

CITY OF MOLENA — NEW CHARTER 1922

No. 1346 (House Bill No. 1906).

AN ACT

To amend, consolidate and supersede the several Acts of the General Assembly of the State of Georgia pertaining to the City of Molena in the County of Pike; to provide a new charter therefor; to organize the municipal government thereof; to prescribe the corporate limits; to provide for a mayor and council of the city and their function, authority, powers, duties, qualifications and election; to provide the power of veto and the manner of overriding the same; to prescribe the corporate powers and authority; to regulate the appointment, qualifications, duties, authority and compensation of the officers and employees of the city; to provide for the authority of the mayor and council over said officers and employees; to create

certain boards, commissions and departments and provide for the creation and regulation of others; to prescribe the qualifications of electors and voters, and the manner of holding elections in the city; to provide for the registration of voters; to prescribe the qualifications of candidates for municipal elections; to establish a police court and provide for appointment of a recorder as presiding officer thereof; to establish the jurisdiction, powers and duties of the recorder; to prescribe procedures for the annexation of territory and the rights of residents in territory proposed to be annexed; to provide for public works and local improvements, and the levy of assessments therefor; to authorize borrowing; to regulate appropriations and expenditures; to provide for ad valorem taxation; to provide for the taxing of occupations and other privileges; to prescribe the manner of collection of unpaid taxes and assessments; to prescribe the effect of this Act upon present officers of the city; to provide for the preservation of existing ordinances and laws not inconsistent with this Act, and the repeal of conflicting laws, and that the provisions of this Act are severable; to prescribe punishments for the violation of this Act, and for the violation of ordinances and regulations enacted pursuant thereto; to repeal an Act creating a new charter for the City of Molena in the County of Pike, approved August 23, 1905 (Ga. Laws 1905, p. 1018), as amended; to repeal certain other Acts affecting said city; to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia:

#### ARTICLE I. GENERAL PROVISIONS

**Section 1.1. Incorporation: Name, Style and Designation.** The City of Molena, in Pike County, heretofore made a body politic and corporate by Acts of the General Assembly of said State shall continue a body politic and corporate, known by the corporate name of the "City of Molena", hereinafter also referred to as "the city".

**Section 1.2. City's Powers as Body Politic and Corporate.** As a body politic and corporate, the city shall have power 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 power in and by its corporate name to sue and be sued, plead and be impleaded in all courts, have and use a

corporate 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 city. Said corporation, through its mayor and councilmen, shall have all of the powers and privileges incident to municipal corporations under the laws of the State, and all other powers necessary and proper to make, regulate, maintain and preserve a proper and legal government for said city.

**Section 1.3. Corporate Limits Designated.** The corporate limits of said city shall be a circle extending for a radius of three-fourths of one mile from the intersection of the centerlines of Georgia State Routes 109 and 18.

**Section 1.4. Conveyance of Property Sold Under Process of City.** Whenever any real property is sold under any process of the city, the officer making the sale shall have the power and authority to convey the same by proper conveyance to the purchaser, but all such property that may be sold under execution for city taxes shall be subject to redemption, within the period allowed by law, of property sold under execution for State and county taxes.

**Section 1.5. Interest in Contracts, Purchases, Sales Prohibited.** Neither the mayor, nor any member of the council, nor any city officer, shall be interested, directly or indirectly, in any contract made with the city, or receive any profit or emolument for any purchase or sale of material or other articles paid out of the public revenue, or for which the city becomes responsible.

## ARTICLE II. MAYOR AND COUNCIL

**Section 2.1. Mayor, Five Councilmen, Elective Officers of the City.** The elective officers of the city shall consist of a mayor and five (5) councilmen, who at the time of their election, must be qualified and registered voters of said city. The mayor and councilmen now in office shall serve out the remainder of their terms after the adoption of this charter, and until their successors are elected and qualified. The five offices of councilmen shall be designated as Post 1, Post 2, Post 3, Post 4, and Post 5. Any person desiring to offer as candidate for councilman shall designate the post for which he is offering for election.

You are viewing a page from the 2019-2020 Regular Session. This is not the current session.

