec. 4.105 Certiorari.

Any defendant who is dissatisfied with the judgment or sentence of the municipal court shall

have the right to seek review of said judgment or sentence by filing a petition for the writ of

certiorari in the Superior Court of Fayette County as provided by the general law of this state.

Upon the filing of a Notice of Intention to Petition for Certiorari with the clerk of the municipal

court in writing and within 10 days after the date of the final judgment, it shall be the duty of

the judge of said court to assess a reasonable bond pending the review of the judgment of

conviction, with such surety or sureties to be approved by the clerk of said court, and such

bond, when filed and approved as provided herein, shall act as a supersede as of judgment

until the final judgment of the superior court. (Ga. L. 1975, p. 3876, as amended by Ord. No.

54, 9/17/81)

Sec. 4.106 Rules for court.

With the approval of the council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and

successful administration of the municipal court; provided, however, that the council may adopt in part or in toto the rules and regulations relative to the procedure of the operation of the superior court under the general laws of the State of Georgia. The rules and regulations made or adopted for said court shall be filed with the town clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

ARTICLE V

Elections

Sec. 5.101 Applicability of general laws.

The procedures and requirements for election of all elected officials of the Town of Tyrone as

to primary, special or general elections shall be in conformity with the provisions of Title 21 of

the O.C.G.A., as now or hereafter amended. The town shall maintain its own system of registration of electors. The procedure for the registration of electors, preparation of elector's

lists and the maintenance of such lists and system of such registration shall be as is provided

for in subsection (c) of Code Section 21-2-212 of the O.C.G.A.

Sec. 5.102 Qualifying; nomination and election of candidates; absentee ballots.

Consistent with state law, the council may, by ordinance, prescribe rules and regulations governing qualifying fees, nomination of candidates, absentee ballots, write-in votes, challenge of votes, purging of registration lists, and such other rules and regulations as may

be necessary for the conduct of elections in the Town of Tyrone.

Sec. 5.103 Vacancies.

If the office of mayor or any councilman shall become vacant for any cause whatsoever, said

vacancy in office shall be filled by the majority vote of the remaining members of the council,

by appointment, until the next municipal general election for mayor, or that post at which election a successor shall be elected, provided that the vacancy does not exceed 12 months.

Should the vacancy period exceed 12 months, then a special election shall be called to determine the person who shall fill the unexpired term, with said election to be in compliance

with this charter and Titles 21 and 45 of the O.C.G.A., or other applicable laws as are or may

be enacted. In cases of filling more than one vacancy, where the remaining officials do not

constitute a quorum, the requirement of a quorum shall be dispensed for the purpose of filling vacancies in accordance with this section only, Section 2.204 of this charter notwithstanding.

The qualifications of candidates shall conform to the applicable provisions of this charter and

Title 21 of the O.C.G.A., as now or hereafter amended.

Sec. 5.104 Grounds for removal.

The mayor or any councilman shall be subject to removal from office for any one or more of

the following causes:

(a) incompetence, misfeasance or malfeasance in office;

(b) conviction of a felony;

- (c) failure at any time to possess any of the qualifications of office as provided by this charter or by law;
- (d) willful violation of any express prohibition of this charter;
- (e) abandonment of office or neglect to perform the duties thereof; or
- (f) failure for any other cause to perform the duties of office as required by this charter or by law.

Sec. 5.105 Procedure for removal.

Removal of an elected officer from office may be accomplished by one of the following methods:

- (a) By action of three-fourths (3/4) vote of the entire membership of the council. In the event an elected officer is sought to be removed by the action of the council, such officer shall be entitled to a written notice specifying the ground for removal and to a public hearing which shall be held not less than 10 days after the service of such written notice. Any elected officer sought to be removed from office as herein provided shall have the right of appeal from the decision of the council to the Superior Court of Fayette County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court.
- (b) By information filed in the Superior Court of Fayette County as provided by law.

ARTICLE VI

**Finance and Fiscal
Taxation**

Sec. 6.101 Property taxes.

All property subject to taxation for state or county purposes, including the capital stock of merchants and public service companies, assessed as of January 1 in each fiscal year, shall be subject to the property tax levied by the Town of Tyrone. As provided by Georgia law, the council shall use the county assessment for the year in which the town taxes are to be levied. The council by ordinance may also, if the council deems it necessary, authorize another governmental unit to collect the tax and remit such collections to the town.

Sec. 6.102 Tax levy.

