

CHARTER

ARTICLE I. INCORPORATION AND POWERS

Sec. 1.01. Incorporation; name; style; designation; authority as body politic and corporate.

The Town of Turin, in Coweta County, heretofore made a body politic and corporate by Acts of the General Assembly of the State of Georgia, under the name of the Town of Turin, shall continue as a body politic and corporate, known by the corporate name of the "Town of Turin," hereinafter also referred to as "the Town." As a body politic and corporate, the Town shall have authority to govern itself and its inhabitants by such ordinances, resolutions, rules, regulations and bylaws for municipal purposes as may be adopted and promulgated under the terms and provisions of this charter, not in conflict with the Constitution or laws of this state or of the United States, with authority in and by its corporate name to sue and be sued, plead and be impleaded in all courts, and have and use a common seal, buy, hold, exchange, sell and convey property, make all necessary and lawful contracts, transact all of its business, and do all other things necessary to promote the municipal corporate purposes of said Town. Said corporation, through its Town council, shall have all of the authority, powers and privileges incident to municipal corporations under the laws of the State of Georgia, and all other authority necessary and proper to make, regulate, maintain, and preserve a proper and legal government for said Town.

Sec. 1.02. Corporate boundaries.

The corporate limits of the Town shall be as described below:

- (a) The boundaries of this Town shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this Town 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: "Official Map of the Corporate Limits of the Town of Turin, Georgia." Photographic, typed, or other copies of such map or description certified by the Town clerk shall be admitted as 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 to reflect lawful changes in the corporate boundaries. The redrawn map shall supersede for all purposes the entire map or maps which it is designated to replace.

Sec. 1.03. Government composition and election.

The legislative authority of the government of the Town of Turin shall be vested in a mayor and four Town council members, who shall be elected in the manner provided by Article IV of this charter.

Sec. 1.04. Vesting of rights, etc.

All properties, titles, easements, hereditaments, privileges, and related rights and powers belonging or in any way appertaining to the Town of Turin as heretofore incorporated, are hereby vested absolutely in the Town of Turin, incorporated under this Act in the same manner and to the same extent as they were had by said former Town.

Sec. 1.05. Assumption of debts, etc.

The Town of Turin, created by this Act, is hereby made responsible as a corporate body for all legal debts, liabilities, and undertakings of said Town as heretofore incorporated.

Sec. 1.06. Existing ordinances.

All ordinances, bylaws, rules, and regulations, now in force in the Town, not inconsistent with this charter, are hereby declared valid and of force and effect until amended or repealed by the Town council.

Sec. 1.07. Continuation in office of mayor, council members, and other officers.

The mayor and council members who are serving in these offices of the Town at the time of the approval of this charter shall continue to serve in their respective offices for and during the full terms for which they were elected. All elected officers shall continue in office until their successors are elected and qualified.

Sec. 1.08. Vacancy in office on moving from Town.

The removal of the mayor or any council member from within the limits of the Town shall automatically vacate the office he or she may hold and said vacancy shall be filled as provided for in this charter.

Sec. 1.09. Conflict of interests.

- (a) No elected official of the Town shall have any interest in any contract, either directly or indirectly, to which the Town is a party; neither shall any member of the council be allowed to vote upon any question that he or she has any personal interest in whatever, but this section shall not be construed to prevent the council from voting a member reasonable compensation for expense incurred by such member in performing the duties required as a member of council.
- (b) No person holding any office in the Town shall, during the time for which he or she was elected or appointed, be capable of contracting with the Town or its fully constituted officers, for the performance of any work or services or the sale of any goods, which is to be paid for out of the treasury, nor shall any such person be capable of holding or having any interest in such contract, either by himself or herself or by another, directly or indirectly.

ARTICLE II. TOWN COUNCIL AND MAYOR**Sec. 2.01. Composition.**

The governing body of the Town shall be the mayor and four council members, in which is vested all corporate, legislative, and other powers of the Town, except as otherwise provided in this charter.

Sec. 2.02. Qualifications of mayor and council member.