# HB 159

Molena, City of; provide for four-year terms of office for mayor and councilmembers

 [Past Versions](#)

## Sponsors

No.	Name	District
1.	Pullin, Ken	131st

## Committees

House Committee:  
[Intragovernmental Coordination](#)  
 Senate Committee:  
[State and Local Governmental Operations](#)

## First Reader Summary

A BILL to be entitled an Act to amend an Act to amend, consolidate and supersede the several Acts of the General Assembly of the State of Georgia pertaining to the City of Molena in the County of Pike (Ga. L. 1982, p. 4935), as amended, so as to provide for four-year terms of office for the mayor and councilmembers; to provide initial terms of office for the mayor and councilmembers elected in 2019 and 2020; to provide for related matters; to provide for the continuation of terms of office in effect at the time of adoption; to repeal conflicting laws; and for other purposes.

## Status History

Date	Status
04/30/2019	Effective Date
04/30/2019	Act 97
04/30/2019	House Date Signed by Governor
04/04/2019	House Sent to Governor
02/21/2019	Senate Passed/Adopted
02/21/2019	Senate Committee Favorably Reported
02/14/2019	Senate Read and Referred
02/13/2019	House Passed/Adopted
02/13/2019	House Third Readers
02/13/2019	House Committee Favorably Reported
02/08/2019	House Second Readers
02/07/2019	House First Readers
02/06/2019	House Hopper

## Footnotes

No Footnotes available.

## Votes

Date	Vote No.	Yea	Nay	NV	Exc
02/13/2019	House Vote #29	156	0	20	4
02/21/2019	Senate Vote #42	47	0	3	6

## Helpful Links

- [georgia.gov](#)
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- [Secretary of State](#)
- [Georgia Department of Motor Vehicles](#)
- [Georgia Department of Driver Services](#)

## Legislative Resources

- [House of Representatives](#)
- [Senate](#)
- [Open RFP's](#)
- [Senate Staffing](#)
- [Intern Program](#)

**Section 2.2. Terms of Councilmen.** Each councilman shall be elected for a term of two (2) years, said election to be held on the first Monday in November immediately preceding the expiration of his term of office and shall take office on the first Monday in January of the year following the election.

**Section 2.3. Term of Mayor.** The present mayor shall conclude the term of his office. Any person elected mayor shall serve a two (2) year term of office. The election of mayor shall be on the first Monday in November immediately preceding the expiration of his term of office and the newly elected mayor shall take office on the first Monday in January of the year following the election.

**Section 2.4. Residence Requirements: Effect of Change of Residence.** Should a councilman or the mayor remove his residence from the city, such removal shall effect an automatic vacancy in the office held by the person so moving to be filled as provided in Sections 2.5 and 2.6, whichever is applicable.

**Section 2.5. Vacancy in Office of Mayor.** In the event the office of the mayor shall become vacant by death, resignation, removal or otherwise, the mayor pro tem shall act as mayor during the balance of said term and exercise all the rights and powers of the mayor during said term; provided, that at the time of such vacancy, there shall be not more than six (6) months before the expiration of said mayor's term of office. If said unexpired term is longer than six (6) months from the date of such vacancy, the council shall, within fifteen (15) days after such vacancy occurs, order a new election, which shall be held and managed in the same manner as hereinafter provided for city elections, and at which special election a successor for the unexpired term caused by said vacancy shall be elected.

**Section 2.6. Vacancy in Council.** A vacancy occurring among the members of council shall be filled for the unexpired term at an election by the mayor and remaining members of council; provided, at the time of such vacancy there shall be not more than six (6) months before the expiration of said councilman's term of office. If said unexpired term is longer than six (6) months from the date of such vacancy, the council shall, within fifteen (15) days after such vacancy occurs, order a new election, which shall be held and managed in the same manner as hereinafter provided for city elections and at which special election a successor for the unexpired term caused by said vacancy shall be elected.

