

# City of Villa Rica City Charter



Updated by vote of City Council, January 7, 2014

## PART I

### CHARTER\*

#### Article I. Creation, Incorporation, Powers

- Sec. 1.11 Incorporation.
- Sec. 1.12 Corporate boundaries.
- Sec. 1.13 Specific powers.
- Sec. 1.14 General powers
- Sec. 1.15 Construction.
- Sec. 1.16 Exercise of powers.
- Sec. 1.17 Ordinances.

#### Article II. Governing Body

- Sec. 2.10 Creation; composition; number; election.
- Sec. 2.11 Qualification for office.
- Sec. 2.12 Vacancy; forfeiture of office; filling of vacancies.
- Sec. 2.13 Compensation and expenses.
- Sec. 2.14 Prohibitions.
- Sec. 2.15 Inquiries and investigations.
- Sec. 2.16 General power and authority of the council.
- Sec. 2.17 Powers and duties of mayor.
- Secs. 2.18 and 2.19 Reserved.
- Sec. 2.20 Organization of council.
- Sec. 2.21 Regular and special meetings.
- Sec. 2.22 Rules of procedure.
- Sec. 2.23 Quorum; voting.
- Sec. 2.24 Action requiring an ordinance.
- Sec. 2.25 Emergency ordinances.
- Sec. 2.26 Codes of technical regulations.
- Sec. 2.27 Signing; authenticating; recording; codification; printing.
- Sec. 2.28 Submission of ordinances to the mayor.

#### Article III. Executive Branch

- Sec. 3.10 Administrative and service departments.
- Sec. 3.11 Boards, commissions and authorities.
- Secs. 3.12 through 3.19 Reserved.
- Sec. 3.20 City manager; appointment, qualification and compensation
- Sec. 3.21 Chief administrative officer.
- Sec. 3.22 Powers and duties.
- Sec. 3.23 Grounds for removal.
- Sec. 3.24 Procedure for removal.
- Secs. 3.25 through 3.29 Reserved.
- Sec. 3.30 City clerk.
- Sec. 3.31 Tax collector.
- Sec. 3.32 City attorney.
- Sec. 3.33 Chief Financial Officer
- Sec. 3.34 Consolidation of functions.
- Sec. 3.35 through 3.39 Reserved.

- Sec. 3.40 Position classification and pay plans.
- Sec. 3.41 Personnel policies

\*Editor's note- Printed herein is the city's Charter, as set forth in 1975 Ga. Laws, page 4575. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original act. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catch lines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

#### Article IV. Judicial Branch

- Sec. 4.10 Municipal court; creation.
- Sec. 4.11 Judge.
- Sec. 4.12 Convening.
- Sec. 4.13 Jurisdiction; powers.
- Sec. 4.14 Appeal.
- Sec. 4.15 Rules for court.
- Sec. 4-17 Trespassing

#### Article V. Elections

- Sec. 5.10 Elections; terms of office.
  - Sec. 5.11 Qualifying; nomination of candidates; absentee ballots.
  - Sec. 5.12 through 5.19 Reserved.
  - Sec. 5.20 Applicability of general laws.
  - Sec. 5.21 Special elections; vacancies.
  - Sec. 5.22 through 5.29 Reserved.
  - Sec. 5.30 Removal of elective officers; grounds for removal.
  - Sec. 5.31 Procedures for removal.
- #### Article VI. Finance and Fisc
- Sec. 6.10 Property taxes.
  - Sec. 6.11 Tax levy.
  - Sec. 6.12 Tax due dates and tax bills.
  - Sec. 6.13 Collection of delinquent taxes.
  - Sec. 6.14 Licenses, occupational taxes, excise taxes.
  - Sec. 6.15 Sewer service charges.
  - Sec. 6.16 Sanitary and health service charge.
  - Sec. 6.17 Special assessments.
  - Sec. 6.18 Transfer of executions.
  - Sec. 6.19 General obligation bonds.
  - Sec. 6.20 Revenue bonds.
  - Sec. 6.21 Short-term notes.
  - Secs. 6.22 through 6.29 Reserved.
  - Sec. 6.30 Fiscal year.
  - Sec. 6.31 Preparation of the budget.
  - Sec. 6.32 Submission of the budget to the city council.
  - Sec. 6.33 Action by council on budget.
  - Sec. 6.34 Property tax levies.
  - Sec. 6.35 Additional appropriations.
  - Secs. 6.36 though 6.39 Reserved.
  - Sec. 6.40 Procurement and property management; contracting procedures.
  - Sec. 6.41 Centralized purchasing.

Article VII. Municipal Services and Regulatory Functions

- Sec. 7.10 Municipal services; streets.
- Sec. 7.11 Municipal utilities.
- Sec. 7.12 Sewers and drains.
- Sec. 7.13 Rights-of-way.
- Sec. 7.14 Eminent domain.
- Secs. 7.15 through 7.19 Reserved.
- Sec. 7.20 Power to regulate and license.
- Sec. 7.21 Franchises.
- Sec. 7.22 Building, housing, electrical and plumbing regulations.

Article VIII. Municipal Gas Board (removed by vote of City Council January 7, 2014)

Article IX. Zoning

- Sec. 9.10 Zoning board.
- Sec. 9.11 Zoning board of appeals.

Article X. General Provisions

- Sec. 10.10 Official bonds.
- Sec. 10.11 Existing ordinances and regulations.
- Sec. 10.12 Section captions.
- Sec. 10.13 Gender.
- Sec. 10.14 Penalties.
- Sec. 10.15 Specific repealer.
- Sec. 10.16 Severability.
- Sec. 10.17 Effective date.
- Sec. 10.18 Repealer.

Appendix A. Code of Ethics and Prohibited Practices

- [Sec.] 1. Conflict of interest.
- [Sec.] 2. Disclosure.
- [Sec.] 3. Use of public property.
- [Sec.] 4. Contracts voidable and rescindable.
- [Sec.] 5. Ineligibility of elected officials.
- [Sec.] 6. Political activities of certain officers and employees.
- [Sec.] 7. Penalties for violation.