To be eligible for the office of mayor or council member, a person shall be at least 21 years of age, shall be registered and qualified to vote in municipal elections of the Town, shall meet the requirements of the laws of the State of Georgia to hold civil office, and shall have been a bona fide resident of the Town for at least one year next preceding the election in which he or she offers as a candidate and shall continue to reside therein during the term of office.

State law reference(s)—Age of majority, O.C.G.A. § 39-1-1.

Sec. 2.03. Holding other office; voting when personally interested.

- (a) 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 such member was elected.
- (b) Neither the mayor nor any other member of the council shall vote upon any question in which he or she is personally interested.

Sec. 2.04. Organization meeting; official oaths; mayor pro tempore.

The mayor and council shall meet and hold an organizational meeting at the first regular meeting in January. The meeting shall be called to order by the Town clerk and the oath of office shall be administered by the Town attorney to the newly elected members as follows:

"I do solemnly swear that I will well and truly perform the duties of the Town and that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America." Following the induction of members, the council by majority vote of all the members thereof shall elect one of their number to be mayor pro tempore, who shall serve for a term of one year and until his or her successor is elected and qualified.

State law reference(s)—Official oaths and commissions, O.C.G.A. § 45-3-1 et seq.

Sec. 2.05. Meetings, regular and special.

- (a) The council shall hold regular meetings at such times and places as prescribed by ordinance. The council may recess any regular meeting and continue such meetings on any weekday or hour it may fix prior to recess of said regular meeting, and may transact any business at such continued meeting as may be transacted at any regular meeting.
- (b) Special meetings of the council may be held on call of the mayor or three members of the council. Notice of such special meetings shall be served on all other members personally, or by telephone personally, or shall be left at their residence at least eight hours in advance of the meeting. Such notice shall not be required if the mayor and all council members are present when the special meeting is called. Notice of any special meeting may be waived in writing before or after such 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, excluding the final passage of an ordinance previously introduced.

State law reference(s)—Open meetings, O.C.G.A. § 50-14-1 et seq.

Sec. 2.06. Compelling attendance.

The council may adopt procedures and penalties for compelling the attendance of absent members.

Sec. 2.07. Rules of procedure; journal.

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. 2.08. Quorum; voting.

Three council members 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, electronic vote recording, or show of hands, and the ayes and nays shall be recorded in the journal, but any member of the council shall have the right to request a roll call vote. The affirmative vote of three council members shall be required for the adoption of any ordinance, resolution, or motion except as otherwise provided in this charter. In the absence of the mayor, the presence of the mayor pro tempore shall count for the purposes of both quorum and number of votes required for action.

Sec. 2.09. Salaries; reimbursement of expenses.

The salaries of the mayor and each council member shall be as prescribed by ordinance, subject to any limitations on the taking effect of same as prescribed by law. The council may also provide by ordinance for the reimbursement of expenses incurred in the performance of their official duties as mayor and council members.

State law reference(s)—Municipality may fix salary and compensation of members, O.C.G.A. § 36-35-4.

Sec. 2.10. Removal from office; procedure.

- (a) The mayor or any council member shall be subject to removal from office for any one or more of the following causes:
 - (1) Incompetence, misfeasance, or malfeasance in office;
 - (2) Conviction of a crime involving moral turpitude;
 - (3) Failure at any time to possess any of the qualifications of office as provided by this charter or by law;
 - (4) Willful violation of any express prohibition of this charter;
 - (5) Abandonment of office or neglect to perform therein; or
 - (6) Failure for any other cause to perform the duties of office as required by this charter or by law.
- (b) Removal of an elected officer from office may be accomplished by one of the following methods:
 - (1) By action of a two-thirds' 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 no less than ten days after the service of such written notice. Any elected officer sought to be removed from office as herein provided shall have the right of appeal from the decision of the council to the Superior Court of Coweta County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or
 - (2) By information filed in the Superior Court of Coweta County as provided by law.

Sec. 2.11. Vacancy; forfeiture of office; filling of vacancies.