RESOLUTION NO. 2018-04

A RESOLUTION TO AUTHORIZE THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA TO APPROVE AMENDMENTS TO THE CITY'S CHARTER; TO DIRECT THE CITY CLERK TO PROVIDE CERTAIN NOTICE OF SAME; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WITNESSETH:

WHEREAS, the City of Molena ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

WHEREAS, the City requests the General Assembly to allow certain changes as specified herein to its City Charter;

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. **Incorporation of Preamble.** The preamble is incorporated herein as fully set forth above.

2. **Requests of the Georgia General Assembly.** The Mayor and Council hereby request that the Pike County Delegation representing the City of Molena and the Georgia General Assembly approve the following amendments to the City's Charter:

A. To amend Section 2.8 of the Molena Charter by striking the existing language and inserting in lieu thereof the following:

The mayor shall receive a salary not exceeding ten thousand dollars (\$10,000.00) per year as the council may fix by ordinance or resolution; provided, however, that any salary so designated for a mayor shall not be effective during the term of office of the mayor then in office.

B. To amend Section 2.9 of the Molena Charter by striking the existing language and inserting in lieu thereof the following:

Each councilperson shall receive a salary not exceeding five thousand dollars (\$5,000.00) per year as the council may fix by ordinance or resolution; provided, however, that any salary so designated for councilpersons shall not be effective during the term of office of the councilpersons then in office.

3. **Notification.** The Mayor and City Council now direct the City Clerk to file the requisite notice in the legal organ of Pike County.

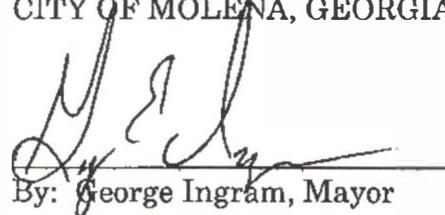
4. **Authorization For City Clerk and City Attorney To Prepare Documents.** The City Clerk and City Attorney are authorized to prepare any and all documents necessary to effectuate this Resolution.

5. **Effective Date.** This Resolution shall take effect immediately.

6. **Repeal of Inconsistent Provisions.** All resolutions are hereby repealed to the extent they are inconsistent herewith.

THIS RESOLUTION adopted this 13 day of November, 2018.

CITY OF MOLENA, GEORGIA



By: George Ingram, Mayor

Attest:



Tausha Grose, City Clerk

(CITY SEAL)



**Section 2.7. Oath of Office.** The mayor and council shall, before entering upon the discharge of their duties, each take and subscribe before some officer authorized by law to administer same, the following oath:

"I do solemnly swear that I will faithfully and uprightly demean myself as mayor (or member of council) of the City of Molena during my continuance in office; that I will to the utmost of my skill and ability promote the interest and prosperity of said city; that I will not wilfully and knowingly use or be the cause of using tyrannical means towards any citizen or portions of the citizens thereof, so help me God."

**Section 2.8. Salary of Mayor.** The mayor shall receive a salary not exceeding one thousand dollars (\$1,000.00) per year, as the council may fix by ordinance or resolution; provided, however, that any salary so designated for a mayor shall not be effective during the term of office of the mayor then in office.

**Section 2.9. Salaries of Councilmen.** Each councilman shall receive a salary not exceeding five hundred dollars (\$500.00) per year, as the council may fix by ordinance or resolution; provided, however, that any salaries so designated for councilmen shall not be effective during the term of office of the councilmen then in office.

**Section 2.10. Mayor and Council Constituted Governing Body of City.** The mayor and council shall constitute the legislative and governing body of the city, and shall enact all ordinances and resolutions, and adopt all regulations with all the power and authority granted by this charter.

**Section 2.11. Appointment, Authority of Mayor Pro Tem.** The council shall appoint a mayor pro tem from the members of the council who shall in the absence of the mayor have all the power vested in the mayor by this charter.

**Section 2.12. Meetings: Quorum Fixed.** The mayor and council shall meet once each month at such place as fixed by them by resolution or ordinance. The mayor may call special meetings of the council at any time deemed advisable by him. Three (3) members shall constitute a quorum.

