

A BILL TO BE ENTITLED  
AN ACT

1- 1 To reincorporate and provide a new charter for the Town  
of  
1- 2 Bogart; to provide for corporate boundaries and maps  
1- 3 thereof; to provide for powers and the exercise of  
powers;  
1- 4 to provide for construction; to provide for a town  
council  
1- 5 and for the members and their terms of office,  
1- 6 qualifications, residence, vacancies, compensation,  
1- 7 expenses, regular and special meetings, oaths, rules,  
1- 8 journal, committees, chairpersons and officers, quorum,  
and  
1- 9 voting; to prohibit holding any other town office and  
acting  
1-10 upon matters in which a councilmember or the mayor is  
1-11 personally interested; to provide for inquiries,  
1-12 investigations, and subpoena power; to provide for  
eminent  
1-13 domain; to provide for the form of ordinances and  
procedures  
1-14 related thereto; to provide for emergency ordinances; to  
1-15 provide for the adoption of codes of technical  
regulations;  
1-16 to provide for the authentication, codification, and  
1-17 printing of ordinances; to provide for a mayor and such  
1-18 official's election, term of office, qualifications,  
1-19 residence, compensation, powers, and duties; to provide  
for  
1-20 administrative and service departments and the directors  
1-21 thereof and such directors' appointment, compensation,  
1-22 responsibilities, nomination, removal, and suspension;  
to  
1-23 provide for boards, commissions, and authorities and  
their  
1-24 creation, composition, duties, powers, officers, and

bylaws

- 1-25 and their members' appointment, compensation, expenses,
- 1-26 oaths, and removal; to provide for a town attorney, town
- 1-27 clerk, position classifications, pay plans, and

personnel

- 1-28 policies; to provide for a municipal court and its
- 1-29 convening, jurisdiction, powers, fees, bails, warrants,
- 1-30 certiorari, rules, and regulations; to provide for

judges

- 1-31 and their qualifications, appointment, compensation,
- 1-32 removal, and oaths; to provide for nonpartisan election

by

- 1-33 plurality and the time for holding elections; to provide
- for

- 1-34 the applicability of general law to elections; to
- provide

- 1-35 for special elections to fill vacancies; to provide for
- 1-36 removal of officers; to provide for property taxes,
- 1-37 occupation and business taxes, regulatory fees, and

permits;

-1-

- 2- 1 to provide for the millage rate, due dates, and methods
- of

- 2- 2 payment; to provide for franchises, service charges,
- special

- 2- 3 assessments, and other taxes and fees; to provide for
- the

- 2- 4 collection of delinquent taxes and fees; to provide for
- 2- 5 general obligation bonds, revenue bonds, and short-term
- 2- 6 loans; to provide for a fiscal year; to provide for
- 2- 7 operating and capital budgets and their preparation,
- 2- 8 submission, amendment, and adoption; to provide for tax
- 2- 9 levies, changes in appropriations, and independent

audits;

- 2-10 to provide for contracting procedures, centralized

- 2-11 purchasing, and the sale of town property; to provide
- for

- 2-12 bonds for officials; to provide for transition,
- including

- 2-13 existing ordinances and regulations, existing employees

and

2-14 officers, and pending matters; to provide for construction

2-15 and severability; to repeal an Act incorporating the Town of

2-16 Bogart in the County of Oconee, approved August 24, 1905

2-17 (Ga. L. 1905, p.670), as amended; to provide an effective

2-18 date; to repeal conflicting laws; and for other purposes.

2-19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

2-20 Incorporation and powers

2-21 SECTION 1.10.

2-22 This town and the inhabitants thereof are hereby constituted

2-23 and declared a body politic and corporate under the name and

2-24 style Bogart, Georgia, and by that name shall have perpetual

2-25 succession.

2-26 SECTION 1.11.

2-27 Corporate boundaries.

2-28 (a) The boundaries of this town shall be those existing on

2-29 the effective date of the adoption of this charter with such

2-30 alterations as may be made from time to time in the manner

2-31 provided by law. The boundaries of this town at all times

2-32 shall be shown on a map, a written description, or any

2-33 combination thereof, to be retained permanently in the

2-34 office of the town clerk and to be designated, as the case

2-35 may be: "Official (Map)(Description) of the corporate

2-36 limits of the Town of Bogart, Georgia." Photographic, typed,

2-37 or other copies of such map or description certified by

the

2-38 town clerk shall be admitted as evidence in all courts  
and

2-39 shall have the same force and effect as with the  
original

2-40 map or description.

-2-

3- 1 (b) The town council may provide for the redrawing of  
any

3- 2 such map by ordinance to reflect lawful changes in the  
3- 3 corporate boundaries. A redrawn map shall supersede for  
all

3- 4 purposes the entire map or maps which it is designated  
to

3- 5 replace.

3- 6 SECTION 1.12.

3- 7 Powers and construction.

3- 8 (a) This town shall have all powers possible for a town  
to

3- 9 have under the present or future Constitution and laws  
of

3-10 this state as fully and completely as though they were  
3-11 specifically enumerated in this charter. This town shall  
3-12 have all the power of self-government not otherwise  
3-13 prohibited by this charter or by general law.

3-14 (b) The powers of this town shall be construed liberally  
in

3-15 favor of the town. The specific mention or failure to  
3-16 mention particular powers shall not be construed as  
limiting

3-17 in any way the powers of this town.

3-18 SECTION 1.13.

3-19 Examples of powers.

3-20 The powers of the town shall include, but are not  
limited

3-21 to, the following powers:

3-22 (1) Air and water pollution. To regulate the  
emission  
3-23 of smoke or other exhaust which pollutes the air,  
and to  
3-24 prevent the pollution of natural streams which flow  
3-25 within the corporate limits of the town;

3-26 (2) Animal regulations. To regulate and license or  
to  
3-27 prohibit the keeping or running at large of animals  
and  
3-28 fowl, and to provide for the impoundment of same if  
in  
3-29 violation of any ordinance or lawful order; to  
provide  
3-30 for the disposition by sale, gift, or humane  
destruction  
3-31 of animals and fowl when not redeemed as provided by  
3-32 ordinance; and to provide punishment for violation  
of  
3-33 ordinances enacted under this paragraph;

3-34 (3) Appropriations and expenditures. To make  
3-35 appropriations for the support of the government of  
the  
3-36 town; to authorize the expenditure of money for any  
3-37 purposes authorized by this charter and for any  
purpose  
3-38 for which a municipality is authorized by the laws  
of  
3-39 the State of Georgia; and to provide for the payment  
of  
3-40 expenses of the town;

4- 1 (4) Building regulation. To regulate and to license  
the  
4- 2 erection and construction of buildings and all other

4- 3 structures; to adopt building, housing, plumbing,  
4- 4 electric, gas, and heating and air conditioning  
codes;  
4- 5 and to regulate all housing, and building trades;

4- 6 (5) Business regulations and taxation. To levy and  
to  
4- 7 provide for the collection of license fees and taxes  
on  
4- 8 privileges, occupations, trades, and professions; to  
4- 9 license and regulate the same; to provide for the  
manner  
4-10 and method of payment of such license fees and  
taxes;  
4-11 and to revoke such permits after due process for  
failure  
4-12 to pay any town taxes or fees;

4-13 (6) Condemnation. To condemn property, inside and  
4-14 outside the corporate limits of the town, for  
present or  
4-15 future use and for any corporate purpose deemed  
4-16 necessary by the governing authority utilizing  
4-17 procedures enumerated in Title 22 of the Official  
Code  
4-18 of Georgia Annotated, or such other applicable laws  
as  
4-19 are or may hereafter be enacted;

4-20 (7) Contracts. To enter into contracts and  
agreements  
4-21 with other governmental entities and with private  
4-22 persons, firms, and corporations;

4-23 (8) Emergencies. To establish procedures for  
determining  
4-24 and proclaiming that an emergency situation exists  
4-25 inside or outside the town, and to make and carry  
out  
4-26 all reasonable provisions deemed necessary to deal  
4-27 with or meet such an emergency for the protection,  
4-28 safety, health, or well-being of the citizens of the  
4-29 town;

4-30 (9) Fire regulations. To fix and establish fire  
limits

4-31 and from time to time to extend, enlarge, or  
restrict  
4-32 the same; to prescribe fire safety regulations not  
4-33 inconsistent with general law relating to both fire  
4-34 prevention and detection and to fire fighting; and  
to  
4-35 prescribe penalties and punishment for violations  
4-36 thereof;