- (a) The office of mayor or council member 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 this state.
- (b) The mayor or any council member shall forfeit his or her office if he or she:
 - (1) Lacks at any time during his or her term of office any qualifications of the office as prescribed by this charter or the laws of this state; or

- (2) Is convicted of a felony involving moral turpitude.
- (c) A vacancy in the office of mayor or council member shall be filled for the remainder of the unexpired term, if any, as follows:
 - (1) If the vacancy occurs more than 27 months prior to the expiration of the term of office of the seat vacated, then such vacancy shall be filled for the unexpired term of office at a special election to be held on the same date as the next general municipal election; and in this case the remaining members of the council shall, by majority vote of those present and voting, select a qualified person to fill the vacancy until the person elected at such special election takes office; or
 - (2) If the vacancy does not occur more than 27 months prior to the date of the general municipal election at which a successor to the office will be elected to a new full term of office, then the remaining members of the Town council shall, by majority vote of those present and voting, select a qualified person to serve for the remainder of the unexpired term.

Sec. 2.12. Duties generally.

The members of the Town council shall meet at each of the regular meetings and at all special or called meetings, unless providentially prevented from attending, and shall devote as much time as may be necessary to the legislative matters of the Town and attend to legislative affairs of the Town, and shall perform such other duties as are now required of them by law or ordinances or by this charter.

Sec. 2.13. Inquiries and investigations.

The council may make inquiries and investigations into the 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. Enforcement of issues regarding subpoenas or production of evidence shall be by the judge of the State Court of Coweta County, Georgia, upon petition by the Town or any other party in interest.

Sec. 2.14. Powers and duties of the mayor.

The mayor shall be the chief executive officer of the Town government, presiding officer of the Town council, and responsible for the enforcement of laws, rules, regulations, ordinances, and franchises in the Town. The mayor shall have such powers and duties as may be provided by ordinance not inconsistent with this charter. The mayor shall vote on matters before the Town council only in case of a tie, and shall have the right to veto any ordinance or resolution if, in the mayor's judgment, such is not in the best interest of the Town. The mayor shall have the authority to appoint committees of the council, to investigate the various departments, and to supervise the policy formulation of the various departments, if he or she so elects.

Sec. 2.15. Town legislation; general authority.

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, or the Constitution and the laws of this state, 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, and may enforce the same by imposing penalties for violation thereof.

Sec. 2.16. Same; enactment and enrollment of measures.

- (a) Except as herein provided, every official action of the council which is to become law shall be introduced in writing and in the form required for final adoption and approved in form by the Town attorney. No ordinance

shall contain a subject which is not expressed in its title, except that an ordinance adopting a code of ordinances or a published code may do so by reference, and this requirement shall be deemed to have been met without enumerating the various matters contained in such codes. The enacting clause shall be "The Council of the Town of Turin 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; provided, however, that ordinances, except emergency ordinances, shall not be adopted until the next regular meeting of the council following the meeting of their initial introduction. No ordinance shall be considered for final adoption unless two weeks have elapsed since the introduction of the ordinance. Upon the introduction of any ordinance, the Town clerk shall distribute a copy to the mayor, and to each council member, and shall file a reasonable number of copies in the office of the Town clerk and at such other public places as the council may designate.
- (c) To meet a public emergency affecting life, health, property, or public peace, the council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services, or authorize the borrowing of money except as provided by law. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least three council members shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 60 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section for adoption of emergency ordinances.
- (d) Signing, authenticating, recording, codification, printing.
 - (1) The Town clerk shall authenticate by signature and record in a properly indexed book kept for the purpose of all ordinances adopted by council. Every ordinance shall be signed by the mayor as a matter of course after adoption.
 - (2) The council shall provide for the preparation of a general codification of all of the ordinances of the Town having the force and effect of law. The general codification shall be adopted by the council and shall be published promptly, together with this charter and any amendment thereto, and such codes of technical regulations and other rules and regulations as the Town council may specify. This compilation shall be known as and cited officially as "The Code of the Town of Turin, Georgia." Copies of the Code shall be furnished or access thereto provided to all officers, departments, and agencies of the Town and made available for purchase by the public.
- (e) The mayor, within seven calendar days of receipt of an ordinance, shall return it to the Town clerk with or without the mayor's approval, or with the mayor's disapproval. If the ordinance has been approved by the mayor, it shall become law upon its return to the Town clerk; if the ordinance is neither approved nor disapproved, it shall become law at 12:00 Noon on the seventh calendar day after its adoption; if the ordinance is disapproved, the mayor shall submit to the council through the Town clerk a written statement of the reasons for the mayor's veto. The Town clerk shall record upon the ordinance the date and time of its delivery to and receipt from the mayor. Ordinances vetoed by the mayor shall be presented by the Town clerk to the council at its next regular meeting and should the council then or at its next regular meeting adopt the ordinance by affirmative vote of four members, or three members if any member of the council abstains or is absent, it shall become law.