**Section 2.13. Duty, Authority of Mayor to Convene Council.** The mayor shall convene the council when so requested, in writing, by a majority of the members thereof, or when it seems to be important to the welfare of the city; provided, however, that in the event the mayor refuses to convene the council when requested to do so as provided above, the council shall have the power and authority upon direction of an absolute majority thereof to call itself into session.

**Section 2.14. Mayor as Presiding Officer of Council.** The mayor of the city shall be the presiding officer of the council and cast the deciding vote in case of a tie.

**Section 2.15. Meetings to be Public: Exception.** All meetings of the mayor and council shall be in public, except such executive sessions as may be provided by ordinance.

**Section 2.16. Rules and Order of Business.** The mayor and council shall have the power to establish its own parliamentary rules and order of business.

**Section 2.17. Minutes of Proceedings to be Kept.** The mayor and council shall keep minutes of its proceedings in a special minute book kept for that purpose.

**Section 2.18. Access to Minutes, Records of Meetings.** Any citizen shall have access to the minutes and records of meetings of the mayor and council at all reasonable times, at the office of the city clerk.

**Section 2.19. Approval of Ordinances by Mayor: Effect of Lack of Approval.** All ordinances adopted by the mayor and council shall be signed and approved by the mayor, but any ordinance shall become law without the signature of the mayor unless the mayor within four (4) days after its enactment shall deliver to the city clerk his written veto thereof. ←

**Section 2.20. Veto Power of Mayor.** The mayor shall have the veto power and may veto any ordinance or resolution of the council, in which event the same shall not become a law unless subsequently passed over his veto by the veto of at least four (4) councilmen on a yea and nay vote, duly recorded on the minutes of the council; but unless the mayor shall file in writing with the city ←

clerk his veto of any measure passed by that body with reasons which impel him to withhold his assent within four (4) days of its passage, the same shall become a law just as if approved and signed by the mayor.

### ARTICLE III. CITY OFFICERS AND EMPLOYEES

**Section 3.1. Designation, Term Generally.** At the first regular meeting of the mayor and council after its qualification, or as soon thereafter as practicable, the following municipal officers of the city shall be elected by the mayor and council and shall hold their office for a term of one (1) year and until their successors are elected and qualified, to wit: An attorney, a clerk of council, a city treasurer, a police force, and such other officers, heads of departments and their assistants as are deemed necessary and appropriate; provided, however, that the offices of clerk of council and city treasurer can be combined and filled by one person. Elections hereunder for said officers shall be held at the first meeting of the mayor and council after their qualification, or as soon thereafter as practicable.

**Section 3.2. Selection of Officers, Prescribing Duties Fixing Compensation.** The mayor and council of the city shall have the right to elect such municipal officers besides those specified in this Article, as to them seem necessary and proper therefor when necessary, by ordinance, and in the same manner prescribing their duties and fix their compensation.

**Section 3.3. Qualifications for Appointive Office.** Any person who has attained the age of eighteen (18) years shall be eligible to hold any appointive office.

**Section 3.4. Oath of Office, Bond.** All officers and employees of said city shall be required to take such oath to properly perform their duties, and to give bond, payable to the mayor and his successors in office, for the benefit of the city and for the use and benefit of the public, to secure and indemnify the city and the public for any loss or damage by reason of their default, misfeasance, malfeasance, nonfeasance or negligence, as the mayor and council may by ordinance prescribe.

**Section 3.5. Compensation.** Each of the officers of the city shall receive such compensation as the mayor and council may by resolution or ordinance prescribe; provided, however, that the salaries of all city officers, when fixed and determined by the mayor and council in the manner prescribed in this Act, and in the manner prescribed by the laws and ordinances of the city, shall not be diminished during the terms of office for which such officers are elected.

**Section 3.6. Duties.** In addition to the duties prescribed in this Article, each of the officers of the city shall perform such other duties as may be provided by the mayor and council by ordinance.

**Section 3.7. Vacancy in Office.** In the event of a vacancy occurring in any of the offices enumerated in this Article, or in any other office created by the mayor and council, an election to fill the unexpired term shall be held by the mayor and council within fifteen (15) days thereafter, or at such other time as the mayor and council shall designate.