The council shall be authorized to levy an ad valorem tax on all real and personal property within the corporate limits of the town for the purpose of raising revenues to defray the costs of operating the town government, providing governmental services, building up reserves for capital improvements, and for any other public purpose as determined by the council in its discretion. The ad valorem tax shall not exceed 15 mills on each dollar of taxable value. The council is also authorized to provide for sufficient levy to pay principal and interest on general obligations.

Sec. 6.103 Tax due dates and tax bills.

The council shall provide by ordinance when the taxes of the city shall fall due and in what length of time said taxes may be paid and shall provide by ordinance for the payment of taxes due to the town in installments, or in one lump sum, and when and how and upon what terms such taxes shall be due and payable, as well as to authorize the voluntary payment of taxes prior to the time when due. The council by ordinance shall also determine the penalty and interest to be paid on delinquent taxes. On and after the

date when such taxes become delinquent, the tax records of the town shall have the force and effect of a judgment of a court of record.

Sec. 6.104 Collection of delinquent taxes.

The council may provide by ordinance for the collection of delinquent taxes by Fi-Fa. issued by the town clerk or any other official designated by the council and executed by any police officer of the town or police officer designated by the town under the same procedure provided by the laws governing execution of such process from the superior court, or by the use of any other available legal processes and remedies. A lien shall exist against all property upon which city property taxes are levied, as of the assessment date of each year, which lien shall be superior to all other liens, except that it shall have equal dignity with those of federal, state or county taxes. In cases of hardship, the council shall have discretionary authority to waive any and all penalties imposed by this charter on delinquent taxes, fees, assessments, or on other amounts due to the town.

Sec. 6.105 Occupational taxes; regulatory fees; excise taxes.

The council by ordinance shall have full power to levy such occupation taxes upon and those businesses and practitioners of professions and occupations which have one or more locations or offices within the corporate limits, as the council may deem expedient for the public health, safety, benefit, convenience or advantage of the town; to also levy such occupation taxes upon those businesses or practitioners of professions and occupations which have one or more employees or agents who exert substantial efforts within the corporate limits for the purpose of soliciting business or serving customers and clients or which own personal or real property which generates income and which is

located in the corporate limits, provided that said business or practitioner does not perform a larger volume of said business or service within the limits of any other local government authorized to levy occupation taxes; to classify businesses, occupations, professions or callings for the purpose of such taxation in any way which may be lawful; to impose regulatory fees on businesses and practitioners of professions and occupations doing business within the corporate limits; to compel the payment of such taxes or fees by execution or any other lawful manner; and to make laws and regulations necessary or proper to carry out the powers herein conferred, and to prescribe penalties for the violation thereof. The council shall have full power and authority to levy an excise tax not prohibited by general law. Such excise tax shall include, but is not limited to, a tax on insurance policies of town residents and a telephone tax.

Sec. 6.106 Sewer service charges.

The council by ordinance shall have the right, power and authority to assess and collect fees, charges, and tolls for sewer services rendered both within and without the corporate limits of the Town of Tyrone, to provide for the cost and expense of providing for the collection and disposal of sewage. If unpaid, said sewer service charge shall constitute a lien against any property of persons served, which lien shall be second in priority only to liens for county and town property taxes and shall be enforceable in the same manner and under the same remedies as a lien for town property taxes.

Sec. 6.107 Sanitary and health service charge.

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

Sec. 6.201 Disbursements by checks.

All disbursements shall be made by checks signed by the town clerk and countersigned by the mayor.

Sec. 6.202 Official depository.

The council shall designate an official depository or depositories for deposit and safekeeping of the funds of the town, and may require such collateral security as it deems necessary.

BORROWING

Sec. 6.203 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.

Sec. 6.204 Revenue bonds.

Revenue bonds may be issued by the council as provided in Article 3 of Chapter 82 of Title

36 of the O.C.G.A., or as otherwise provided by law

Sec. 6.205 Short term notes.

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

ACCOUNTING AND BUDGET

Sec. 6.206 Fiscal year.

The council shall set the fiscal year by ordinance. Said fiscal year shall constitute the budget

year and the year for financial accounting and reporting of each and every office, department

or institution, agency and activity of the town government, unless otherwise provided by state

law.

Sec. 6.207 Preparation of budgets.

The council shall provide by ordinance 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.

Sec. 6.208 Submission of operating budget to town council.