4-37 (10) Garbage fees. To levy, fix, assess, and collect  
a  
4-38 garbage, refuse, and trash collection and disposal  
and  
4-39 other sanitary service charge, tax, or fee for such  
4-40 services as may be necessary in the operation of the  
4-41 town from all individuals, firms, and corporations  
4-42 residing in or doing business in the town benefiting  
4-43 from such services; to enforce the payment of such

-4- 

5- 1 charges, taxes, or fees; and to provide for the  
manner  
5- 2 and method of collecting such service charges;

5- 3 (11) General health and welfare. To define,  
regulate,  
5- 4 and prohibit any act, practice, conduct, or use of  
5- 5 property which is detrimental to health, sanitation,  
5- 6 cleanliness, welfare, and safety of the inhabitants  
of  
5- 7 the town; and to provide for the enforcement of such  
5- 8 standards;

5- 9 (12) Gifts. To accept or refuse gifts, donations,  
5-10 bequests, or grants from any source for any purpose  
5-11 related to powers and duties of the town and the  
general  
5-12 welfare of its citizens, on such terms and  
conditions as  
5-13 the donor or granter may impose;

5-14 (13) Health and sanitation. To prescribe standards

of

5-15 health and sanitation and to provide for the  
enforcement

5-16 of such standards;

5-17 (14) Jail sentence. To provide that persons given  
jail

5-18 sentences in the town's court may work out such

5-19 sentences in any public works or on the streets,  
roads,

5-20 drains, and other public property in the town; to

5-21 provide for commitment of such persons to any jail;

or

5-22 to provide for commitment of such persons to any  
county

5-23 work camp or county jail by agreement with the

5-24 appropriate county officials;

5-25 (15) Motor vehicles. To regulate the operation of  
motor

5-26 vehicles and exercise control over all traffic,

5-27 including parking upon or across the streets, roads,

5-28 alleys, and walkways of the town;

5-29 (16) Municipal agencies and delegation of power. To  
5-30 create, alter, or abolish departments, boards,

offices,

5-31 commissions, and agencies of the town; and to confer

5-32 upon such agencies the necessary and appropriate

5-33 authority for carrying out all the powers conferred

upon

5-34 or delegated to the same;

5-35 (17) Municipal debts. To appropriate and borrow  
money

5-36 for the payment of debts of the town and to issue  
bonds

5-37 for the purpose of raising revenue to carry out any

5-38 project, program, or venture authorized by this  
charter

5-39 or the laws of the State of Georgia;

5-40 (18) Municipal property ownership. To acquire,  
dispose

5-41 of, and hold in trust or otherwise, any real,  
personal,

6- 1 or mixed property, in fee simple or lesser interest,  
6- 2 inside or outside the property limits of the town;

6- 3 (19) Municipal property protection. To provide for  
the  
6- 4 preservation and protection of property and  
equipment of  
6- 5 the town and the administration and the use of same  
by  
6- 6 the public; and to prescribe penalties and  
punishment  
6- 7 for violations thereof;

6- 8 (20) Municipal utilities. To acquire, lease,  
construct,  
6- 9 operate, maintain, sell, and dispose of public  
6-10 utilities, including but not limited to a system of  
6-11 waterworks, sewers and drains, sewage disposal, gas  
6-12 works, electric light plants, transportation  
facilities,  
6-13 public airports, and other public utility; to fix  
the  
6-14 taxes, charges, rates, fares, fees, assessments,  
6-15 regulations, and penalties and to provide for the  
6-16 withdrawal of service for refusal or failure to pay  
the  
6-17 same; and to authorize the extension of water,  
sewerage,  
6-18 and electrical distribution systems and all  
necessary  
6-19 appurtenances by which said utilities are  
distributed,  
6-20 inside and outside the corporate limits of the town,  
as  
6-21 provided by ordinance;

6-22 (21) Nuisance. To define a nuisance and provide for  
its  
6-23 abatement whether on public or private property;

6-24 (22) Penalties. To provide penalties for violation  
of  
6-25 any ordinances adopted pursuant to the authority of  
this  
6-26 charter and the laws of the State of Georgia;

6-27 (23) Planning and zoning. To provide comprehensive  
town  
6-28 planning for development by zoning; and to provide  
6-29 subdivision regulation and the like as the town  
council  
6-30 deems necessary and reasonable to ensure a safe,  
6-31 healthy, and esthetically pleasing community;

6-32 (24) Police and fire protection. To exercise the  
power  
6-33 of arrest through duly appointed police officers;  
and to  
6-34 establish, operate, or contract for a police and a  
fire  
6-35 fighting agency;

6-36 (25) Public Hazards: Removal. To provide for the  
6-37 destruction and removal of any building or other  
6-38 structure which is or may become dangerous or  
6-39 detrimental to the public;

6-40 (26) Public improvements. To provide for the  
6-41 acquisition, construction, building, operation, and  
6-42 maintenance of public ways, parks and playgrounds,

-6-

7- 1 recreational facilities, cemeteries, markets and  
market  
7- 2 houses, public buildings, libraries, public housing,  
7- 3 airports, hospitals, terminals, docks, parking  
7- 4 facilities, or charitable, cultural, educational,  
7- 5 recreational, conservation, sport, curative,  
corrective,  
7- 6 detentional, penal, and medical institutions,  
agencies,

7- 7 and facilities; to provide any other public  
7- 8 improvements, inside or outside the corporate limits  
of  
7- 9 the town; and to regulate the use of public  
7-10 improvements; and, for such purposes, property may  
be  
7-11 acquired by condemnation under Title 22 of the  
Official  
7-12 Code of Georgia Annotated, or such other applicable  
laws  
7-13 as are or may hereafter be enacted;

7-14 (27) Public peace. To provide for the prevention  
and  
7-15 punishment of drunkenness, riots, and public  
7-16 disturbances;

7-17 (28) Public transportation. To organize and operate  
7-18 such public transportation systems as are deemed  
7-19 beneficial;

7-20 (29) Public utilities and services. To grant  
7-21 franchises or make contracts for public utilities  
and  
7-22 public services; and to prescribe the rates, fares,  
7-23 regulations, and standards and conditions of service  
7-24 applicable to the service to be provided by the  
7-25 franchise grantee or contractor, insofar as such are  
not  
7-26 in conflict with regulations of the Public Service  
7-27 Commission;

7-28 (30) Regulation of roadside areas. To prohibit or  
7-29 regulate and control the erection, removal, and  
7-30 maintenance of signs, billboards, trees, shrubs,  
7-31 fences, buildings, and any and all other structures  
or  
7-32 obstructions upon or adjacent to the rights of way  
of  
7-33 streets and roads or within view thereof, within or  
7-34 abutting the corporate limits of the town; and to  
7-35 prescribe penalties and punishment for violation of  
such  
7-36 ordinances;

7-37 (31) Retirement. To provide and maintain a

retirement

7-38 plan for officers and employees of the town;

7-39 (32) Roadways. To lay out, open, extend, widen,  
narrow,

7-40 establish, change the grade of, abandon or close,

7-41 construct, pave, maintain, repair, clean, prevent

7-42 erosion of, and light the roads, alleys, and

walkways

7-43 within the corporate limits of the town; to

negotiate

-7-

8- 1 and execute leases over, through, under, or across  
any

8- 2 town property or the right-of-way of any street,  
road,

8- 3 alley, and walkway or portion thereof within the

8- 4 corporate limits of the town, for bridges,

passageways,

8- 5 or any other purpose or use between buildings on

8- 6 opposite sides of the street and for other bridges,

8- 7 overpasses, and underpasses for private use at such

8- 8 location, and to charge a rental therefor in such

manner

8- 9 as may be provided by ordinance; to authorize and

8-10 control the construction of bridges, overpasses, and

8-11 underpasses within the corporate limits of the town;

to

8-12 grant franchises and rights-of-way throughout the

8-13 streets and roads, and over the bridges and viaducts

for

8-14 the use of public utilities or for private use; and

to

8-15 require real estate owners to repair and maintain in

a

8-16 safe condition the sidewalks adjoining their lots or

8-17 lands to curb or street and to impose penalties for

8-18 failure to do so;