Appendix B. Description of Ward Boundaries  
(Sec.1.Metes and bounds.)

ARTICLE I. CREATION,  
INCORPORATION, POWERS

Sec. 1.11 Incorporation.

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

Sec. 1.12 Corporate boundaries.

The corporate limits of the City of Villa Rica shall be those existing immediately prior to the effective date of the amendment of this Charter by an Act approved March 10, 1988 (1988 Ga. Laws, page 3851) and shall also include any territory in Douglas County annexed into the City of Villa Rica prior to or after the effective date of said 1988 amendatory Act.  
(1998 Ga. Laws, page 3851; 1993 Ga. Laws, Act No. 201)

Sec. 1.13 Specific powers.

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

1. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;
2. To levy and provide for the collection of license fees and taxes on privileges, occupations, trades, and professions, and to license and regulate such privileges, occupations, trades, and professions and to provide for the manner and method of payment of such licenses and taxes;
3. To make appropriations for the support of the government of the city, to authorize the expenditure of money for any purpose authorized by this Charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia and to provide for the payment of expenses of the city;
4. To appropriate and borrow money for the payment of debts of the city, and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this Charter or the laws of the State of Georgia.
5. To acquire, dispose of, and hold in trust or otherwise any real, personal, or mixed property, in fee simple, or lesser interest, inside or outside the property limits of the city;
6. To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the city and general welfare of its citizens, on such terms and conditions as the donor or grantor may impose;
7. To condemn property, inside or outside the corporate limits of the city for present or future use, and for any corporate purpose deemed necessary by the governing authority, under Section 36-202 of the Georgia Code or under oath applicable Public Acts as are or may be enacted;
8. 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, transportation facilities, public airports and any other public utility; to fix the taxes, charges, rates, fares, fees, assessments,

regulations and penalties and withdrawal of service for refusal or failure to pay same and the manner in which such remedies shall be enforced;

9. To grant franchises or make contracts for public services; to prescribe the rates, fares, regulations and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as is not in conflict with such regulations by the public service commission;
10. To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, otherwise improve, maintain, repair, clean, prevent erosion of, and light roads, alleys and walkways within the corporate limits of the city;
11. To grant franchise and rights-of-way throughout the streets and roads, and over the bridges and viaducts, for the use of public utilities;
12. To provide for the acquisition, construction, building, operation and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, sewers, drains, sewerage treatment, airports, hospitals and charitable, cultural, educational, penal and medical institutions, agencies and facilities; and any other public improvements, inside or outside the corporate limits of the city; and to regulate the use, thereof, and for such purposes, property may be acquired by condemnation under Section 36-202 of the Georgia Code, or other applicable Public Acts, as are or may be enacted;
13. To require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands; and to enact ordinances establishing the terms and conditions under which such repairs and maintenance shall be effected, including the penalties to be imposed for failure to do so;
14. To regulate the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas and heating and air conditioning codes and to regulate all housing, building and building trades; to license all building trades and to license the construction and erection of buildings and all other structures;
15. To provide for the prevention and punishment of drunkenness, riots and public disturbances;
16. To regulate or prohibit junk dealers; pawnshops; the manufacture, sale, or transportation of intoxicating liquors; the use and sale of firearms; and to regulate the transportation, storage and use of combustible, explosive and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property;
17. To regulate and control the conduct of peddlers and itinerant trades, theatrical performances, exhibitions, shows of any kind whatever, by taxation or otherwise;
18. To prohibit or regulate and control the erection, removal and maintenance of signs, billboards, trees, shrubs, fences, buildings and any and all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within view thereof, within or abutting the corporate limits of the city, and to prescribe penalties and punishment for violation of such ordinances;
19. To prescribe standards of health and sanitation and to provide for the enforcement of such standards;
20. To regulate the emission of smoke or other exhaust which pollutes the air and to prevent the pollution of natural streams which flow within the corporate limits of the city;
21. To fix and establish fire limits and from time to time to extend, enlarge or restrict same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to firefighting, and to prescribe penalties and punishment for violation thereof;
22. To provide for the destruction and removal of any building or other structure which may become dangerous or detrimental to the public;
23. To provide for the collection, method of 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 collections of glass, tin, aluminum, cardboard, paper and other recyclable materials and to provide for the sale of such items;
24. To levy, fix, assess and collect a garbage, refuse and trash collection and disposal and other sanitary service charge, tax or fee, for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business therein benefiting from such services; to enforce the payment of such charges, taxes, fees and to provide for the manner and method of collecting such service charges;
25. To levy a fee, charge or sewer assessment as necessary to assure the acquiring, constructing, equipping, operating, maintaining and extending of a sewerage disposal plant and sewerage system