Sec. 2.17. Boards, etc.

The Town council shall have the power and authority to establish, appoint, and maintain such boards, commissions, and committees as in its judgment the needs of the Town require. For all instances in which the mayor alone, or the mayor and council, have the authority to appoint a member to a board, agency, authority, or other instrumentality or committee, the mayor alone, or mayor and council, may remove any such member from said office at their pleasure, with or without cause.

ARTICLE III. CORPORATE POWERS

Sec. 3.01. Powers and construction.

- (a) This Town shall have all powers possible for a Town to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter. This Town shall have all the powers of self-government not otherwise prohibited by this charter or by general law.
- (b) The powers of this Town shall be construed liberally in favor of the Town. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this Town.

Sec. 3.02. Examples of powers.

- (a) To regulate and license or to prohibit the keeping or running at-large of animals and fowl, and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted hereunder;
- (b) 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;
- (c) To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, fire safety, electrical, gas, and heating and air conditioning codes; and to regulate all housing, and building trades;
- (d) To levy and to provide for the collection of regulatory fees and taxes on privileges, occupations, trades, and professions as authorized by Title 48 of the Official Code of Georgia Annotated, or other such applicable laws as are or may hereafter be enacted; to permit and regulate the same; to provide for the manner and method of payment of such regulatory fees and taxes; and to revoke such permits after due process for failure to pay any Town taxes or fees;
- (e) 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, utilizing procedures enumerated in Title 22 of the Official Code of Georgia Annotated, Title 32 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;
- (f) To enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations;
- (g) 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;

- (h) To protect and preserve the natural resources, environment, and vital areas of the Town, the region, and this state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of stormwater and establishment of a stormwater utility, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;
- (i) To fix and establish fire limits and from time to time to extend, enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to firefighting; and to prescribe penalties and punishment for violations thereof;
- (j) 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;
- (k) To define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the inhabitants of the Town, and to provide for the enforcement of such standards;
- (l) To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to 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;
- (m) To prescribe standards of health and sanitation and to provide for the enforcement of such standards;
- (n) To provide that persons given jail sentences in the Town's court may work out such sentences in any public works or on the streets, roads, drains, and other public property in the Town, to provide for commitment of such persons to any jail, to provide for the use of pretrial diversion and any alternative sentencing allowed by law, or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;
- (o) 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;
- (p) 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 the same;
- (q) 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;
- (r) To acquire, dispose of, lease, 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;
- (s) 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;
- (t) 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, stormwater management, gas works, electric light plants, cable television and other telecommunications, transportation facilities, public airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties, and to provide for the withdrawal of service for refusal or failure to pay the same;
- (u) To define a nuisance and provide for its abatement whether on public or private property;

- (v) To provide penalties for violation of any ordinances adopted pursuant to the authority of this charter and the laws of the State of Georgia;
- (w) To provide comprehensive Town planning for development by zoning; and to provide subdivision regulation and the like as the Town council deems necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;
- (x) To exercise the power of arrest through duly appointed police officers, and to establish, operate, or contract for a police and a firefighting agency;
- (y) To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;
- (z) 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, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities; and to provide any other public improvements, inside or outside the corporate limits of the Town; to regulate the use of public improvements; and for such purposes, property may be acquired by condemnation under Title 22 of the Official Code of Georgia Annotated, Title 32 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;
- (aa) To provide for the prevention and punishment of loitering, disorderly conduct, drunkenness, riots, and public disturbances;
- (bb) To organize and operate such public transportation systems as are deemed beneficial;
- (cc) To grant franchises or make contracts for, or impose taxes on public utilities and public service companies; and 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 valid regulations of the Public Service Commission;
- (dd) To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within view thereof, within or abutting the corporate limits of the Town; and to prescribe penalties and punishment for violation of such ordinances;
- (ee) To provide and maintain a retirement plan and other employee benefit plans and programs for officers and employees of the Town;
- (ff) To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the Town; and to grant franchises and rights-of-way throughout the streets and roads, and over the bridges and viaducts for the use of public utilities; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands, and to impose penalties for failure to do so;
- (gg) 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 those to whom sewers and sewerage systems are made available a sewer service fee, charge or sewer tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose, and collect a sewer connection fee or fees to those connected with the system;