8-19 (33) Sewer fees. To levy a fee, charge, or sewer  
tax as

8-20 necessary to assure the acquiring, constructing,  
8-21 equipping, operating, maintaining, and extending of  
a  
8-22 sewage disposal plant and sewerage system, and to  
levy  
8-23 on those to whom sewers and sewerage systems are  
made  
8-24 available a sewer service fee, charge, or sewer tax  
for  
8-25 the availability or use of the sewers; to provide  
for  
8-26 the manner and method of collecting such service  
charges  
8-27 and for enforcing payment of the same; and to  
charge,  
8-28 impose, and collect a sewer connection fee or fees  
to  
8-29 those connected with the system;

8-30 (34) Solid waste disposal. To provide for the  
8-31 collection and disposal of garbage, rubbish, and  
refuse,  
8-32 and to regulate the collection and disposal of  
garbage,  
8-33 rubbish, and refuse by others; and to provide for  
the  
8-34 separate collection of glass, tin, aluminum,  
cardboard,  
8-35 paper, and other recyclable materials and to provide  
for  
8-36 the sale of such items;

8-37 (35) Special areas of public regulation. To regulate  
or  
8-38 prohibit junk dealers, pawn shops, the manufacture,  
8-39 sale, or transportation of intoxicating liquors, and  
the  
8-40 use and sale of firearms; to regulate the  
8-41 transportation, storage, and use of combustible,  
8-42 explosive, and flammable materials, the use of  
lighting  
8-43 and heating equipment, and any other business or  
8-44 situation which may be dangerous to persons or  
property;

9- 1 to regulate and control the conduct of peddlers and  
9- 2 itinerant traders, theatrical performances,  
exhibitions,  
9- 3 and shows of any kind, by taxation or otherwise; and  
to  
9- 4 license, tax, regulate, or prohibit professional  
9- 5 fortunetelling, palmistry, adult bookstores, and  
massage  
9- 6 parlors;

9- 7 (36) Special assessments. To levy and provide for  
the  
9- 8 collection of special assessments to cover the costs  
for  
9- 9 any public improvements;

9-10 (37) Taxes: ad valorem. To levy and provide for  
the  
9-11 assessment, valuation, revaluation, and collection  
of  
9-12 taxes on all property subject to taxation;

9-13 (38) Taxes: other. To levy and collect such other  
9-14 taxes as may be allowed now or in the future by law;

9-15 (39) Taxicabs. To regulate and license vehicles  
9-16 operated for hire in the town; to limit the number  
of  
9-17 such vehicles; to require the operators of such  
vehicles  
9-18 to be licensed; to require public liability  
insurance on  
9-19 such vehicles in the amounts to be prescribed by  
9-20 ordinance; and to regulate the parking of such  
vehicles;

9-21 (40) Urban redevelopment. To organize and operate  
an  
9-22 urban redevelopment program; and

9-23 (41) Other powers. To exercise and enjoy all other

9-24 powers, functions, rights, privileges, and  
immunities  
9-25 necessary or desirable to promote or protect the  
9-26 safety, health, peace, security, good order,  
comfort,  
9-27 convenience, or general welfare of the town and its  
9-28 inhabitants; and to exercise all implied powers  
9-29 necessary to carry into execution all powers granted  
in  
9-30 this charter as fully and completely as if such  
powers  
9-31 were fully stated in this charter; to exercise all  
9-32 powers now or in the future authorized to be  
exercised  
9-33 by other municipal governments under other laws of  
the  
9-34 State of Georgia; and no listing of particular  
powers in  
9-35 this charter shall be held to be exclusive of  
others,  
9-36 nor restrictive of general words and phrases  
granting  
9-37 powers, but shall be held to be in addition to such  
9-38 powers unless expressly prohibited to municipalities  
9-39 under the Constitution or applicable laws of the  
State  
9-40 of Georgia.

9-41 SECTION 1.14.  
9-42 Exercise of powers.

10- 1 All powers, functions, rights, privileges, and  
immunities of  
10- 2 the town, its officers, agencies, or employees shall be  
10- 3 carried into execution as provided in this charter. If  
this  
10- 4 charter makes no provision, such shall be carried into  
10- 5 execution as provided by ordinance or as provided by  
10- 6 pertinent laws of the State of Georgia.



10-34 (a) Vacancies. The office of mayor or councilmember shall  
10-35 become vacant upon the incumbent's death, resignation,  
10-36 forfeiture of office, or removal from office in any  
manner  
10-37 authorized by this charter or the general laws of the  
State  
10-38 of Georgia. A vacancy in the office of mayor or  
10-39 councilmember shall be filled for the remainder of the  
10-40 unexpired term, if any, as provided for in this charter.

-10-

11- 1 (b) Suspension. Upon the suspension from office of  
mayor or  
11- 2 a councilmember in any manner authorized by the general  
laws  
11- 3 of the State of Georgia, the town council or those  
remaining  
11- 4 shall appoint a successor for the duration of the  
11- 5 suspension. If the suspension becomes permanent, then  
the  
11- 6 office shall become vacant and shall be filled for the  
11- 7 remainder of the unexpired term, if any, as provided in  
this  
11- 8 charter.

11- 9 SECTION 2.13.  
11-10 Compensation and expenses.

11-11 The mayor and councilmembers shall receive compensation  
and  
11-12 expenses for their services as provided by ordinance.

11-13 SECTION 2.14.  
11-14 Holding other office; voting when financially  
interested.

11-15 (a) Except as authorized by law, the mayor or any  
11-16 councilmember shall not hold any other town office or

town

11-17 employment during the term for which that person was  
11-18 elected.

11-19 (b) Neither the mayor nor any member of the town council  
11-20 shall vote upon, sign, or veto any ordinance,  
resolution,  
11-21 contract, or other matter in which that person is  
personally  
11-22 interested.

11-23 SECTION 2.15.  
11-24 Inquiries and investigations.

11-25 The town council may make inquiries and investigations  
into  
11-26 the affairs of the town and the conduct of any  
department,  
11-27 office, or agency of the town and for this purpose may  
11-28 subpoena witnesses, administer oaths, take testimony,  
and  
11-29 require the production of evidence. Any person who fails  
or  
11-30 refuses to obey a lawful order issued in the exercise of  
11-31 these powers by the town council shall be punished as  
11-32 provided by ordinance.

11-33 SECTION 2.16.  
11-34 General power and authority of the town council.

11-35 Except as otherwise provided by law or this charter, the  
11-36 town council shall be vested with all the powers of  
11-37 government of this town as provided by Article I of this  
11-38 charter.

11-39 SECTION 2.17.  
11-40 Eminent domain.

12- 1 The town council is authorized to acquire, construct,  
12- 2 operate, and maintain public ways, parks, public

grounds,  
12- 3 cemeteries, markets, market houses, public buildings,  
12- 4 libraries, sewers, drains, sewage treatment, waterworks,  
12- 5 electrical systems, gas systems, airports, hospitals,  
and  
12- 6 charitable, educational, recreational, sport, curative,  
12- 7 corrective, detentive, penal, and medical  
institutions,  
12- 8 agencies, and facilities and any other public  
improvements,  
12- 9 inside or outside the town, and to regulate the use  
thereof;  
12-10 and for such purposes, property may be condemned under  
12-11 procedures established under general law applicable now  
or  
12-12 as provided in the future.

12-13 SECTION 2.18.

12-14 Organizational meetings.

12-15 The town council shall hold an organizational meeting at  
the  
12-16 regular council meeting in the first January following  
the  
12-17 municipal election. The meeting shall be called to order  
by  
12-18 the town clerk and the oath of office shall be  
administered  
12-19 to the newly elected members as follows:

12-20 "I do solemnly (swear)(affirm) that I will faithfully  
12-21 perform the duties of (mayor)(councilmember) of Bogart  
and  
12-22 that I will support and defend the charter thereof as  
well  
12-23 as the Constitution and laws of the State of Georgia  
and  
12-24 of the United States of America."

12-25 SECTION 2.19.

12-26 Regular and special meetings.

12-27 (a) The town council shall hold regular meetings at such  
12-28 times and places as shall be prescribed by ordinance.