- and to levy on the users of sewers and the sewerage system a sewer service assessment or sewer fee for the use of the sewers; and to provide for the manner and method of collecting such service charges and for enforcing payment of same;
26. To charge, impose and collect a sewer connection fee or fees and to charge the same from time to time; such fees to be levied on the users connecting with the sewerage system;
  27. To define, regulate and prohibit any act, practice, conduct or use of property which is detrimental, or likely to be detrimental, to the health, sanitation, cleanliness, welfare and safety of the inhabitants of the city and to provide for the enforcement of such standards;
  28. To define a nuisance and provide for its abatement whether on public or private property;
  29. To provide for the preservation and protection of property and equipment of the city and administration and use of same by the public and to prescribe penalties and punishment for violations thereof;
  30. To establish minimum standards for and to regulate building construction and repair, electrical wiring and equipment, gas installation and equipment, plumbing and housing, for the health, sanitation, cleanliness, welfare and safety of inhabitants of the city and to provide for the enforcement of such standards;
  31. To provide that persons given jail sentences in the municipal court shall work out such sentence in any public works or on the streets, roads, drains and squares in the city; or to provide for the commitment of such persons to any county work camp or jail by agreement with the appropriate county officials;
  32. To adopt ordinances and regulations for the prevention of disorderly conduct and disturbing the peace in the corporate limits of the city and to prohibit the playing of lotteries therein, and to prohibit or regulate by ordinance such other conduct and activities within said city, which while not constituting any offense against the laws of this state, are deemed by the governing authority to be detrimental and offensive to the peace and good order of the city or to the welfare of the citizens thereto;
  33. To regulate and license, or prohibit the keeping or running at large of animals and fowl and to provide for the impoundment of same, if in violation of any ordinance or lawful order; also to provide for their disposition by sale, gift, or humane destruction, when not redeemed as provided by ordinance enacted hereunder;
  34. To regulate the operation of motor vehicles and exercise control over all traffic, including parking, upon or across the streets, roads, alleys and walkways of the city;
  35. To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance of such vehicles in the amounts to be prescribed by ordinance; and to regulate and rent parking spaces in public ways for the use of such vehicles;
  36. To provide and maintain a system of pensions and retirement for officers and employees of the city;
  37. To levy and provide for the collection of special assessments to cover the costs of any public improvements;
  38. To enter into contracts and agreements with other governmental entities and with private persons, firms and corporations providing for services to be furnished and payments to be made thereof;
  39. To create, alter, or abolish departments, boards, offices, commissions and agencies of the city, and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred or delegated to same;
  40. To make, ordain and establish such bylaws, ordinances, rules and regulations as shall appear necessary for the security, welfare, convenience and interest of the city and the inhabitants thereof and for preserving the health, peace, order and good government of the city;
  41. To provide penalties for violations of any ordinance adopted pursuant to the authority of this Charter and the laws of the State of Georgia;
  42. To exercise the power of arrest through duly appointed policemen;
  43. To establish procedures for determining and proclaiming that an emergency situation exists within or without the city and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health or well-being of the citizens of the city;
  44. To exercise and enjoy all other powers, functions, rights, privileges and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience or general welfare of the city and its inhabitants; and to exercise all implied powers granted in this Charter as fully and completely as if such powers were fully enumerated herein; and to exercise all powers now

or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia. No enumeration of particular powers in this Charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers; but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the constitution or applicable laws of the State of Georgia.

#### Sec. 1.14 General powers.

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

#### Sec. 1.15 Construction.

The powers of the city shall be construed liberally and in favor of the city. 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 city as stated in this Charter. It is the intention hereof to grant the city full power and right to exercise all governmental authority necessary for the effective operation and conduct of the city and all of its affairs.

#### Sec. 1.16 Exercise of powers.

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

#### Sec. 1.17 Ordinances.

All ordinances, bylaws, rules and regulations now in force in the city not inconsistent with this Charter, are hereby declared valid and of full effect and force until amended or repealed by the governing authority.

### ARTICLE II. GOVERNING BODY

#### Sec. 2.10 Creation; composition, number; election.

The legislative authority of the government of the City of Villa Rica, Georgia, except as otherwise specifically provided in this Charter, shall be vested in a city council to be composed of a mayor and five (5) councilpersons. The mayor and council shall be elected in a manner provided by Article V of this Charter.

#### Sec. 2.11 Qualifications for office.

(a) No person shall be eligible to serve as mayor or council unless he/she shall have been a resident of the city for a period of not less than one year immediately prior to the date of the election of mayor or members of the council and shall continue to reside therein during his period of service and shall be registered and qualified to vote in municipal elections of the City of Villa Rica, Georgia, and unless he shall meet the

qualification standards required for members of the Georgia House of Representatives, as are now or may in the future be prescribed by the Georgia Constitution.

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

(1989 Ga. Laws, page 4425)

#### Sec. 2.12 Vacancy; forfeiture of office, filling of vacancies.

- (a) Vacancies. The office of mayor or council 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 law of the State of Georgia.
- (b) Forfeiture of office. The mayor or any councilperson shall forfeit his or her office if he:
  - 1. Lacks at any time during his term of office any qualifications of the office as prescribed by this Charter or the laws of the State of Georgia.
  - 2. Willfully and knowingly violates any express prohibition of this Charter
  - 3. Is convicted of a crime involving moral turpitude.
- (c) Filling of vacancies. A vacancy in the office of mayor or council shall be filled for the remainder of the unexpired term, if any, as provided for in Article V.

#### Sec. 2.13 Compensation and expenses.

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

#### Sec. 2.14 Prohibitions.

- (a) Holding other office. Except as authorized by law, no member of the council shall hold any other elective city office or city employment during the term for which he was elected.
- (b) Voting when personally interested. Neither the mayor nor any other member of the council shall vote upon any question in which he is personally interested. The mayor and council shall abide by the "Code of Ethics and Prohibited Practices" incorporated in this Charter as "Appendix A." [of the Charter]

#### Sec. 2.15 Inquiries and investigations.

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

#### Sec. 2.16 General power and authority of the council.

- (a) Except as otherwise provided by law or by this Charter, the council shall be vested with all the powers of government of the City of Villa Rica, Georgia, as provided by Article I.
- (b) In addition to all other powers conferred upon it by law, the council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules and regulations, not inconsistent with this

Charter, the constitution and the laws of the State of Georgia, which it shall deem necessary, expedient or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity or well-being of the inhabitants of the City of Villa Rica, Georgia, and may enforce such ordinance by imposing penalties for violation thereof.

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

#### Sec. 2.17 Powers and duties of mayor.

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

Secs. 2.18 and 2.19 Reserved.

#### Sec. 2.20 Organization of council.

(a) The new council members shall be sworn in by the Mayor, City Clerk, a judge or other person selected by the City and the oath of office shall be administered to the newly elected members as follows:

"I do solemnly swear (or affirm) that I will well and truly perform the duties of (mayor or council member as the case may be) of the City of Villa Rica, Georgia, 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.