On or before a date fixed by the council but not later than 45 days prior to the beginning of each fiscal year, the mayor shall submit to the council a proposed operating budget for the next fiscal year. The budget shall be accompanied by a message from the mayor containing a statement of the general fiscal policies of the town, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget and such other comments and information as he may deem pertinent. The operating budget and the capital improvements budget hereinafter provided for, the budget message, and all supporting documents shall be filed in the office of the town clerk and shall be open to public inspection. The proposed operating budget and the capital improvements budget shall show separately for the general fund, each utility, and each other fund the following:

- (a) revenue and expenditures during the preceding fiscal year;
- (b) appropriations and estimated revenue and expenditures for the current fiscal year;
- (c) estimated revenue and recommended expenditures for the next fiscal year;
- (d) a comparative statement of the assets, liabilities, reserves, and surplus at the end of the preceding year and estimated assets, liabilities, reserves and surplus at the end of the current fiscal year; and
- (e) such other information and data, such as work programs and unit costs, in justification of recommended expenditures, as may be considered necessary by the mayor or requested by the council.

Sec. 6.209 Public hearing.

After receiving the budget from the mayor, the council shall fix a time and place for a public hearing thereon and shall cause a public notice thereof to be published once in the official town newspaper at least 10 days in advance of the date of the hearing. Said notice shall be published during the week the proposed budget is submitted to the mayor and council and shall advise the residents of the town of the availability of the proposed budget and of the date of the public hearing. The public hearing shall be held before the council at the stated time and place, and all persons present shall be given an opportunity to be heard. Said public hearing shall be held at least one week prior to the meeting of the council at which the adoption of the proposed budget shall be considered.

Sec. 6.210 Acting by council on budget.

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

(b) The council shall adopt the final operating budget for the ensuing fiscal year not later than the 28th day of the last month of each fiscal year. If the council fails to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly until such time as the council adopts a budget for the ensuing fiscal year. Such adoption shall take the form of an appropriation ordinance setting out

the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose or activity as set out in the budget document.

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

(d) The council shall not make any appropriations in excess of estimated revenue, except to provide for an actual emergency threatening the health, property or lives of the inhabitants of the city; providing the council by three-fourths vote agrees there is such an emergency.

Sec. 6.211 Property tax levies.

As the next order of business following adoption of the operating budget, the council shall levy by ordinance an annual tax on all real and personal property within the Town of Tyrone. The tax rate set by such ordinance shall be such that reasonable estimates of revenues 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 Town of Tyrone.

Sec. 6.212 Additional appropriations.

The council may make appropriations in addition to those contained in the current operating budget, at any regular or special meeting called for such purpose, but any such additional appropriations may be made only from an existing unappropriated surplus in

the fund to which it applies.

Sec. 6.213 Capital improvements budget.

(a) On or before the date fixed by city council but not later than 45 days prior to the beginning of each fiscal year, the mayor shall submit to the council a proposed capital improvements budget with his 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, when passed by three-fourths vote of the membership of the council.

(b) The council shall adopt the final capital improvements budget for the ensuing fiscal year not later than the 28th day of the last month of each fiscal year. 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 the mayor may submit amendments to the capital improvements budget at any time during the fiscal year, accompanied by his recommendations thereon. Any such amendments to the capital improvements budget shall become effective only upon adoption by a vote of the council.

PROCUREMENT AND PROPERTY MANAGEMENT

Sec. 6.214 Contracting procedures.

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

Sec. 6.215 Centralized purchasing.

(a) The council shall have the authority by ordinance to prescribe procedures for a system of centralized purchasing for the Town of Tyrone, if the council deems it necessary.

(b) The council may sell and convey any real or personal property owned or held by the Town of Tyrone for governmental or other purposes. All sales of municipal property shall be made to the highest responsible bidder, either by sealed bids or by auction after notice has been given. The town shall have the right to reject any and all bids or to cancel any proposed sale or auction. The town shall cause notice to be published once in the official organ of Fayette County or in the official legal organ of the Town of Tyrone, not less than 15 days nor more than 60 days preceding the last day for the receipt of proposals. The legal notice shall include a general description of the property to be sold if the property is personal property or a legal description of the property to be sold if the property is real property. If the sale is by sealed bids, the notice shall also contain an invitation for proposals and shall state the conditions of the proposed sale, the address at which bid blanks and other written materials connected with the proposed sale may be obtained, and the date, time, and place for the opening of the bids. If the sale is by auction, the notice shall also contain the conditions of the proposed sale and shall state the date,

time, and place of the proposed sale. Bids received in connection with a sale by sealed bidding shall be opened in public at the time and place stated in the legal notice. All such bids shall be retained and kept available for public inspection for a period of not less than 60 days from the date on which such bids are opened.