**Section 3.8. Suspension by Mayor.** Each of the officers provided for herein shall at all times be subject to suspension for cause, by the mayor, in his discretion but such suspension shall be reported within ten (10) days to the council for action on their part, under the provisions of this charter.

**Section 3.9. Suspension, Fine, Removal From Office; Authority of Mayor and Council.** All officers elected by the mayor and council shall at all times be subject to the jurisdiction of the council and amenable to its discipline, and said mayor and council shall have the power to suspend, fine or remove any of said officers by a majority vote of the whole body, the mayor voting, for any cause that may seem just and proper, after a fair notice and opportunity to be heard.

**Section 3.10. Duties of City Clerk.** (a) Designation as clerk of council, ex officio clerk. The city clerk shall be the clerical officer of the council and shall be the keeper of the seal of the city; he shall also be ex officio clerk of the police court of the city, and attend its sessions; he shall be ex officio tax collector of said city; and he shall be ex officio clerk or secretary of any other board of said city created under the provisions of this charter or that may be created and established under the laws and ordinances of the city.

(b) Duties as clerk, *ex officio* clerk. The duties of the city clerk as clerk of the council and *ex officio* clerk of the police court, as *ex officio* tax collector, and as *ex officio* clerk or secretary of any board or commission of the city, shall be such as are prescribed in this charter and as shall be prescribed under and by the laws and ordinances of the city and by the mayor and council. In addition, the mayor and council may provide by ordinance that the city clerk perform the duties as the city treasurer.

**Section 3.11. Duties of City Treasurer.** In the event the mayor and council deem it necessary and advisable to provide for and appoint a city treasurer, it shall be the duty of the city treasurer to receive and safely keep all monies and funds of the city that may come into his hands from every source; to keep separate accounts of same as may be provided or required under and by the laws and ordinances of the city; and he shall only pay out said funds in the way and manner as may be prescribed and provided for by and under the laws and ordinances of the city. The city treasurer shall also be *ex officio* tax receiver of the city, and as such shall receive the returns of property for taxation in the city at such times and under such rules and regulations, laws and ordinances as the mayor and council shall prescribe and enact; and he shall perform any and all further duties as city treasurer and as city tax receiver as the mayor and council shall by ordinance prescribe.

**Section 3.12. Authority, Duties of City Attorney.** (a) Authority. The city attorney shall be the legal representative of the city and the legal advisor thereof, and shall represent the city in all matters in which the city is interested or involved.

(b) Duties. The duties of the city attorney shall be such as are required by the ordinances and laws of the city and by the direction of the mayor and council.

(c) Additional counsel. Whenever in the judgment of the mayor and council it shall be advisable to employ additional counsel to assist the city attorney, authority to do so is hereby conferred upon the mayor and council.

**Section 3.13. City Tax Assessors.** The mayor and council shall have the authority, should it be deemed necessary and advisable to appoint a tax assessor or assessors and to prescribe the duties thereof.

**Section 3.14. Police.** (a) Selection. At its first regular meeting after qualification, or as soon thereafter as practicable, the mayor and council shall elect one (1) chief of police, one (1) assistant chief of police and as many additional policemen or detective force as in the judgment of the said mayor and council may seem proper and necessary.

(b) Term of office. Said officers shall be elected for a term of one (1) year and until their successors have been appointed and qualified.

(c) Oath of office. Said officers shall take and subscribe such oaths as the mayor and council may prescribe.

(d) Bond. Said officers shall give bond with good and sufficient security to be approved by the mayor and council of the city in such amount as may be determined upon by the mayor and council for the faithful performance of their duties and to account for all monies that may come into their hands as such officers of the city.

(e) Compensation. Said officers shall be paid such compensation as may be prescribed by the laws and ordinances of the city; provided, however, that said officers shall receive, in addition to such salaries as may be fixed and prescribed by the mayor and council, such fees and commissions as may be prescribed by the laws and ordinances of the city, and by the mayor and council.