I further swear that I am not the holder of any public money due this State, unaccounted for, and that I am not the holder of any office or trust under the government of the United States, any other state, or any foreign state which by the laws of this state I am prohibited from holding, and that I am otherwise qualified to hold said office according to the Constitution and laws of Georgia, and will support the Constitution of the United States and of

this state; and, if elected by any circuit or district, that I have been a resident thereof for the time required by the Constitution and laws of this state. So help me God"

(b) Following the induction of members, the council by majority vote of all the members thereof shall elect one (1) of their members to be mayor pro tem, who shall serve for a term of one (1) year and until his successor is elected and qualified.

#### Sec. 2.21 Regular and special meetings.

(a) Regular meetings of the City Council shall be held in the Council Chambers on the first Tuesday of each month at 6:00 p.m., or at such location as may be determined by Council and duly advertised. Council Chambers are located in the Municipal Courtroom, Holt-Bishop Justice Center at 101 Main Street.

(Time changed by resolution, 4-6-2010)

Special meetings of the Mayor and Council may be held:

1. On call of the mayor with the consent of at least two members of the Council, or
2. On call of a Councilmember with the consent of at least two other members of the Council.
3. Notice of such special meeting shall be sent to the Mayor and all other members of the Council via email at least twenty-four (24) hours in advance of the meeting. Such notice shall not be required if the mayor and all council members are present when there is a call for a special meeting.
4. All special called meetings of the council shall be open to the public.
5. All special called meetings shall be published on the City Web Site, Posted at City Hall and notices email to the local media. Agenda, once set shall also be posted on City Web Site (Ord. of 9-6-2005 subsec(b); Ord of 9-6-2005 subsec(a); Ord of 5-4-04; Ord of 5-3-97, Ord of 10-14-93/12-7-93)

#### Sec. 2.22 Rules of procedure.

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

#### Sec. 2.23 Quorum; voting.

The mayor (or mayor pro tem when presiding) and three (3) councilpersons Three voting 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 hand vote and the votes shall be recorded in the journal. When a quorum is present, the affirmative vote of a majority of those councilpersons present shall be required for the adoption of any ordinance, resolution or motion except as otherwise provided in this Charter.

#### Sec. 2.24 Action requiring an ordinance.

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

(b) An ordinance may be introduced by any member of the council (or their designee) 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. Upon introduction of any ordinance, the clerk shall distribute

a copy to the mayor and to each councilman and shall file a reasonable number of copies in the office of the clerk and at such other places as the council may designate.

#### Sec. 2.25 Emergency ordinances.

To meet a public emergency affecting life, health, property or public peace, the council may adopt one (1) or more emergency ordinances, but such ordinances may not levy taxes; grant, renew or extend a franchise; regulate the rate changes 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 plainly be designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that any 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 (3) councilpersons shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. An emergency ordinance may be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

#### Sec. 2.26 Codes of technical regulations.

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

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

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

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

#### Sec. 2.27 Signing; authenticating; recording; codification; printing.

(a) The clerk or city manager shall authenticate by his/her signature and record in full in a properly indexed book kept for the purpose of recording all ordinances adopted by the council. Every ordinance adopted by the council shall be presented promptly by the clerk to the mayor.

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

(c) The council shall cause each ordinance and each amendment to this Charter to be printed promptly following its adoption and the printed ordinance and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the council. Following publication of the first Code of the City of Villa Rica, Georgia, and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for incorporation

therein. The council shall make such further arrangements as deemed desirable with respect to reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the code.

Sec. 2.28 Submission of ordinances to the mayor.

- (a) Every ordinance adopted by the council shall be presented promptly by the clerk to the mayor.
- (b) The mayor, within 10 calendar days of receipt of any ordinances, shall return it to the clerk with or without his approval, or with his disapproval. If the ordinance has been approved by the mayor, it shall become law upon its return to the clerk; if the ordinance is neither approved nor disapproved, it shall become law at 12 noon on the 10<sup>th</sup> calendar day after its adoption; if the ordinance is disapproved, the mayor shall submit to the council through the clerk a written statement of his reasons for his veto. The clerk shall record upon the ordinance the date of its delivery to and receipt from the mayor.
- (c) Ordinances vetoed by the mayor shall be presented by the clerk to the council at its next regular meeting and should the council then or at its next regular meeting adopt the ordinance by an affirmative vote of four (4) members, it shall become law.
- (d) The mayor may disapprove or reduce any item or items of appropriation in any ordinance. The approved part or parts of any ordinance making appropriations shall become law, and the part or parts disapproved shall not become law unless subsequently passed by the city council over the mayor's veto as provided herein.

ARTICLE III. EXECUTIVE BRANCH

Sec. 3.10 Administrative and service departments.

- (a) The council, by ordinance, may establish, abolish, merge or consolidate offices, positions of employment, departments and agencies of the city, as they may deem necessary for the proper administration of the affairs and government of the city. The council shall prescribe the functions and duties of existing departments, offices and agencies hereinafter 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 city.
- (b) The operations and responsibilities of each department now or hereafter established in the city shall be distributed among such divisions or bureaus as may be provided by ordinance of the council. Each department shall consist of such officers, employees and positions as may be provided by this Charter or by ordinance and

shall be subject to the direct supervision and guidance of the city manager and to the general supervision and guidance of the mayor and council.

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

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

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

#### Sec. 3.11 Boards, commissions and authorities.

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

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

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

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

(d) Any member of a board or commission or authority may be removed from office for cause by a vote of a majority of the members of the city council.