- (hh) 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;
- (ii) To regulate or prohibit the manufacture and sale of intoxicating liquors; to regulate the transportation, storage, and use of combustible, explosive, and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of junk dealers, peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxation or otherwise; to license and tax professional fortunetelling, palmistry, and massage parlors; and to restrict adult bookstores to certain areas;
- (jj) To levy and provide for the collection of special assessments to cover the costs for any public improvements;
- (kk) To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;
- (ll) To levy and collect such other taxes as may be allowed now or in the future by law;
- (mm) To organize and operate an urban redevelopment program;
- (nn) 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 or desirable to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated herein; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

State law reference(s)—Loitering ordinance, O.C.G.A. § 16-11-36; local traffic powers, O.C.G.A. § 40-6-370 et seq.; abatement of nuisances generally, O.C.G.A. § 41-2-1 et seq.; ad valorem taxes, O.C.G.A. § 48-5-1 et seq.

Sec. 3.03. 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. 3.04. 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 provisions therefor, 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 this state.

ARTICLE IV. ELECTIONS

Sec. 4.01. Election of mayor and Town council.

- (a) There shall be a municipal general election biennially in the odd years on the Tuesday next following the first Monday in November.
- (b) The mayor and those members of the Town council who are serving as such on the effective date of this charter and any person selected to fill a vacancy in any such offices shall continue to serve as provided for in this section.
- (c) There shall be elected the mayor and the council members for Post 1 and Post 2 at the 2017 election, with the remaining Town council seats to be filled at the following election so that a continuing body is created. Terms shall be for four years.

Sec. 4.02. Nonpartisan elections.

Political parties shall not conduct primaries for Town offices and all names of candidates for Town offices shall be listed without party designations.

Sec. 4.03. Election by plurality.

The person receiving a plurality of the votes cast for any Town office shall be elected.

Sec. 4.04. Conduct of elections generally.

Town elections shall be conducted as provided for in Georgia law.

ARTICLE V. ADMINISTRATION

Sec. 5.01. Continuation of existing organization.

The administrative service of the Town shall continue as presently organized, except as otherwise provided in this charter, and except as otherwise provided hereafter by ordinance.

Sec. 5.02. Establishing administrative and service departments.

- (a) The council by ordinance 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 existing departments, offices, and agencies or of any departments, offices, and agencies herein or 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 ordinance of the council. Each department shall consist of such officer, employees, and positions as may be provided by this charter or by ordinance, and shall be subject to the general supervision and guidance of the Town manager and council.

Sec. 5.03. Town clerk.

The Town council shall appoint a Town clerk who shall serve at the pleasure of the council and be under the direct supervision and control of the Town manager who shall direct and supervise the day to day activities of the Town clerk. The Town clerk shall be responsible for keeping and preserving the Town seal and all records of the council; attending meetings of the council and keeping a journal of the proceedings at such meetings, including the names of members present and absent, the vote of each member on each question, each motion considered, and the text of each resolution or ordinance considered; preparing and certifying copies of official records in his or her office, for which fees may be prescribed by ordinance; and performing such other duties as may be required by the council or the Town manager.

Sec. 5.04. Town attorney.

The Town council shall appoint a Town attorney and assistant Town attorneys if necessary, who shall serve at the pleasure of the council. The Town attorney may be responsible for representing and defending the Town in all litigation in which the Town is a party; may at the discretion of the council be the prosecuting officer in the municipal court; shall attend the meetings of the council as directed; shall advise the council, Town manager, other officers and employees of the Town, concerning legal aspects of the Town's affairs; and shall perform such other duties as provided by the council.

Sec. 5.05. Personnel policies.