Notwithstanding any provisions contained in this subsection to the contrary, the town shall not be required to make sales in the open market, shall not be required to advertise, and shall not be required to accept bids if the property sought to be sold is personal property with an estimated value of \$500.00 or less or is a lot from any municipal cemetery which the town at any time may hold. Nothing in this section shall prevent the town from trading or exchanging real property belonging to the town for other real property where the property so acquired by exchange shall be of equal or greater value than the property previously belonging to the town, provided, however, that within six weeks preceding the closing of any such proposed exchange of real property, a notice of the proposed exchange of real property shall be published in the official organ of the town once a week for four weeks. The value of both the property belonging to the town and that to be acquired through the exchange shall be determined by appraisals, and the value so determined shall be approved by the town council.

(c) 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.

(d) Whenever in opening, extending or widening any street, avenue, alley or

public place of the town, a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the town, the council may authorize the mayor to execute and deliver in the name of the town a deed conveying said

cut off or separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights-of-way of said street, avenue, alley or public place or in settlement of any alleged damages sustained by said abutting or adjoining property owner. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the town has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made. Notwithstanding any provisions contained in this subsection to the contrary, the town shall comply with any disposition of property requirements imposed by Title 36 of the O.C.G.A. and those requirements as otherwise imposed by this charter.

ARTICLE VII

Municipal Services and Regulatory Functions Municipal Services

Sec. 7.101 Streets.

The council is hereby vested with the power to layout, open, widen, change, straighten, alter, improve, vacate, abandon, and otherwise to exercise complete control over the streets, alleys, squares and sidewalks of the Town of Tyrone. The council shall provide for the removal of any and all obstacles and nuisances in regard to the streets, alleys or sidewalks or other public places within the town and shall adopt appropriate ordinances to accomplish this purpose.

Sec. 7.102 Municipal utilities.

The council shall have the power and authority to acquire, own, hold, build, maintain and operate a system of waterworks, electric lights, sewerage, and gas distribution; to establish rates and charge fees for services rendered in any of said systems; to finance any of said systems through appropriate bond issues in accordance with the laws of Georgia; to exercise the power of eminent domain in regard to any of said systems, both within and without the corporate limits; and to contract to furnish the services of any of said systems to consumers outside the corporate limits of the Town of Tyrone.

Sec. 7.103 Sewers and drains.

The council shall have the power and authority to provide for the establishment, extension, and maintenance of a system of sewers and drains, together with a sewage disposal system. This power includes the authority to extend said systems beyond the corporate limits. For these purposes the town is granted the power of eminent domain both within and without its corporate limits. The council may provide by ordinance for reasonable connection fees for tapping on to the water and sewer lines of said town, and may compel citizens to tap into the same when such service is made available. They may cause said connection to be made when the owners refuse, and issue executions to be made for the amount so expended, which execution shall create a lien on the property connected with said water and sewerage systems from the date of the order or connection.

Sec. 7.104 Right-of-way.

The Town of Tyrone shall have the right, easement and franchise of laying the necessary mains, pipes, conduits and drains for waterworks and sewerage system purposes along the highways in the County of Fayette without cost; it shall have full power and authority to enact and enforce such rules, regulations and ordinances as may be necessary to protect the water basin and watershed, from which the water supply is taken, from contamination and to protect said waterworks and sewerage system, including the mains, pipes, and conduits whether the same be situated within or without the corporate limits of said town.

Sec. 7.105 Eminent domain.

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

REGULATORY FUNCTIONS

Sec. 7.106 Power to regulate and license.

The council shall have the power and authority to provide by ordinance for the registration of and imposition of regulatory fees on any trade, business, occupation, vocation, profession or any and every other undertaking pursued for the purpose of

personal gain or profit of whatever nature, engaged in or carried on within the limits of the Town of Tyrone, regardless whether or not the subject has an office or establishment within said town. The council shall be authorized to fix the amount, terms, and manner of registering such businesses, professions, and/or occupations and imposing such fees, provided that this authority is subject to the Constitutions and laws of the United States and the State of Georgia. This power is conferred for the purpose of regulation under the police powers of the town and for the purpose of raising revenue for the operation of the town government through the imposition of a tax or fee on the privilege of operating within the town. This authority extends over individuals, partnerships, associations, corporations, and their agents, and any other legal entity capable of transacting business.

Sec. 7.107 Franchises.