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

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

(g) Except as otherwise provided by this Charter or by applicable state law, each board, commission or authority of the city government shall elect one (1) of its members as chairman and one (1) member as vice chairman for terms of one (1) year and may elect as its secretary an employee of the city. Each board, commission or authority of the city government may establish (after approval by the mayor and city council) such bylaws, rules and regulations, not inconsistent with this Charter, ordinances of the city or applicable state law, as it deems appropriate and necessary for the conduct of its affairs, copies of which shall be filed with the clerk of city.

Secs. 3.12 through 3.19 Reserved.

Sec. 3.20 City manager; appointment; qualification and compensation.

The council may appoint for an indefinite term, an officer whose title shall be city manager. The manager may be appointed solely on the basis of his executive and administrative qualifications with special reference to his

educational background and his actual experience in and knowledge of, the duties of office as hereinafter prescribed. The manager shall serve at the pleasure of the council. At the time of his appointment, the city manager need not be a resident of the city and neither shall he be required to reside therein during his tenure of office. The city manager shall be required to live within a close proximity to the city during his tenure of office.

(1977 Ga. Laws, page 4092)

#### Sec. 3.21 Chief Administrative Officer.

The Manager shall be chief administrative officer of the government of the City of Villa Rica, Georgia. He shall be responsible to the council for the proper and efficient administration of the affairs of the city.

#### Sec. 3.22 Powers and duties.

As chief administrative officer, the manager shall have the power to appoint all city officers and department directors with the approval of the council. He shall also have such other powers and duties as are vested in him by this Charter and by ordinance.

#### Sec. 3.23 Grounds for removal.

The manager shall be subject to removal from office for any one (1) or more of the following causes:

1. Incompetence, misfeasance or malfeasance in office;
2. Conviction of 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 the duties thereof; or
6. Failure for any other cause to perform the duties of office as required by this Charter or by law.

#### Sec. 3.24 Procedure for removal.

The removal of the city manager from office shall be accomplished by action of three (3) affirmative votes of the entire membership of the council. In the event the manager is sought to be removed by the action of the council, he shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing with assistance of legal counsel if he so desires. The public hearing shall be held not less than 15 days after the service of such written notice. The city manager shall be suspended upon receipt of the written notice but he shall be entitled to receive compensation for a period of 30 days from the receipt of the written notice. The manager shall have the right of appeal from the decision of the council to the Superior Court of Carroll

County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the municipal court.

(1977 Ga. Laws, page 4092)

Secs. 3.25 through 3.29 Reserved.

Sec. 3.30 City clerk.

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

Sec. 3.31 Tax collector. (This section deleted by council vote, January 7, 2013)

Sec. 3.32 City attorney.

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

(1977 Ga. Laws, page 4092)

Sec. 3.33 Chief Financial Officer

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

Sec. 3.34 Consolidation of functions.

The city manager, with the approval of the council, may consolidate any two (2) or more of the positions of city clerk, city tax collector, and city accountant, or any other positions or may assign the functions of any or more of such positions to the holder or holders of any other positions. The city manager may also, with the approval of the city council, perform all or any part of the functions of any of the positions or offices in lieu of appointing other persons to perform the same.

Secs. 3.35 through 3.39 Reserved.

Sec. 3.40 Position classification and pay plans.

[Deleted]

(Ord. of 4-98)

Sec. 3.41 Personnel policies and Procedures Manual

The Council shall adopt personnel policies and procedures consistent with this Charter.

## ARTCILE IV. JUDICIAL BRANCH

### Sec. 4.10 Municipal court; creation.

There is hereby established a court to be known as the Municipal Court of the City of Villa Rica, Georgia, which shall have jurisdiction and authority of said city and state as allowed by state law and to punish for a violation of the same. Such court shall have the power and authority to enforce its judgments by the imposition of such penalties as may be provided by law; to punish witnesses for nonattendance, and to punish also any person who may counsel or advise, aid, encourage or persuade another whose testimony is desired or material in any proceeding before said court, to go or move beyond the reach of the process of the court; to try all offenses within the territorial limits of the city constitution traffic cases which under the laws of Georgia are placed within the jurisdiction of municipal or police courts to the extent of, and in accordance with the provisions of such laws and all laws subsequently enacted amendatory thereof. Said court shall be presided over by the judge of said court. In the absence or disqualification of the judge, the judge pro tem shall preside and shall exercise the same powers and duties as the judge when so acting. Should both the judge and the judge pro tem become disqualified, then any member of the council may be designated to preside with the same powers and duties as the judge when so acting.

### Sec. 4.11 Judge.

- (a) No person shall be qualified or eligible to serve as judge unless he shall have attained the age of 21 years and shall be a member of the State Bar of Georgia. The judge shall be appointed by the council and shall serve at the discretion of the council. The compensation of the judge shall be fixed by the council.
- (b) The judge pro tem shall serve in the absence of the judge, shall have the same qualifications as the judge, shall be appointed by the council, and shall take the same oath as the judge.
- (c) Before entering on duties of his office, the judge shall take an oath before an officer duly authorized to administer oaths in this state, that he will truly, honestly, and faithfully discharge the duties of his office to the best of his ability, without fear, favor or partiality. The oath shall be entered upon the minutes of the council.
- (d) The city attorney shall not serve as the judge or judge pro tem of the municipal court.