12-29 (b) Special meetings of the town council may be held on

call

12-30 of the mayor or two members of the town council. Notice  
of

12-31 such special meetings shall be served on all other  
members

12-32 personally, or by telephone personally, at least 48  
hours in

12-33 advance of the meeting. Such notice to councilmembers  
shall

12-34 not be required if the mayor and all councilmembers are

12-35 present when the special meeting is called. Such notice  
of

12-36 any special meeting may be waived by a councilmember in

12-37 writing before or after such a meeting, and attendance  
at

12-38 the meeting shall also constitute a waiver of notice on  
any

12-39 business transacted in such councilmember's presence.

Only

12-40 the business stated in the call may be transacted at the

12-41 special meeting.

-12-

13- 1 (c) All meetings of the town council shall be public to  
the

13- 2 extent required by law, and notice to the public of  
special

13- 3 meetings shall be made fully as is reasonably possible  
two

13- 4 days prior to such meetings.

13- 5

SECTION 2.20.

13- 6

Rules of procedure.

13- 7 (a) The town council shall adopt its rules of procedure  
and

13- 8 order of business consistent with the provisions of this

13- 9 charter and shall provide for keeping a journal of its

13-10 proceedings, which shall be a public record.

13-11 (b) All committees and committee chairpersons and  
officers  
13-12 of the town council shall be appointed by the mayor and  
13-13 shall serve at the pleasure of the mayor. The mayor  
shall  
13-14 have the power to appoint new members to any committee  
at  
13-15 any time.

13-16 SECTION 2.21.  
13-17 Quorum: voting.

13-18 The mayor and two councilmembers or, in the absence of  
the  
13-19 mayor, three councilmembers shall constitute a quorum  
and  
13-20 shall be authorized to transact business of the town  
13-21 council. Voting on the adoption of ordinances shall be  
by  
13-22 voice vote and the vote shall be recorded in the  
journal,  
13-23 but any member of the town council shall have the right  
to  
13-24 request a roll-call vote, and such vote shall be  
recorded in  
13-25 the journal. Except as otherwise provided in this  
charter,  
13-26 the affirmative vote of a majority of councilmembers  
with a  
13-27 quorum present shall be required for the adoption of any  
13-28 ordinance, resolution, or motion.

13-29 SECTION 2.22.  
13-30 Ordinance form; procedures.

13-31 (a) Every proposed ordinance should be introduced in  
writing  
13-32 and in the form required for final adoption. No  
ordinance  
13-33 shall contain a subject which is not expressed in its  
title.  
13-34 The enacting clause shall be "The Council of the Town of  
13-35 Bogart hereby ordains . . ." and every ordinance shall  
so  
13-36 begin.

13-37 (b) An ordinance may be introduced by any councilmember  
and  
13-38 be read at a regular or special meeting of the town  
council.  
13-39 Ordinances shall be considered and adopted or rejected  
by  
13-40 the town council in accordance with the rules which it  
shall  
13-41 establish; provided, however, an ordinance shall not be  
13-42 adopted the same day it is introduced, except for  
emergency

-13-

14- 1 ordinances provided in Section 2.24. Upon introduction  
of  
14- 2 any ordinance, the clerk shall as soon as possible  
14- 3 distribute a copy to the mayor and to each councilmember  
and  
14- 4 shall file a reasonable number of copies in the office  
of  
14- 5 the clerk and at such other public places as the town  
14- 6 council may designate.

14- 7 SECTION 2.23.  
14- 8 Action requiring an ordinance.

14- 9 Acts of the town council which have the force and effect  
of  
14-10 law shall be enacted by ordinance.

14-11 SECTION 2.24.

14-12 To meet a public emergency affecting life, health,  
property,  
14-13 or public peace, the town council may convene on the  
call of  
14-14 the mayor or two councilmembers and may promptly adopt  
an  
14-15 emergency ordinance, but such ordinance may not levy  
taxes;  
14-16 grant, renew, or extend a franchise; regulate the rate

14-17 charged by any public utility for its services; or  
authorize  
14-18 the borrowing of money except for loans to be repaid  
within  
14-19 30 days. An emergency ordinance shall be introduced in  
the  
14-20 form prescribed for ordinances generally, except that it  
14-21 shall be plainly designated as an emergency ordinance  
and  
14-22 shall contain, after the enacting clause, a declaration  
14-23 stating that an emergency exists and describing the  
14-24 emergency in clear and specific terms. An emergency  
14-25 ordinance may be adopted, with or without amendment, or  
14-26 rejected at the meeting at which it is introduced, but  
the  
14-27 affirmative vote of a majority of councilmembers present  
14-28 shall be required for adoption. It shall become  
effective  
14-29 upon adoption or at such later time as it may specify.  
Every  
14-30 emergency ordinance shall automatically stand repealed  
30  
14-31 days following the date upon which it was adopted, but  
this  
14-32 shall not prevent reenactment of the ordinance in the  
14-33 manner specified in this section if the emergency still  
14-34 exists. An emergency ordinance may also be repealed by  
14-35 adoption of a repealing ordinance in the same manner  
14-36 specified in this section for adoption of emergency  
14-37 ordinances.

14-38 SECTION 2.25.  
14-39 Codes of technical regulations.

14-40 (a) The town council may adopt any standard code of  
14-41 technical regulations by reference thereof in an  
adopting  
14-42 ordinance. The procedure and requirements governing such

15- 1 adopting ordinance shall be as prescribed for ordinances  
15- 2 generally except that: (1) the requirements of

subsection

15- 3 (b) of Section 2.22 of this charter for distribution and  
15- 4 filing of copies of the ordinance shall be construed to  
15- 5 include copies of any code of technical regulations, as  
well

15- 6 as the adopting ordinance; and (2) a copy of each  
adopted

15- 7 code of technical regulations, as well as the adopting  
15- 8 ordinance, shall be authenticated and recorded by the  
clerk

15- 9 pursuant to Section 2.26 of this charter.

15-10 (b) Copies of any adopted code of technical regulations  
15-11 shall be made available by the clerk for distribution or  
for

15-12 purchase at a reasonable price.

15-13 SECTION 2.26.

15-14 Signing; authenticating; recording;  
15-15 codification; printing.

15-16 (a) The clerk shall authenticate by the clerk's  
signature

15-17 and record in full, in a properly indexed book kept for  
that

15-18 purpose, all ordinances adopted by the council.

15-19 (b) The town council shall provide for the preparation  
of a

15-20 general codification of all the ordinances of the town  
15-21 having the force and effect of law. The general  
codification

15-22 shall be adopted by the town council by ordinance and  
shall

15-23 be published promptly, together with all amendments  
thereto

15-24 and such codes of technical regulations and other rules  
and

15-25 regulations as the town council may specify. This  
15-26 compilation shall be known and cited officially as "The  
Code

15-27 of the Town of Bogart, Georgia." Copies of the code  
shall be

15-28 furnished to all officers, departments, and agencies of  
the

15-29 town and made available for purchase by the public at a

15-30 reasonable price as fixed by the town council.

15-31 (c) The town council shall cause each ordinance and each  
15-32 amendment to this charter to be printed promptly  
following

15-33 its adoption, and the printed ordinances and charter  
15-34 amendments shall be made available for purchase by the  
15-35 public at reasonable prices to be fixed by the town  
council.

15-36 Following publication of the first code under this  
charter

15-37 and at all times thereafter, the ordinances and charter  
15-38 amendments shall be printed in substantially the same  
style

15-39 as the code currently in effect and shall be suitable in  
15-40 form for incorporation therein. The town council shall  
make

15-41 such further arrangements as deemed desirable with the  
15-42 reproduction and distribution of any current changes in  
or

-15-

16- 1 additions to codes of technical regulations and other  
rules

16- 2 and regulations included in the code.

16- 3 SECTION 2.27.

16- 4 Election of mayor; forfeiture; compensation.

16- 5 The mayor shall be elected and serve for a term of four  
16- 6 years and until a successor is elected and qualified.

The

16- 7 mayor shall forfeit the office on the same grounds and  
under

16- 8 the same procedure as for councilmembers. The  
compensation

16- 9 of the mayor shall be established in the same manner as  
for

16-10 councilmembers.

16-11 SECTION 2.28.

16-12 Mayor pro tem.

16-13 By a majority vote, the town council shall elect a  
16-14 councilmember to serve as mayor pro tem. The mayor pro  
tem  
16-15 shall assume the duties and powers of the mayor during  
the  
16-16 mayor's disability or absence. Any such disability or  
16-17 absence shall be declared by a majority vote of the town  
16-18 council.

16-19 SECTION 2.29.

16-20 Powers and duties of mayor.