The council shall adopt rules and regulations consistent with this charter concerning:

- (1) The method of employee selection and probationary periods of employment;
- (2) The administration of the position classification and pay plan, methods of promotion and application of service ratings thereto, and transfer of employees within the classification plan;
- (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and the order and manner in which layoff shall be effected; and
- (4) Such other personnel policies as may be necessary to provide for adequate and systematic handling of the personnel affairs of the Town.

ARTICLE VI. MUNICIPAL COURT

Sec. 6.01. Creation; name.

There shall be a court to be known as the Municipal Court of the Town of Turin.

Sec. 6.02. Chief judge; associate judge.

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

- (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall have attained the age of 21 years, shall be a member of the State Bar of Georgia, and shall possess all qualifications required by law. All judges shall be appointed by the Town council and shall serve until a successor is appointed and qualified.
- (c) Compensation of the judges shall be fixed by resolution of the mayor and council or as contained within the Town budget.
- (d) Judges serve at-will and may be removed from office at any time by the Town council unless otherwise provided by ordinance.
- (e) Before assuming office, each judge shall take an oath that the judge will honestly and faithfully discharge the duties of the office to the best of that person's ability and without fear, favor, or partiality.

Sec. 6.03. Convening.

The municipal court shall be convened at regular intervals as provided by ordinance.

Sec. 6.04. Jurisdiction; powers.

- (a) The municipal court shall have jurisdiction and authority to try and punish violations of this charter, all Town ordinances, and such other violations as provided by law.
- (b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$200.00 or ten days in jail.
- (c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$500.00 or imprisonment for 60 days or both such fine and imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as now, or hereafter, provided by law.
- (d) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court, and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for that person's appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at such time, and an execution issued thereon by serving the defendant and the defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the Town, 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.
- (e) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments, and sentences; and to administer such oaths as are necessary.
- (f) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by any officer as authorized by this charter or by law.
- (g) Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the Town, and each judge of the municipal court shall have the same authority as a magistrate of this state to issue warrants for offenses against state laws committed within the Town.

Sec. 6.05. Certiorari.

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

Sec. 6.06. Rules for court.

With the approval of the Town 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 Town council may adopt in part or in toto the rules and regulations applicable to municipal courts. The rules and regulations made or adopted 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.

ARTICLE VII. FINANCE AND TAXATION

Sec. 7.01. 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 office, department, or institution, agency, and activity of the Town government, unless otherwise provided by state or federal law.

Sec. 7.02. Official bonds.

The officers and employees of the Town, both elected and appointed, shall execute such official bonds in such amounts and upon such terms and conditions as the council may from time to time require.

Sec. 7.03. Submission of operating budget to Town council.

On or before a date fixed by the Town council, the mayor shall submit to the Town council a proposed operating budget for the ensuing 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 pertinent comments and information. The operating budget and the capital 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.

Sec. 7.04. Action by council on a budget.

- (a) The Town 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 state 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.
- (b) The Town council shall adopt the final operating budget for the ensuing fiscal year not later than the 30th day of June of each year, or as otherwise required by Georgia law. If the Town 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 Town council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance or resolution setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity.

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

Sec. 7.05. Town depositories.

The Town council, in its discretion, may, from time to time, name and appoint as Town depositories of Town funds any bank or trust company which has its deposits insured by the Federal Deposit Insurance Corporation. At such time as an act becomes effective providing that banks and savings and loan associations shall be taxed in the same manner as other corporations are taxed, the Town council may also name and appoint as Town depositories of Town funds any building and loan association or federal savings and loan association which has its deposits insured by the Federal Savings and Loan Insurance Corporation.

Sec. 7.06. Contracting procedures.

All formal contracts shall be made or authorized by the council, and no contracts shall bind the Town 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 Town attorney or shall be submitted to him or her before authorization by council.

Sec. 7.07. Ad valorem taxes; authority to levy.

The council shall be authorized to levy an ad valorem tax not to exceed 15 mills on all real and personal property within the corporate limits of the Town for the purpose of raising revenue to pay the cost of ordinary current expenses and for any other purpose now or hereafter authorized by the Constitution and laws of this state, but not including principal and interest on general obligation bonds.