### Sec. 4.12 Convening.

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

### Sec. 4.13 Jurisdiction; powers.

- (a) The municipal court shall try for crimes against the City of Villa Rica and for violation of its ordinances and those of the State. The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$5,000.00 or 12 months in jail. The municipal court may fix punishment for the offenses within its jurisdiction not exceeding a fine of \$5,000.00 or imprisonment of 12 months or both and in addition to the fine and/or imprisonment, may sentence any offender upon conviction to community service for a period not exceeding 30 days.
- (b) The municipal court shall have authority to establish a schedule of fees to defray the costs of operation and shall be entitled to reimbursement of the cost of meals, transportation and caretaking of prisoners bound over to state or superior courts for violation of state laws.
- (c) The municipal court shall have authority to establish bail and recognizance to insure the presence of those charged with violations before said court, and shall have discretionary authority to accept cash or

personal or real property as surety for appearance of person charged with violations. Whenever any person shall give bail for his appearance and shall fail to appear at the time fixed for trial, his bond shall be forfeited by the judge presiding at such time and an execution issued thereon by serving the defendant and his sureties with a *rule nisi*, at least two (2) days before a hearing on the *rule nisi*. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the City of Villa Rica, or the property so deposited shall have a lien against it for the value forfeited, which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

- (d) The municipal court shall have the authority to bind prisoners over to the appropriate court when it appears by probable cause that a state law has been violated.
- (e) The municipal court shall have the authority to administer the oaths and to perform all other acts necessary or proper to the conduct of said court.
- (f) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summons, subpoena and warrants which may be served and executed by any officer as authorized by this Charter or by state law.
- (g) The municipal court is specifically vested with all the jurisdiction and powers throughout the entire area of the City of Villa Rica granted by state laws generally to mayor's, recorder's, and police courts, and particularly by such laws as authorize the abatement of nuisance.

(Ord of 12-98, subsec (a))

#### Sec. 4.14 Appeal.

The right of appeal and any bond as may be required to secure the costs of appeal to the Superior Court of Carroll County, Georgia, from the mayor's court shall lie in the same manner and under the same procedure as generally prescribed for appeals and appeal bonds from the probate court. Provided that any person who fails to file his appeal within 10 days of the date of his conviction shall be deemed to have waived any such right. An appeal to the superior court shall be a *de novo* proceeding.

#### Sec. 4.15 Rules for court.

With the approval of the council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the council may adopt in part or in total the rules and regulations relative to the procedure of the operation of the superior court under the general laws of the State of Georgia. The rules and regulations made or adopted for said court shall be filed with the city clerk, shall be available for public

inspection and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

## ARTICLE V. ELECTIONS Look at entire section for changes

### Sec. 5.10 Elections; terms of office.

- (a) The mayor and council in office on the effective date of this section shall serve for the remainder of the terms for which they were elected, such terms of office to expire as follows:
- (1) Mayor and council members representing wards 1 and 2: terms expiring December 31 1989; and
  - (2) Council members representing wards 3 and 4 and at-large councilperson: term expiring December 31, 1990.
6. At the general municipal election in 1989 there shall be elected a mayor and council members to represent wards 1 and 2. Such officers shall serve for terms to expire December 31, 1991; and their successors shall be elected at the general municipal election in 1991 and quadrennially thereafter for terms of four years.
  7. At the general municipal election in 1990 there shall be elected council members to represent wards 3, 4, and 5. Such officers shall serve for terms to expire December 31, 1993; and their successors shall be elected at the general municipal election in 1993 and quadrennially thereafter for terms of four years.
  8. All elections for the office of mayor shall be by the voters of the entire city. Each election for the office of councilperson shall be by only the voters of the ward the councilperson is to represent. All elections shall be by a majority of the votes cast.
  9. All general municipal elections shall be held on the Tuesday after the first Monday in November
  10. Persons newly elected as mayor or council at any general municipal election shall take office on January 1 next following the election.
  11. The mayor and all council members shall serve for the terms specified in this section and until their successors are elected and qualified.
  12. The boundaries of the five wards for elections for council held after the effective date of this section shall be as specified in Appendix B of this Act, which appendix is incorporated by reference as a part of this section and Section 2.11 of this Act.
- (1989 Ga. Laws, page 4425)

### Sec. 5.11 Qualifying; nomination of candidates; absentee ballots.

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

### Secs. 5.12 through 5.19 Reserved.

### Sec. 5.20 Applicability of general laws.

The procedure and requirements for election of all elected officials of the City of Villa Rica as to primary, special or general elections shall be in conformity with the provisions of the Georgia Municipal Election Code

approved April 4, 1968 (1968 Ga. Laws, page 885) (O.C.G.A. 20□21-3-1 et seq.) as now or hereafter amended.

Sec. 5.21 Special elections; vacancies.

In the event that the office of the mayor or councilperson shall become vacant for any cause whatsoever, the council or those remaining shall order a special election to fill the balance of the unexpired term of such office; provided, however, if such vacancy occurs within 90 days of the expiration of the term of office of the mayor or councilperson, said vacancy in office shall be filled by appointment by the remaining members of the council. Both special elections and qualifications of candidates therefor shall conform to the applicable provisions of this Charter and the Georgia Municipal Election Code, Title 34A of the Georgia Code as now or hereafter amended.

Secs. 5.22 through 5.29 Reserved.

Sec. 5.30 Removal of elective officers; grounds for removal.

The mayor or any council member shall be subject to removal from office for any one (1) 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 state law;
4. Willful violation of any express prohibition of this Charter;
5. Abandonment of office or neglect to perform the duties thereof; or
6. Failure for any other cause to perform the duties of office as required by this Charter or by law.

Sec. 5.31 Procedures for removal.

Removal of an elected officer from office may be accomplished by one (1) of the following methods:

1. By action of three-fourths (3/4) vote of the remaining membership of the council with the councilpersons under consideration not being allowed to vote. 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 prepared by the council specifying the ground for removal and to a public hearing before the council which shall be held not less than 20 days after the service of such written notice. Such elected officer shall have the right of assistance from legal counsel at such public hearing. 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 Carroll County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the municipal court.
2. By information filed in the Superior Court of Carroll County as provided by law.
3. By a recall election. A recall of an incumbent of an elective office shall be initiated upon a written request to that effect signed by at least 25 percent of the registered voters eligible to vote for such office in the last preceding general municipal election. The council shall prescribe rules and regulations governing the initiation and preparation of such written request and the procedures for holding the recall election. If at such election a majority of the registered voters voting in such recall election approve the recall of an incumbent, upon certification of the results of the election, the office shall be vacant. If a

majority of the registered voters voting in a recall election disapprove the recall of an incumbent, he shall remain in office.