16-21 The mayor shall:

16-22 (1) Preside at all meetings of the town council;

16-23 (2) Be the head of the town for the purpose of  
service  
16-24 of process and for ceremonial purposes and shall be  
the  
16-25 official spokesperson for the town and the chief  
16-26 advocate of policy;

16-27 (3) Have the power to administer oaths and to take  
16-28 affidavits;

16-29 (4) Sign as a matter of course on behalf of the town  
all  
16-30 written and approved contracts, ordinances, and  
other  
16-31 instruments executed by the town which by law are  
16-32 required to be in writing;

16-33 (5) Vote on matters before the town council and  
shall be  
16-34 counted toward a quorum as any other councilmember;

16-35 (6) Prepare and submit to the town council a  
recommended  
16-36 annual operating budget and recommended capital  
budget;  
16-37 and

16-38 (7) Fulfill such other executive and administrative  
16-39 duties as the town council shall by ordinance  
establish.

-16-

17- 1 Administrative affairs

17- 2 SECTION 3.10.

17- 3 Administrative and service departments.

17- 4 (a) Except as otherwise provided in this charter, the  
town  
17- 5 council, by ordinance, shall prescribe the functions or  
17- 6 duties and establish, abolish, or alter all nonelective  
17- 7 offices, positions of employment, departments, and  
agencies  
17- 8 of the town as necessary for the proper administration  
of  
17- 9 the affairs and government of this town.

17-10 (b) Except as otherwise provided by this charter or by  
law,  
17-11 the directors of departments and other appointed  
officers of  
17-12 this town shall be appointed solely on the basis of  
their  
17-13 respective administrative and professional  
qualifications.

17-14 (c) All appointed officers and directors of departments  
17-15 shall receive such compensation as prescribed by  
ordinance.

17-16 (d) There shall be a director of each department or  
agency  
17-17 who shall be its principal officer. Each director shall,  
17-18 subject to the direction and supervision of the mayor,  
be  
17-19 responsible for the administration and direction of the  
17-20 affairs and operations of that director's department or

17-21 agency.

17-22 (e) All directors under the supervision of the mayor shall

17-23 be nominated by the mayor with confirmation of appointment

17-24 by the town council. The mayor may suspend or remove  
17-25 directors under his or her supervision, but such shall not

17-26 be effective for 14 calendar days following the mayor giving

17-27 written notice of such action and the reasons therefor to

17-28 the director involved and to the town council. The director

17-29 involved may appeal to the town council which, after a

17-30 hearing, may override the mayor's action by a vote of a

17-31 majority of all councilmembers.

17-32 SECTION 3.11.

17-33 Boards, commissions, and authorities.

17-34 (a) The town council shall create by ordinance such boards,

17-35 commissions, and authorities to fulfill any investigative,

17-36 quasi-judicial, or quasi-legislative function the town

17-37 council deems necessary and shall by ordinance establish the

17-38 composition, period of existence, duties, and powers

17-39 thereof.

18- 1 (b) All members of boards, commissions, and authorities of

18- 2 the town shall be appointed by the town council for such

18- 3 terms of office and in such a manner as shall be provided by

18- 4 ordinance, except where other appointing authority, terms of

18- 5 office, or manner of appointment is prescribed by this  
18- 6 charter or by law.

18- 7 (c) The town council by ordinance may provide for the  
18- 8 compensation and reimbursement for actual and necessary  
18- 9 expenses of the members of any board, commission, or  
18-10 authority.

18-11 (d) Except as otherwise provided by charter or by law,  
no  
18-12 member or any board, commission, or authority shall hold  
any  
18-13 elective office in the town.

18-14 (e) Any vacancy on a board, commission, or authority of  
the  
18-15 town shall be filled for the unexpired term in the  
manner  
18-16 prescribed in this charter for original appointment,  
except  
18-17 as otherwise provided by this charter or by law.

18-18 (f) No member of a board, commission, or authority shall  
18-19 assume office until that person has executed and filed  
with  
18-20 the clerk of the town an oath obligating himself or  
herself  
18-21 to perform faithfully and impartially the duties of that  
18-22 member's office, such oath to be prescribed by ordinance  
and  
18-23 administered by the mayor.

18-24 (g) Any member of a board, commission, or authority may  
be  
18-25 removed from office for cause by a vote of a majority of  
all  
18-26 members of the town council.

18-27 (h) Except as otherwise provided by this charter or by  
law,  
18-28 each board, commission, or authority of the town shall  
elect  
18-29 one of its members as chairperson and one member as  
18-30 vice-chairperson and may elect as its secretary one of  
its  
18-31 own members or may appoint as secretary an employee of

the

18-32 town. Each board, commission, or authority of the town  
18-33 government may establish such bylaws, rules, and  
18-34 regulations, not inconsistent with this charter,  
ordinances  
18-35 of the town, or law, as it deems appropriate and  
necessary  
18-36 for the fulfillment of its duties or the conduct of its  
18-37 affairs. Copies of such bylaws, rules, and regulations  
shall  
18-38 be filed with the clerk of the town.

18-39 SECTION 3.12.

18-40 Town attorney.

18-41 The town council may appoint each year a town attorney,  
18-42 together with such assistant town attorneys as may be

-18-

19- 1 authorized, and shall provide for the payment of such  
19- 2 attorney or attorneys for services rendered to the town.  
The  
19- 3 town attorney shall be responsible for representing and  
19- 4 defending the town in all litigation in which the town  
is a  
19- 5 party; may be the prosecuting officer in the municipal  
19- 6 court; shall attend the meetings of the council as  
directed;  
19- 7 shall advise the town council, mayor, and other officers  
and  
19- 8 employees of the town concerning legal aspects of the  
town's  
19- 9 affairs; and shall perform such other duties as may be  
19-10 required by virtue of the person's position as town  
19-11 attorney.

19-12 SECTION 3.13.

19-13 The town council shall appoint a town clerk who shall  
not be  
19-14 a councilmember. The town clerk shall be custodian of

the

19-15 official town seal; maintain town council records  
required

19-16 by this charter; and perform such other duties as may be  
19-17 required by the town council.

19-18 SECTION 3.14.

19-19 Town treasurer.

19-20 The town council shall appoint a town treasurer to  
collect

19-21 all taxes, licenses, fees, and other monies belonging to  
the

19-22 town subject to the provisions of this charter and the  
19-23 ordinances of the town, and to enforce all laws of  
Georgia

19-24 relating to the collection of delinquent taxes and sale  
or

19-25 foreclosure for nonpayment of taxes by the town. The  
town

19-26 treasurer shall also be responsible for the general  
duties

19-27 of a treasurer and fiscal officer.

19-28 SECTION 3.15.

19-29 Town accountant.

19-30 The town council shall appoint a town accountant to  
perform

19-31 the duties of an accountant.

19-32 SECTION 3.16.

19-33 Position classification and pay plans.

19-34 The town manager shall be responsible for the  
preparation of

19-35 a position classification and pay plan which shall be  
19-36 submitted to the town council for approval. Such plan  
may

19-37 apply to all employees of the town and any of its  
agencies,

19-38 departments, boards, commissions, or authorities. When a  
pay

19-39 plan has been adopted, the town council shall not  
increase

19-40 or decrease the salary range applicable to any position

19-41 except by amendment of such pay plan. For purposes of  
this

-19- 

20- 1 section, all elected and appointed town officials are  
not  
20- 2 town employees.

20- 3 SECTION 3.17.  
20- 4 Personnel policies.

20- 5 The town council shall adopt rules and regulations  
20- 6 consistent with this charter concerning:

20- 7 (1) The method of employee selection and  
probationary  
20- 8 periods of employment;

20- 9 (2) The administration of the position  
classification  
20-10 and pay plan, methods of promotion and application  
of  
20-11 service ratings thereto, and transfer of employees  
20-12 within the classification plan;

20-13 (3) Hours of work, vacation, sick leave, and other  
20-14 leaves of absence, overtime pay, and the order and  
20-15 manner in which layoffs shall be effected;

20-16 (4) Such dismissal hearings as due process may  
require;  
20-17 and

20-18 (5) Such other personnel notices as may be necessary  
to  
20-19 provide for adequate and systematic handling of  
20-20 personnel affairs.

20-21 Judicial branch

20-22 SECTION 4.10.

20-23 Creation; name.

20-24 There shall be a court to be known as the Municipal Court of

20-25 the Town of Bogart.