Sec. 7.08. Same; assessment.

All property subject to taxation for state or county purposes, assessed as of January first in each year, shall be subject to the property tax levied by the Town. The council may elect to use the county assessment for the year in which the Town taxes are to be levied and shall request the county to furnish appropriate information for such purpose.

Sec. 7.09. Tax due dates and bills.

The council shall provide when the taxes of the Town shall be paid, and when, how, and upon what terms such taxes shall be due and payable, as well as authorizing the voluntary payment of taxes prior to the time when due. The council may contract with the Coweta County Tax Commissioner to undertake such reasonable duties as are required in the collection of taxes.

Sec. 7.10. Collection of delinquent taxes and fees.

The Town council, by ordinance, may provide generally for the collection of delinquent taxes, fees, or other revenue due the Town under Sections 7.8 through 7.10 by whatever reasonable means as are not precluded by

law. This shall include providing for the dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi.fa.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking Town permits for failure to pay any Town taxes or fees; and providing for the assignment or transfer of tax executions.

State law reference(s)—Penalty and interest on failure to file return or pay revenue held in trust for state; penalty and interest on willful failure to pay ad valorem tax; distribution of penalties and interest, O.C.G.A. § 48-2-44.

Sec. 7.11. Payment of taxes.

The council shall have the power and authority to provide by ordinance when the taxes of the Town shall fall due, and in what length of time said taxes may be paid, when tax executions shall be issued against all persons who have not paid their taxes by the time fixed by ordinance, and to fix a penalty for the nonpayment of taxes when due, and to charge lawful interest from due date until said taxes are paid. The council shall have authority to provide by ordinance for the payment of taxes due to the Town and to provide when and how and upon what terms such taxes shall be due and payable; and to authorize the payment of taxes prior to the time when due and allow discounts upon anticipated payments, and in general to fix the terms and methods of payment, and collection of Town taxes, in such manner as the council may determine.

Sec. 7.12. Cost of issuing summonses; executions; processes; subpoenas.

The cost of issuing, serving, or executing all summonses, executions, processes, writs, or subpoenas shall be the same as now allowed sheriffs for like service and where they are issued shall be paid into the Town treasury.

Sec. 7.13. General obligation bonds.

The council shall have the power to issue bonds for purpose of raising revenue to carry out any project, program, or venture authorized under this charter or the general laws of this 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. 7.14. Revenue bonds.

Revenue bonds may be issued by the council as provided by an Act of the General Assembly of Georgia, approved March 31, 1937, known as the Revenue Bond Law (now O.C.G.A. Section 36-82-60 et seq.), as now or hereinafter amended, or by any other law of this state as now or hereafter provided.

Sec. 7.15. Failure of bonds to carry; new election.

If the election provided for shall be against the issue of bonds, the council may at any time after expiration of six months from the date of the first election order another election on the issuance of said bonds.

Sec. 7.16. Short-term loans.

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

Sec. 7.17. Lease-purchase contracts.

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

ARTICLE VIII. PUBLIC IMPROVEMENTS; UTILITIES; SERVICES**Sec. 8.01. Paving; railroad crossings; performing and assessing cost.**

The council shall have power and authority to pave or provide for the paving of railroad crossings within the Town and other portions of any street therein, and to assess the cost therefor, or any part thereof, against the owner of the roadbed and the adjoining property, and issue executions to enforce the payment of the same.

Sec. 8.02. Extension of utilities beyond Town.

For the purpose of the preservation of the health and comfort of the people, and of the inhabitants of the Town, the council is empowered to extend the Town system of sewerage, lights, water, and gas, beyond the limits of the Town, and prescribe provisions as to the construction of and maintenance of such systems, and shall have the right to obtain by purchase, gift, or condemnation such rights-of-way and easements as may be necessary for that purpose as is provided in this charter. All rights, powers, and authority previously granted to the Town with reference to the system of water works, sewerage, electric lights, power, and gas shall be and remain in force unless in conflict with the terms of this charter.

ARTICLE IX. LEGAL PROVISIONS**Sec. 9.01. Specific repealer.****Sec. 9.02. Effective date.**

This Act shall become effective on _____.

Sec. 9.03. General repealer.

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