(f) Suspension, removal. The mayor and council of the city shall have the right at any time, without trial, to suspend or remove any of said officers for breach of duty, failure to perform his duty, insubordination, incapacity, conduct unbecoming an officer or a gentleman, for other good and sufficient cause or reason, to be adjudged by the mayor and council. The mayor may at any time during a recess of council suspend any of the said officers for any of the above enumerated reasons for a period not to exceed thirty (30) days, without pay, and appoint a substitute therefor.

(g) Duties. Said officers shall perform such duties as are provided for in this Act and as may be prescribed and required of them by the laws and ordinances of the city and by the mayor and council. In addition, said officers by virtue of their office shall be and are hereby constituted ex officio firemen.

**Section 3.15. Fire Department: Establishment, Maintenance.** The mayor and council shall have the power and authority, by ordinance, to create and establish a fire department in said city; to provide for the personnel therefor and equipment thereof; to purchase any necessary apparatus; and to make any needful rules and regulations for its proper maintenance.

**Section 3.16. Deputies for Principal Officers.** The mayor and council may appoint such deputies as they may see fit. Each deputy so appointed shall have and may exercise all powers, duties, functions and authority as shall be vested in the principal officer for whom he is deputy, including all powers, duties, functions vested in the principal officer *ex officio*. All deputies shall serve at the pleasure of the mayor and council, shall receive such compensation, and shall give such bond as the mayor and council shall provide.

*City Manager?*

**Section 3.17. Restriction Upon Contracts for Personal Services.** No contract shall be made which binds the city to pay for personal services to be rendered for any stated period of time, but all appointive officers and employees shall be subject to peremptory discharge as herein provided.

#### ARTICLE IV. POWERS OF CITY

**Section 4.1. Adoption of Ordinances, Resolutions, Generally. Reading Required.** All ordinances and resolutions, before they shall pass, shall be read at two separate regular or special meetings.

(b) Signature, countersignature required. All ordinances and resolutions shall be signed by the mayor or the officer presiding at the time of their passage and countersigned by the city clerk.

(c) Content, record of ordinances, existing ordinances preserved. All ordinances and resolutions shall be in writing and have endorsed thereon the name of the councilman introducing same and date of its readings. Such ordinances and resolutions shall be numbered and filed and properly preserved. There shall be kept by the clerk of council a regular ordinance and resolution book in which all ordinances and resolutions, after their passage and adoption, shall be fairly and accurately printed or engrossed, the record of which shall be signed by the mayor, acting mayor, or the officer presiding at the

time of the passage of the same, and countersigned by the clerk of council under the seal of the city; provided, however, that nothing herein contained shall operate to prevent said mayor and council from adopting such rules and regulations governing the passage and adoption of ordinances and resolutions which do not conflict herewith; provided further, that nothing contained in this and the previous paragraphs hereof shall affect in any manner any valid existing ordinance of said city, not in conflict herewith.

**Section 4.2. Scope of Police, Legislative Power of City.** The mayor and council of the city shall have the power to enact and enforce all ordinances necessary to protect health, life and property and to prevent and summarily abate and remove all nuisances and to preserve and enforce the good government, order, security and dignity of the city and its inhabitants; and to enact and enforce ordinances of any and all subjects, provided that no ordinance shall be enacted inconsistent with the provisions of this charter or of the general laws or Constitution of the State of Georgia.

\* **Section 4.3. Scope of Ordinances, Rules, Bylaws.** Authority to carry out and effectuate by ordinance each and every power granted to the city in this Act is hereby expressly conferred on the mayor and council of the city.

**Section 4.4. Enumeration of Powers not Exclusive.** The enumeration of powers in this charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, implied hereby, or appropriated to the exercise thereof, the city shall have and may exercise all other powers which under the Constitution and laws of the State of Georgia, it would be competent for this charter specifically to enumerate, it being the intention hereof that the powers of the city shall extend to all matters of local and municipal government.