## **ARTICLE VI. FINANCE AND FISCAL**

### **Sec. 6.10 Property taxes.**

All property subject to the taxation for state and county purposes, assessed as of January 1 in each year, shall be subject to the property tax levied by the City of Villa Rica. The city will use the county assessment for the year in which the city taxes are to be levied and the county is to furnish appropriate information for such purpose unless otherwise directed by state law. The maximum general operation millage rate will be 13 mills.

### **Sec. 6.11 Tax levy.**

The council shall be authorized to levy an ad valorem tax on all real and personal property within the corporate limits of the city as permitted by state law for the purpose of raising revenues to defray the cost of operating the city government, providing governmental services and for any other public purposes as determined by the council in its discretion. The council is also authorized to provide for sufficient levy to pay principal and interest on general obligations. The City of Villa Rica is hereby exempted from the provisions of Georgia Code Sections 92-4101 through 92-4104 inclusive.

### **Sec. 6.12 Tax due dates and tax bills.**

The council shall provide by ordinance when the taxes of the city shall fall due and in what length of time said taxes may be paid and shall provide by ordinance for the payment of taxes due to the city in installments, or in one (1) lump sum and when and how and upon what terms such taxes shall be due and payable, as well as to authorize the voluntary payment of taxes prior to the time when due.

### **Sec. 6.13 Collection of delinquent taxes.**

The council may provide by ordinance for the collection of delinquent taxes by fi fa issued by the city clerk and executed by any police officer of the city under the same procedure provided by the laws governing execution of such process from the superior court, or by the use of any other available legal processes and remedies. The council shall be authorized to impose an interest penalty upon delinquent tax payments to the city in an amount not to exceed 10 percent. A lien shall exist against all property upon which city property taxes are levied, as of the assessment date of each year, which lien shall be superior to all other liens, except that it shall have equal dignity with those of federal, state or county taxes. In cases of hardship, the council shall have discretionary authority to waive any and all penalties imposed by this Charter on delinquent taxes, assessments, or on other amounts due to the city.

### **Sec. 6.14 Licenses, occupational taxes, excise taxes.**

The council by ordinance shall have full power to levy such license and specific or occupational taxes upon the residents of the City of Villa Rica, both individual and corporate, and on all those who transact or offer to transact business therein, as the council may deem expedient for the public health, safety, benefit, convenience or advantage of the city; to classify businesses, occupations, professions or callings for the purpose of such taxation in any way which may be lawful; to require such persons to procure licenses; to compel the payment of such licenses by execution or any other lawful manner; and to make laws and regulations necessary or proper to carry out the powers herein conferred and to prescribe penalties for the

violation thereof. The council shall have full power and authority to levy an excise tax not prohibited by general law.

Sec. 6.15 Sewer service charges.

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

Sec. 6.16 Sanitary and health service charge.

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

Sec. 6.17 Special assessments.

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

Sec. 6.18 Transfer of executions.

The city clerk shall be authorized to assign or transfer any fi fa or execution issued for any tax, or for any street, sewer, or other assessment in the same manner and to the same extent as provided by Georgia law, regarding sales and transfers of tax fi fas. Provided that, upon levy of execution and sale of property, in fee simple or lesser interest, shall not lose his right to redeem the property in accord with the requirements of redemption of property sold under state or county ad valorem tax fi fas, as said requirements now exist or may be hereinafter provided by law.

Sec. 6.19 General obligation bonds.

The council shall have the power to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized under this Charter or the general laws of the state. Such bonding authority shall

be exercised in accordance with the laws governing bond issuance by municipalities in effect at the time said issue is undertaken.

#### Sec. 6.20 Revenue bonds.

Revenue bonds may be issued by the city council as provided by an act of the General Assembly of Georgia, approved March 31, 1937, known as the Revenue Bond Law (1937 Ga. Laws, page 761), as now or hereafter amended, or by any other Georgia law as now or hereafter provided.

#### Sec. 6.21 Short-term notes.

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

#### Secs. 6.22 through 6.29 Reserved.

#### Sec. 6.30 Fiscal year.

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

#### Sec. 6.31 Preparation of the budget.

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

#### Sec. 6.32 Submission of the budget to the city council.

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

#### Sec. 6.33 Action by council on budget.

- (a) The council may amend the budget proposed by the city manager; except that the budget as finally amended and adopted must provide for all expenditure required by law or by other provisions of this Charter and for all debt service requirements for the ensuing fiscal year and the total appropriations from any fund shall not exceed the estimated fund balance, reserves and revenues, constituting the fund availability of such fund.
- (b) The council shall adopt the final budget for the ensuing fiscal year not later than the last day of the old fiscal year. If the council fails to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month to month basis, with all items prorated accordingly until such time as the council adopts a budget for the ensuing fiscal year. Such adoption shall take the form of an appropriation ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organization unit, purpose or activity as set out in the budget document.
- (c) The amount set out in the adopted budget for each organizational unit shall constitute the annual appropriation for such item, and no expenditure shall be made or encumbrance created in excess of the

otherwise unencumbered balance of the appropriations, or allotment thereof, to which it is chargeable unless authorized by the council.