20-26 SECTION 4.11.

20-27 Chief judge; associate judge.

20-28 (a) The municipal court shall be presided over by a chief

20-29 judge and such part-time, full-time, or stand-by judges as

20-30 shall be provided by ordinance. The method of selection and

20-31 terms of such judges shall be as provided by ordinance.

20-32 (b) No person shall be qualified or eligible to serve as a

20-33 judge of the municipal court unless that person shall have

20-34 attained the age of 21 years and shall be a member of the

20-35 State Bar of Georgia. All judges shall be appointed by the

20-36 town council.

20-37 (c) Compensation of the judges shall be fixed by ordinance.

-20-

21- 1 (d) Judges may be removed for cause by a vote of a majority

21- 2 of all members of the town council.

21- 3 (e) Before assuming office, each judge shall take an oath,

21- 4 given by the mayor, that the judge will honestly and

21- 5 faithfully discharge the duties of the office to the best of

21- 6 that person's ability and without fear, favor, or

21- 7 partiality. The oath shall be entered upon the minutes  
of  
21- 8 the town council journal required in Section 2.20 of  
this  
21- 9 charter.

21-10 SECTION 4.12.

21-11 The municipal court shall be convened at regular  
intervals  
21-12 as provided by ordinance.

21-13 SECTION 4.13.  
21-14 Jurisdiction; powers.

21-15 (a) The municipal court shall try and punish violations  
of  
21-16 this charter, all town ordinances, and such other  
violations  
21-17 as provided by law.

21-18 (b) The municipal court shall have authority to punish  
those  
21-19 in its presence for contempt, provided that such  
punishment  
21-20 shall not exceed \$200.00 or ten days in jail.

21-21 (c) The municipal court may fix punishment for offenses  
21-22 within its jurisdiction not exceeding a fine of  
\$1,000.00 or  
21-23 imprisonment for no more than six months or both such  
fine  
21-24 and imprisonment or may fix punishment by fine,  
21-25 imprisonment, or alternative sentencing as now or  
hereafter  
21-26 provided by law.

21-27 (d) The municipal court shall have authority to  
establish a  
21-28 schedule of fees to defray the cost of operation and  
shall  
21-29 be entitled to reimbursement of the cost of meals,  
21-30 transportation, and caretaking of prisoners bound over  
to  
21-31 superior courts for violations of state law.

21-32 (e) The municipal court shall have authority to  
establish  
21-33 bail and recognizances to ensure the presence of those  
21-34 charged with violations before said court and shall have  
21-35 discretionary authority to accept cash or personal or  
real  
21-36 property as surety for the appearance of persons charged  
21-37 with violations. Whenever any person shall give bail for  
21-38 that person's appearance and shall fail to appear at the  
21-39 time fixed for trial, the bond shall be forfeited by the  
21-40 judge presiding at such time and an execution issued  
thereon

-21-

22- 1 by serving the defendant and the defendant's sureties  
with a  
22- 2 rule nisi, at least two days before a hearing on the  
rule  
22- 3 nisi. In the event that cash or property is accepted in  
lieu  
22- 4 of bond for security for the appearance of a defendant  
at  
22- 5 trial, and if such defendant fails to appear at the time  
and  
22- 6 place fixed for trial, the cash so deposited shall be on  
22- 7 order of the judge declared forfeited to the town, or  
the  
22- 8 property so deposited shall have a lien against it for  
the  
22- 9 value forfeited, which lien shall be enforceable in the  
same  
22-10 manner and to the same extent as a lien for town  
property  
22-11 taxes.

22-12 (f) The municipal court shall have the same authority as  
22-13 superior courts to compel the production of evidence in  
the  
22-14 possession of any party; to enforce obedience to its  
orders,

22-15 judgments, and sentences; and to administer such oaths  
as  
22-16 are necessary.

22-17 (g) The municipal court may compel the presence of all  
22-18 parties necessary to a proper disposal of each case by  
the  
22-19 issuance of summonses, subpoenas, and warrants which may  
be  
22-20 served as executed by an officer as authorized by this  
22-21 charter or by law.

22-22 (h) Each judge of the municipal court shall be  
authorized to  
22-23 issue warrants for the arrest of persons charged with  
22-24 offenses against any ordinance of the town, and each  
judge  
22-25 of the municipal court shall have the same authority as  
a  
22-26 magistrate of the state to issue warrants for offenses  
22-27 against state laws committed within the town.

22-28 (i) The municipal court is specifically vested with all  
the  
22-29 jurisdiction and powers throughout the geographic area  
of  
22-30 this town granted by law to mayor's, recorder's and  
police  
22-31 courts, and particularly by such laws as authorize the  
22-32 abatement of nuisances and prosecution of traffic  
22-33 violations.

22-34 SECTION 4.14.

22-35 The right of certiorari from the decision and judgment  
of  
22-36 the municipal court shall exist in all criminal cases  
and  
22-37 ordinance violation cases, and such certiorari shall be  
22-38 obtained under the sanction of a judge of the Superior  
22-39 Court of Oconee County under the laws of the State of  
22-40 Georgia regulating the granting and issuance of writs of  
22-41 certiorari.

23- 1                                    SECTION 4.15.  
23- 2                                    Rules for court.

23- 3    With the approval of the town council, the judge shall  
have  
23- 4    full power and authority to make reasonable rules and  
23- 5    regulations necessary and proper to secure the efficient  
and  
23- 6    successful administration of the municipal court;  
provided,  
23- 7    however, that the town council may adopt in part or in  
toto  
23- 8    the rules and regulations applicable to superior courts.  
The  
23- 9    rules and regulations made or adopted shall be filed  
with  
23-10    the town clerk, shall be available for public  
inspection,  
23-11    and, upon request, a copy shall be furnished to all  
23-12    defendants in municipal court proceedings at least 48  
hours  
23-13    prior to said proceedings.

23-14                                    SECTION 4.16.  
23-15                                    Contracting for municipal court.

23-16    Notwithstanding any provision of this article, the Town  
of  
23-17    Bogart may contract with Oconee County for municipal  
court  
23-18    services in accordance with the Official Code of Georgia  
23-19    Annotated as now or hereafter amended.

23-20                                    Elections and removal

23-21                                    SECTION 5.10.  
23-22                                    Applicability of general law.

23-23    All primaries and elections shall be held and conducted  
in

23-24 accordance with Chapter 3 of Title 21 of the Official  
Code

23-25 of Georgia Annotated, known as the "Georgia Municipal  
23-26 Election Code," as now or hereafter amended.

23-27 SECTION 5.11.

23-28 Election of the town council and mayor.

23-29 (a) There shall be a municipal general election  
biennially

23-30 on the Tuesday following the first Monday in November.

23-31 (b) There shall be elected the mayor and two  
councilmembers

23-32 at one election. The remaining town council seats shall  
be

23-33 filled at the election alternating with the first  
election

23-34 so that a continuing body is created as provided for in  
the

23-35 initial election held under this charter pursuant to  
Section

23-36 7.12.

23-37 SECTION 5.12.

23-38 Nonpartisan elections.

-23-

24- 1 Political parties shall not conduct primaries for town  
24- 2 offices and all names of candidates for town offices  
shall

24- 3 be listed without party designations.

24- 4 SECTION 5.13.

24- 5 Election by plurality.

24- 6 The person receiving a plurality of the votes cast for  
any

24- 7 town office shall be elected.

24- 8

SECTION 5.14.

24- 9

Special elections; vacancies.

24-10 In the event that the office of mayor or councilmember shall

24-11 become vacant for any cause whatsoever, a special election

24-12 shall be held and conducted in accordance with Chapter 3 of

24-13 Title 21 of the Official Code of Georgia Annotated, known as

24-14 the "Georgia Municipal Election Code," as now or hereafter

24-15 amended.

24-16

SECTION 5.15.

24-17

Other provisions.

24-18 Except as otherwise provided in this charter, the town

24-19 council shall, by ordinance, prescribe such rules and

24-20 regulations as it deems appropriate to fulfill any options

24-21 and duties under Chapter 3 of Title 21 of the Official Code

24-22 of Georgia Annotated, known as the "Georgia Municipal

24-23 Election Code."

24-24

SECTION 5.16.

24-25

Removal of officers.