**Section 4.5. Corporate Powers Enumerated.** The mayor and council shall have the following powers:

(a) Acquisition, disposal of property. To acquire property, within or without the city, in fee simple or lesser interest or estate, by purchase, gift, devise, appropriation, lease or leases with privilege to purchase for any municipal purpose, and may sell, lease, hold, manage, and control such property as specified and provided for;

(b) **Furnishing public services.** To furnish all local public services as herein specified and provided for;

(c) **Public utility franchise.** To grant local public utility franchises and regulate the exercise thereof;

(d) **Taxation.** To assess, levy and collect taxes for general and special purposes on all subjects or objects which the city may lawfully tax;

(e) **Bonds, notes.** To borrow money on the faith and credit of the city by the issue and sale of bonds or notes of the city;

(f) **Appropriations.** To appropriate the money of the city for all lawful purposes;

(g) **Public works and improvements.** To create, provide for, construct, regulate and maintain all things in the nature of public works and improvements;

(h) **Assessments for local improvements.** To levy and collect assessments for local improvements on property benefited thereby;

(i) **Licensing, regulating businesses, trades, etc.** To license and regulate persons, corporations and associations engaged in any business, occupation, profession or trade;

\* (j) **Abatement of nuisances, detrimental conditions.** To define, prohibit, abate, suppress and prevent within the city, and for a distance of five thousand (5,000) feet outside its limits, all nuisances and the causes thereof, and all things detrimental to the health, morals, safety, convenience and welfare of its inhabitants; \*

(k) **Purity of water supply.** To make all needful regulations applicable within and without the city, for securing and preserving the purity of its water supply;

(l) **Preservation of public health.** To do all things necessary or desirable to secure and promote the public health;

(m) **Construction, size, use of building.** To regulate the construction, reconstruction, material, location, height, maintenance and occupancy of buildings, signs and signboards and other structures;

(n) Use of streets, public places. To regulate and control the use, for whatever purpose, of the streets and other public places of the city, and to open and close streets;

(o) Offices, departments, personnel. To create, establish, organize and abolish departments and offices, and fix the salaries and compensation of all officers and employees;

(p) Police, sanitary, similar regulations. To make and enforce local police, sanitary and other similar regulations;

(q) Ordinances for benefit of city. To pass such other ordinances as may be expedient for maintaining and promoting the peace, safety, good government and welfare of the city and for the performance of the functions thereof;

(r) Imposition of fines and penalties. To try and punish all offenses and violations against the laws and ordinances of the city; and upon conviction to punish offenders as provided in Section 5.7;

(s) Additional powers. To exercise, in addition to the powers enumerated in this Section, all powers that are, or hereafter may be, granted to municipalities by the Constitution or laws of the State of Georgia; and all the powers of the city, whether expressed or implied, shall be exercised and enforced in the manner prescribed in this charter, or when not so prescribed, then in such manner as may be provided by ordinance or resolution of the council.

**Section 4.6. Code of Ordinances, Resolutions, Rules: Adoption, Modification, Repeal.** The mayor and council shall have the power and authority to adopt, maintain and declare of force a code of the ordinances, resolutions and rules of said city, which code may consist of and contain such ordinances, resolutions and rules now of force and effect as the council may deem proper to include therein, or a revision thereof or of entirely new ordinances, resolutions and rules, and may contain such of either as said mayor and council deem appropriate to include therein. Said code shall be subject to amendment or repeal, in whole or in part, at any time; provided, however, that the ordinance adopting a code shall be passed in accordance with Section 4.1.

**Section 4.7. Designation, Abatement of Nuisances.** The mayor and council of the city may by ordinance declare what shall be

a nuisance, and by ordinance prohibit the same within the city and outside the city limits for a distance of five thousand (5,000) feet, and provide for the abatement of same.

**Section 4.8. Regulation, Maintenance of Public Health and Sanitation.** The mayor and council of the city shall have the power and authority to provide for the inspection and regulation of the sanitary condition of all premises within the city limits; for the removal of garbage, night soil, refuse and insanitary or offensive vegetation; to provide for establishing a lien against affected property for any expenses incurred by the city in enforcing this provision; and to provide for the making and enforcing of all proper and reasonable regulations for the health and sanitation of said city and its inhabitants.