The council shall have the authority to exercise control over the use of streets of the Town of Tyrone. The power is hereby conferred upon the council to grant franchises for the use of said town streets and alleys, for the purpose of railroads, street railways, telephone and cable companies, electric companies, gas companies and transportation companies. This franchise right extends to, but is not limited to, the erection of poles, stringing of wires, laying of pipes, lines or conduits both above and below the ground surface. The council shall determine the duration, provisions, terms, whether the same shall be exclusive or nonexclusive, in the consideration of such franchises; provided, however, that no franchise shall be granted for a period in excess of 30 years and no franchise shall be granted unless the town receives just and adequate compensation therefor. The council shall provide for the registration of all franchises with the town

clerk in the registration book to be kept by him or her. The council may provide by ordinance for the registration within a reasonable time of all franchises previously granted. (Ord. No. 266, 6/1/94)

Sec. 7.108 Building, housing, electrical and plumbing regulations.

The council shall have the power and authority to enact such reasonable rules and regulations as it may deem necessary or expedient regarding the construction and maintenance of buildings, remodeling of buildings, plumbing, and electrical wiring and equipping of buildings, in order to promote the safety and welfare of its citizens and to guard against fire or other property damage. This power may, in the discretion of the council, be exercised by adoption of any such standard building, housing, gas, heating and air conditioning, electrical, and plumbing codes as may be deemed appropriate. The council shall be empowered to engage the necessary personnel to enforce such rules and regulations as adopted, and to charge reasonable fees for inspections and permits; and may require the obtaining of a permit as a condition precedent to any construction, building, electrical or plumbing work. The council may enact all ordinances necessary to enforce such rules and regulations.

ARTICLE VIII

General Provisions

Sec. 8.101 Official bonds.

The officers and employees of the Town of Tyrone, both elective and appointive, shall execute such official bonds in such amounts and upon such terms and conditions as

the city council may from time to time require.

Sec. 8.102 Existing Ordinances and Regulations.

Existing ordinances and resolutions of the Town of Tyrone not inconsistent with the provisions of this chapter shall continue in effect until council has acted on said ordinances and resolutions. Within two years of the effect date of this charter, the council shall review all existing ordinances and resolutions, and shall adopt, repeal, modify, or amend by majority vote of the council said ordinances and resolutions. All existing ordinances and resolutions not acted on by council shall be automatically repealed at the end of the above mentioned two year period.

Sec. 8.103 General Laws May be Used.

The council in its discretion may elect to use the provisions of any general laws of the State in addition to or instead of the provisions of this Act (charter).

Sec. 8.104 Section Captions.

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

Sec. 8.105 Severability.

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

charter that each article, section, subsection, paragraph, sentence or part thereof be enacted separately and independent of each other.

Sec. 8.106 Effective Date.

This charter shall become effective on the first day of the month following the signature of the governor, or the first day of the month following the month in which said charter shall become effective by operation of law.

Sec. 8.107 Repealer.

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

APPENDIX A

Code of Ethics and Prohibited Practices

Sec. 1 Conflict of interest.

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

- (a) engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or which would tend to impair the independence of judgment or action in the performance of his official duties;
- (b) engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair the independence of his judgment or action in the performance of his official duties;

- (c) disclose confidential information concerning the property, government, or affairs of the governmental body by which he is employed without proper legal authorization, or use such information to advance the financial or other private interest of himself or others;
- (d) accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to his knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the governmental body by which he is employed; provided, however, that any elected official who is a candidate for a public office may accept campaign contributions and services in connection with any such campaign;
- (e) represent private interests in any action or proceeding against the council by which he is employed; and
- (f) vote or otherwise participate in the negotiation or the making of any contract with any business or entity in which he has a financial interest.

Sec. 2 Disclosure.

Any elected official, appointed officer, or employee of the consolidated government who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such private interest to the council. The mayor or any councilman who has a private interest in any matter pending before the council shall disclose such private interest and such disclosure shall be entered on the records of the council and he shall be entered on the records of the council and he shall disqualify himself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this code of ethics applies who shall have any private financial interest,

directly or indirectly, in any contract or matter pending before or within such agency or entity shall disclose such private interest to the governing body of such agency or entity.

Sec. 3 Use of public property.

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

Sec. 4 Contracts voidable and rescindable.

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

Sec. 5 Ineligibility of elected officials.

Except where authorized by law, neither the mayor nor any councilman shall hold any other elective or appointive office in the town or otherwise be employed by said government or any agency thereof during the term for which he was elected. No former mayor and no former councilman shall hold any compensated appointive office in the city until one (1) year after the expiration of the term for which he was elected.

Sec. 6 Political activities of certain officers and employees.

No appointive officer and no employee of the city shall continue in such employment upon qualifying as a candidate for nomination or election to any public office.

Sec. 7 Penalties for violation.

Any town officer or employee who willfully conceals such financial interest or willfully violates any of the requirements of this section shall upon conviction be guilty of malfeasance in office or position and shall be deemed to have forfeited his office or position.