24-26 The mayor, councilmembers, or other appointed officers

24-27 provided for in this charter shall be removed from office

24-28 for any one or more of the following causes:

24-29 (1) Incompetence, misfeasance, or malfeasance in office;

24-30 (2) Conviction of a crime involving moral turpitude; or

24-31 (3) Pursuant to the terms of general law.



25-20 or offering to practice any profession or calling  
therein to  
25-21 the extent such persons have a constitutionally  
sufficient  
25-22 nexus to this town to be so taxed. The town council may  
25-23 classify businesses, occupations, professions, or  
callings  
25-24 for the purpose of such taxation in any way which may be  
25-25 lawful and may compel the payment of such taxes as  
provided  
25-26 in Section 6.18 of this charter.

25-27 SECTION 6.13.  
25-28 Licenses; permits; fees.

25-29 The town council by ordinance shall have the power to  
25-30 require any individuals or corporations who transact  
25-31 business in this town or who practice or offer to  
practice  
25-32 any professional or calling therein to obtain a license  
or  
25-33 permit for such activity from the town and pay a  
reasonable  
25-34 fee for such license or permit where such activities are  
not  
25-35 now regulated by general law in such a way as to  
preclude  
25-36 town regulations. Such fees may reflect the total cost  
to  
25-37 the town of regulating the activity and, if unpaid,  
shall be  
25-38 collected as provided in Section 6.18 of this charter.  
The  
25-39 town council by ordinance may establish reasonable  
25-40 requirements for obtaining or keeping such licenses as  
the  
25-41 public health, safety, and welfare necessitate.

26- 2 The town council shall have the power to grant franchises  
26- 3 for the use of this town's streets and alleys for the  
26- 4 purposes of railroads, street railways, telephone companies,  
26- 5 electric companies, cable television, gas companies,  
26- 6 transportation companies, and other similar organizations.  
26- 7 The town council shall determine the duration, terms,  
26- 8 whether the same shall be exclusive or nonexclusive, and the  
26- 9 consideration for such franchises; provided, however, that  
26-10 no franchise shall be granted unless the town receives just  
26-11 and adequate compensation therefor. The town council shall  
26-12 provide for the registration of all franchises with the town  
26-13 clerk in a registration book kept by the clerk. The town  
26-14 council may provide by ordinance for the registration within  
26-15 a reasonable time of all franchises previously granted.

26-16 SECTION 6.15.  
26-17 Service charges.

26-18 The town council by ordinance shall have the power to assess  
26-19 and collect fees, charges, and tolls for sewers, sanitary  
26-20 and health services, or any other services provided or made  
26-21 available inside or outside the corporate limits of the town  
26-22 for the total cost to the town of providing or making  
26-23 available such services. If unpaid, such charges shall be  
26-24 collected as provided in Section 6.18 of this charter.

26-25 SECTION 6.16.  
26-26 Special assessments.

26-27 The town council by ordinance shall have the power to  
assess  
26-28 and collect the cost of constructing, reconstructing,  
26-29 widening, or improving any public way, street, sidewalk,  
26-30 curbing, gutters, sewers, or other utility mains and  
26-31 appurtenances from the abutting property owners under  
such  
26-32 terms and conditions as are reasonable. If unpaid, such  
26-33 charges shall be collected as provided in Section 6.18  
of  
26-34 this charter.

26-35 SECTION 6.17.  
26-36 Construction; other taxes and fees.

26-37 This town shall be empowered to levy any other tax or  
fee  
26-38 allowed now or hereafter by law, and the specific  
mention of  
26-39 any right, power, or authority in this charter shall not  
be  
26-40 construed as limiting in any way the general powers of  
this  
26-41 town to govern its local affairs.

-26-

27- 1 SECTION 6.18.  
27- 2 Collection of delinquent taxes and fees.

27- 3 The town council by ordinance may provide generally for  
the  
27- 4 collection of delinquent taxes, fees, or other revenue  
due  
27- 5 the town under Sections 6.10 through 6.17 of this  
charter by  
27- 6 whatever reasonable means as are not precluded by law.  
This  
27- 7 shall include providing for the dates when the taxes or  
fees  
27- 8 are due; late penalties or interest; issuance and  
execution

27- 9 of fi. fas.; creation and priority of liens; making  
27-10 delinquent taxes and fees personal debts of the persons  
27-11 required to pay the taxes or fees imposed; revoking town  
27-12 licenses for failure to pay any town taxes or fees; and  
27-13 providing for the assignment or transfer of tax  
executions.

27-14 SECTION 6.19.  
27-15 General obligation bonds.

27-16 The town council shall have the power to issue bonds for  
the  
27-17 purpose of raising revenue to carry out any project,  
27-18 program, or venture authorized under this charter or the  
27-19 laws of the state. Such bonding authority shall be  
exercised  
27-20 in accordance with the laws governing bond issuance by  
27-21 municipalities in effect at the time said issue is  
27-22 undertaken.

27-23 SECTION 6.20.  
27-24 Revenue bonds.

27-25 Revenue bonds may be issued by the town council as state  
law  
27-26 now or hereafter provides. Such bonds are to be paid out  
of  
27-27 any revenue produced by the project, program, or venture  
for  
27-28 which they were issued.

27-29 SECTION 6.21.  
27-30 Short-term loans.

27-31 The town may obtain short-term loans and must repay such  
27-32 loans not later than December 31 of each year, unless  
27-33 otherwise provided by law.

27-34 SECTION 6.22.

27-35 The town council shall set the fiscal year by ordinance.  
27-36 This fiscal year shall constitute the budget year and  
the  
27-37 year for financial accounting and reporting of each and  
27-38 every office, department, agency, and activity of the

town  
27-39 government.

-27-

28- 1 SECTION 6.23.  
28- 2 Preparation of budgets.

28- 3 The town council shall provide an ordinance on the  
28- 4 procedures and requirements for the preparation and  
28- 5 execution of an annual operating budget, a capital  
28- 6 improvement program, and a capital budget, including  
28- 7 requirements as to the scope, content, and form of such  
28- 8 budgets and programs.

28- 9 SECTION 6.24.  
28-10 Submission of operating budget to town council.

28-11 On or before a date fixed by the town council, but not  
later  
28-12 than 45 days prior to the beginning of each fiscal year,  
the  
28-13 mayor shall submit to the town council a proposed  
operating  
28-14 budget for the ensuing fiscal year. The budget shall be  
28-15 accompanied by a message from the mayor containing a  
28-16 statement of the general fiscal policies of the town,  
the  
28-17 important features of the budget, explanations of major  
28-18 changes recommended for the next fiscal year, a general  
28-19 summary of the budget, and such other comments and  
28-20 information as the mayor may deem pertinent. The  
operating  
28-21 budget and the capital improvements budget, the budget  
28-22 message, and all supporting documents shall be filed in  
the  
28-23 office of the town clerk and shall be open to public  
28-24 inspection.

28-25 SECTION 6.25.  
28-26 Action by town council on budget.

28-27 (a) The town council may amend the operating budget  
proposed  
28-28 by the mayor, except that the budget as finally amended  
and  
28-29 adopted must provide for all expenditures required by  
state  
28-30 law or by other provisions of this charter and for all  
debt  
28-31 service requirements for the ensuing fiscal year. The  
total  
28-32 appropriations from any fund shall not exceed the  
estimated  
28-33 fund balance, reserves, and revenues.

28-34 (b) The town council by ordinance shall adopt the final  
28-35 operating budget for the ensuing fiscal year not later  
than  
28-36 the first day of April each year. If the town council  
fails  
28-37 to adopt the budget by this date, the amounts  
appropriated  
28-38 for operation for the current fiscal year shall be  
deemed  
28-39 adopted for the ensuing year on a month-to-month basis,  
with  
28-40 all items prorated accordingly until such time as the  
town  
28-41 council adopts a budget for the ensuing fiscal year.  
28-42 Adoption of the budget shall take the form of an  
28-43 appropriations ordinance setting out the estimated  
revenues

29- 1 in detail by sources and making appropriations according  
to  
29- 2 fund and by organizational unit, purpose, or activity as  
set  
29- 3 out in the budget preparation ordinance adopted pursuant  
to  
29- 4 Section 6.23 of this charter.

29- 5

SECTION 6.26.