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

#### Sec. 6.34 Property tax levies.

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

#### Sec. 6.35 Additional appropriations.

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

#### Secs. 6.36 through 6.39 Reserved.

#### Sec. 6.40 Procurement and property management; contracting procedures.

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

#### Sec. 6.41 Centralized purchasing.

- (a) The council shall, by ordinance prescribe procedures for a system of centralized purchasing for the City of Villa Rica.
- (b) The council may sell and convey any real or personal property owned or held by the City of Villa Rica for governmental or other purposes, at a public or private sale, with or without advertisement, for such consideration as it shall deem equitable and just for the city.
- (c) The council may quitclaim any rights it may have in property not needed for public purposes upon report by the city manager and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the city has no readily ascertainable monetary value.
- (d) Whenever in opening, extending or widening any street, avenue, alley or public place of the city, a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the city, the council may authorize the city manager to execute and deliver in the name of the city a deed conveying said cut off or separated parcel or tract of land to and abutting or adjoining property owner or owners in exchange for rights-of-way of said street, avenue, alley or public place or in settlement of any alleged damages sustained by said abutting or adjoining property owner. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest

the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

## **ARTICLE VII. MUNICIPAL SERVICES AND REGULATORY FUNCTIONS**

### **Sec. 7.10 Municipal services; streets.**

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

### **Sec. 7.11 Municipal utilities.**

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

### **Sec. 7.12 Sewers and drains.**

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

### **Sec. 7.13 Rights-of-way.**

The City of Villa Rica shall have the right, easement and franchise of laying the necessary mains, pipes, conduits and drains, for waterworks and sewerage system purposes along the highways in the Counties of Carroll and Douglas without cost; it shall have full power and authority to enact and enforce such rules, regulations, and ordinances as may be necessary to protect the water basin and watershed, from which the

water supplies are taken, from contamination and to protect said waterworks and sewerage system, including the mains, pipes or conduits whether the same be situated within or without the corporate limits of said city.

#### Sec. 7.14 Eminent domain.

The council is hereby empowered to acquire, construct, build, operate and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, airports, hospitals and charitable, educational, recreational, sport, curative, corrective, detentional, penal and medical institutions, agencies and facilities and any other public improvements inside or outside of the city, and to regulate the use thereof, and for such purposes, property may be taken under chapter 36-202 of the Georgia Code, subject to such amendments as shall be enacted, or any other applicable Georgia law.

#### Secs. 7.15 through 7.19 Reserved.

#### Sec. 7.20 Power to regulate and license.

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

#### Sec. 7.21 Franchises.

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

#### Sec. 7.22 Building, housing, electrical and plumbing regulations.

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

electrical or plumbing work. The council may enact all ordinances necessary to enforce such rules and regulations.

**ARTICLE VIII. MUNICIPAL GAS BOARD** (This section deleted by council vote on January 7, 2014)

**ARTICLE IX. ZONING**

Sec. 9.10 Zoning board.

The mayor and council of Villa Rica shall appoint a zoning and planning board and adopt ordinances and regulations for the administration thereof. The zoning board shall have the authority to establish zoning rules and regulations and a zoning map.

Sec. 9.11 Zoning board of appeals.

The mayor and council of Villa Rica shall appoint a zoning board of appeals to hear cases involving variances from the zoning rules and regulations.

**ARTICLE X. GENERAL PROVISIONS**

Sec. 10.10 Official bonds.

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

Sec. 10.11 Existing ordinances and regulations.

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

Sec. 10.12 Section captions.

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

Sec. 10.13 Gender.

The use of masculine nouns in this Charter is for uniformity only and in no way is to be interpreted as discriminating against the feminine gender.

Sec. 10.14 Penalties.

The violation of any provisions of this Charter, for which a penalty is not specifically provided for herein, is hereby declared to be a misdemeanor and shall be punishable by a fine of not more than \$5,000.00 or by

imprisonment not to exceed 12 months or both such fine and imprisonment. Additionally, violators may have to serve up to 30 days community service.  
(Ord. of 12-98)

Sec. 10.15 Specific repealer.

An Act incorporating the City of Villa Rica in the counties of Carroll and Douglas, approved March 24, 1941 (Ga. Laws 1941, page 1776 et seq.) is hereby repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety.

Sec. 10.16 Severability.

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

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

Sec. 10.17 Effective date.

This Charter shall become effective upon approval by the governor or upon it becoming law without his approval.

Sec. 10.18 Repealer.

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

## **APPENDIX A. CODE OF ETHICS AND PROHIBITED PRACTICES**

[Sec.] 1. Conflict of interest.

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

1. Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or which would tend to impair his independence of judgment or action in the performance of his official duties
2. Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties, or would tend to impair his independence of his judgment or action in the performance of his official duties;
3. Disclose confidential information concerning the property, government or affairs of the governmental body by which he is employed without proper authorization, or use such information to advance the financial or other private interest of himself or others;
4. Accept any valuable gift, whether in the form of service, loan, thing, promise, from any person, firm or corporation which to his knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the governmental body by which he is employed; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;
5. Represent private interest in any action or proceeding against the council by which he is employed;
6. Vote or otherwise participate in the negotiation or the making of any contract with any business or entity in which he has a financial interest.

[Sec.] 2. Disclosure.

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

before or within such agency or entity shall disclose such private interest to the governing body of such agency or entity.

[Sec.] 3. Use of public property.

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

[Sec.] 4. Contracts voidable and rescindable.

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

[Sec.] 5. Ineligibility of elected officials.

Except where authorized by law, neither the mayor nor any councilperson shall hold any other elected or appointive office in the city or otherwise be employed by said government or any agency thereof during the term for which he was elected

[Sec.] 6. Political activities of certain officers and employees.

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

[Sec.] 7. Penalties for violation.

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

(b) Any officer or employee of the city who shall forfeit his office or position as described in paragraph (a) of this section, shall be ineligible for appointment or election to or employment in a position in the city government for a period of three (3) years thereafter

## **APPENDIX B. DESCRIPTION OF WARD BOUNDARIES\***

For purposes of electing Council persons, the City is divided into five (5) election districts (wards) consisting of the described territory in the City of Villa Rica contained in the description attached to the Charter Ordinance and made a part hereof and further identified as "VillaricapropI-Tiger 2010. (Effective by council vote July 5, 2011 – copy of ordinance in official City Files)

---

\*Editor's note- For purpose of identification, the wards defined herein are based on the United States decennial census of 2010 for the State of Georgia. Any and all laws or parts of laws in conflict with this ordinance are hereby repealed. (Effective July 5, 2011 by council vote.)