29- 6 Following adoption of the operating budget, the town  
council  
29- 7 shall levy by ordinance such taxes as are necessary.  
The  
29- 8 taxes and tax rates set by such ordinance shall be such  
that  
29- 9 reasonable estimates of revenues from such levy shall at  
29-10 least be sufficient, together with other anticipated  
29-11 revenues, fund balances, and applicable reserves, to  
equal  
29-12 the total amount appropriate for each of the several  
funds  
29-13 set forth in the annual operating budget for defraying  
the  
29-14 expenses of the general government of this town.

29-15

SECTION 6.27.

29-16

Changes in appropriations.

29-17 The town council by ordinance may make changes in the  
29-18 appropriations contained in the current operating budget  
at  
29-19 any regular meeting, special meeting, or emergency  
meeting  
29-20 called for such purpose, but any additional  
appropriations  
29-21 may be made only from an existing unexpended surplus.

29-22

SECTION 6.28.

29-23

Capital improvements budget.

29-24 (a) On or before the date fixed by the town council but  
no  
29-25 later than 45 days prior to the beginning of each fiscal  
29-26 year, the mayor shall submit to the town council a  
proposed  
29-27 capital improvements budget with his or her  
recommendations  
29-28 as to the means of financing the improvements proposed  
for  
29-29 the ensuing fiscal year. The town council shall have  
power  
29-30 to accept, with or without amendments, or reject the

29-31 proposed program and proposed means of financing. The  
town  
29-32 council shall not authorize an expenditure for the  
29-33 construction of any building, structure, work, or  
29-34 improvement unless the appropriations for such project  
are  
29-35 included in the capital improvements budget, except to  
meet  
29-36 a public emergency as provided in Section 2.24.

29-37 (b) The town council shall adopt by ordinance the final  
29-38 capital improvements budget for the ensuing fiscal year  
not  
29-39 later than the first day of April of each year. No  
29-40 appropriation provided for in a prior capital  
improvement  
29-41 budget shall lapse until the purpose for which the

-29-

30- 1 appropriation was made shall have been accomplished or  
30- 2 abandoned; provided, however, that the mayor may submit  
30- 3 amendments to the capital improvements budget at any  
time  
30- 4 during the fiscal year, accompanied by his or her  
30- 5 recommendations. Any such amendments to the capital  
30- 6 improvements budget shall become effective only upon  
30- 7 adoption by ordinance.

30- 8 SECTION 6.29.  
30- 9 Independent audit.

30-10 There shall be an annual independent audit of all the  
town  
30-11 accounts, funds, and financial transactions by a  
certified  
30-12 public accountant selected by the town council. The  
audit  
30-13 shall be conducted according to generally accepted  
auditing  
30-14 principles. Any audit of any funds by the state or  
federal

30-15 governments may be accepted as satisfying the  
requirements  
30-16 of this charter. Copies of all audit reports shall be  
30-17 available at printing costs to the public.

30-18 SECTION 6.30.  
30-19 Contracting procedures.

30-20 No contract with the town shall be binding on the town  
30-21 unless:

30-22 (1) It is in writing;

30-23 (2) It is drawn by or submitted and reviewed by the  
town  
30-24 attorney and, as a matter of course, it is signed by  
the  
30-25 town attorney to indicate such drafting or review;  
and

30-26 (3) It is made or authorized by the town council,  
and  
30-27 such approval is entered in the town journal of  
30-28 proceedings pursuant to Section 2.21 of this  
charter.

30-29 SECTION 6.31.  
30-30 Centralized purchasing.

30-31 The town council shall by ordinance prescribe procedures  
for  
30-32 a system of centralized purchasing for the town.

30-33 SECTION 6.32.  
30-34 Sale of town property.

30-35 (a) The town council may sell and convey any real or  
30-36 personal property owned or held by the town for  
governmental  
30-37 or other purposes as now or hereafter provided by law.

30-38 (b) The town council may quitclaim any rights it may  
have in  
30-39 property not needed for public purposes upon report by  
the  
30-40 mayor and adoption of a resolution, both finding that

the

31- 1 property is not needed for public or other purposes and  
that

31- 2 the interest of the town has no readily ascertainable

31- 3 monetary value.

31- 4 (c) Whenever in opening, extending, or widening any  
street,

31- 5 avenue, alley, or public place of the town, a small  
parcel

31- 6 or tract of land is cut off or separated by such work  
from a

31- 7 larger tract or boundary of land owned by the town, the  
town

31- 8 council may authorize the mayor to execute and deliver  
in

31- 9 the name of the town a deed conveying said cut-off or

31-10 separated parcel or tract of land to an abutting or

31-11 adjoining property owner or owners in exchange for

31-12 rights-of-way of said street, avenue, alley, or public  
place

31-13 when such swap is deemed to be in the best interest of  
the

31-14 town. All deeds and conveyances heretofore and  
hereafter so

31-15 executed and delivered shall convey all title and  
interest

31-16 the town has in such property, notwithstanding the fact  
that

31-17 no public sale after advertisement was or is hereafter  
made.

31-18 General provisions

31-19 SECTION 7.10.

31-20 Bonds for officials.

31-21 The officers and employees of this town, both elective  
and

31-22 appointive, shall execute such surety or fidelity bonds  
in  
31-23 such amounts and upon such terms and conditions as the  
town  
31-24 council shall from time to time require by ordinance or  
as  
31-25 may be provided by law.

31-26 SECTION 7.11.  
31-27 Prior ordinances.

31-28 All ordinances, resolutions, rules, and regulations now  
in  
31-29 force in the town not inconsistent with this charter are  
31-30 hereby declared valid and of full effect and force until  
31-31 amended or repealed by the town council.

31-32 SECTION 7.12.  
31-33 First election under this charter.

31-34 The first municipal election under this charter shall be  
31-35 conducted on the Tuesday following the first Monday in  
31-36 November, 1999, at which a mayor and two councilmembers  
31-37 shall be elected for a term of four years.

31-38 SECTION 7.13.  
31-39 Existing personnel and officers.

32- 1 Except as specifically provided otherwise by this  
charter,  
32- 2 all personnel and officers of the town and their rights,  
32- 3 privileges, and powers shall continue beyond the time  
this  
32- 4 charter takes effect for a period of 365 days before or  
32- 5 during which the existing town council shall pass a  
32- 6 transition ordinance detailing the changes in personnel  
and  
32- 7 appointed officers required or desired and arranging  
such

32- 8 titles, rights, privileges, and powers as may be required or

32- 9 desired to allow a reasonable transition.

32-10 SECTION 7.14.

32-11 Pending matters.

32-12 Except as specifically provided otherwise by this charter,

32-13 all rights, claims, actions, orders, contracts, and legal or

32-14 administrative proceedings shall continue, and any such

32-15 ongoing work or cases shall be completed by such town

32-16 agencies, personnel, or offices as may be provided by the

32-17 town council.

32-18 SECTION 7.15.

32-19 Construction.

32-20 (a) Section captions in this charter are informative only

32-21 and are not to be considered as a part thereof.

32-22 (b) The word "shall" is mandatory, and the word "may" is

32-23 permissive.

32-24 (c) The singular shall include the plural, the masculine

32-25 shall include the feminine, and vice versa.

32-26 SECTION 7.16.

32-27 Severability.

32-28 If any article, section, subsection, paragraph, sentence, or

32-29 part thereof of this charter shall be held to be invalid or

32-30 unconstitutional, such invalidity or unconstitutionality

32-31 shall not affect or impair other parts of this charter

32-32 unless it clearly appears that such other parts are wholly

32-33 and necessarily dependent upon the part held to be invalid

32-34 or unconstitutional, it being the legislative intent in

32-35 enacting this charter that each article, section,

32-36 subsection, paragraph, sentence or part thereof be

enacted

32-37 separately and independently of each other.

32-38

SECTION 7.17.

32-39

Specific repealer.

32-40 An Act incorporating the Town of Bogart in the County of

32-41 Oconee, approved August 24, 1905 (Ga. L. 1905, p.670),

as

-32-

33- 1 amended, is repealed in its entirety and all amendatory  
acts

33- 2 thereto are likewise repealed in their entirety.

33- 3

SECTION 7.18.

33- 4

Effective date.

33- 5 This charter shall become effective on July 1, 1998.

33- 6

SECTION 7.19.

33- 7

General repealer.

33- 8 All laws and parts of laws in conflict with this Act are

33- 9 repealed.

*Clerk of the House*  
*Robert E. Rivers, Jr., Clerk*  
*Last Updated on 04/28/98*

ML>