**Section 4.9. Policing Public Places, Protecting Water Supply.** The mayor and council of the city shall have the power to police all parks, public grounds, streets, avenues, alleys and other public places owned by said city, within or without the city limits, to prohibit the pollution of all sources of water supply of said city; and to provide for the protection of watersheds.

**Section 4.10. Ordinances, Rules and Regulations to Protect Against Fire.** (a) Enactment, scope. The mayor and council of the city may enact any and all ordinances, rules and regulations necessary to lay out and prescribe a fire district or fire districts thereof in the city, and to enlarge, change or modify the limits thereof from time to time; to prescribe when, how and of what material buildings and other structures may be erected, repaired or covered, how walls, chimneys, stove pipes and flues are to be constructed; to provide for fire escapes in buildings; and generally to do all such things and to pass such laws and ordinances as the mayor and council may deem necessary in order to protect said city as far as possible from dangers from fire and to prevent the spread of fire from one building structure to another, and for the protection and safety of the people.

(b) Changing, removing construction. The mayor and council shall have the authority to order any changes in the construction or arrangement of buildings and other structures, chimneys, stove pipes or flues, and to order the removal thereof when in their judgment the same are dangerous or likely to become so, and to make the owner of the affected premises pay expense of such change or removal, which expense may be collected as taxes are collected.

★ (c) Removal, alteration of building. If any person, firm or corporation shall erect or maintain any building or other structure that is not in accordance with the laws and ordinances of the city, the mayor and council may order such person, firm or corporation to remove or alter the same within the time limit specified therefor, and if such person, firm or corporation shall not remove or alter such building or other structure after such notice to do so is given, then said mayor and council shall have authority to remove or alter the same at the expense of the owner, which expense may be collected as taxes are collected.

★ **Section 4.11. Authority to Regulate Building, Repairing, Removing of Buildings, Other Structures.** (a) Scope of authority. The mayor and council of the city shall have full power and authority to regulate the building or the repairing of any buildings or other structures within the corporate limits of said city or the removal thereof; to require persons desiring to build, repair or remove buildings or other structures in said city to first obtain a permit from the mayor and council or from such officer as shall be authorized to grant the same before erecting, repairing or removing same; to refuse to allow buildings or other structures to be erected, repaired or removed in said city when satisfied that said buildings or other structures or additions thereto, or repair thereof, or removal of the same, will be manifestly against the best interest of the city or will endanger the safety or health of the citizens or be likely to become a nuisance and offensive to the property owners or residents of said city; to require applications for permits to be made and to prescribe how they shall be made, what they shall contain, and with whom they shall be filed; and to provide for the removal, at the expense of the owners thereof, of buildings or other structures erected, repaired or removed in violation of such rules and regulations as may be prescribed by such mayor and council for the building, repairing or removing of buildings or other structures in said city.

★ (b) Inspections. The mayor and council shall have the power and authority to provide for the inspection of the construction of all buildings and other structures in respect to proper electrical wiring, piping for gas, flues, chimneys, plumbing and sewer connections; and to enforce proper regulations in regard thereto.

★ (c) Ordinances to implement Section. The mayor and council of said city are hereby authorized and empowered to enact all ordinances to accomplish the provisions of this Section, and to provide a penalty for the violation of such ordinances.

**Section 4.12. Regulating Safety of Buildings and Other Structures.** The mayor and council shall have the power and authority to enact and enforce all ordinances and resolutions necessary to regulate the safety of all buildings and other structures.

**Section 4.13. Exits, Fire Escapes: Construction and Sufficiency.** The mayor and council shall have the power and authority to require the construction of fire escapes, and to determine the sufficiency and regulate the safety of all exits and fire escapes provided on buildings of every kind and character.

**Section 4.14. Authority to Grant Franchise, Permits, Easements and Rights-of-Way.** (a) **Scope of Authority.** The mayor and council of the city shall have the power and authority to grant franchises, permits, easements, and rights-of-way in, on, under and over the streets, alleys, lanes, squares, sidewalks, parks, and other property of said city, upon such terms, conditions, reservations, restrictions and limitations and for such compensation as the mayor and council may fix and prescribe.

(b) **Application, notice, granting.** The mayor and council shall have the power and authority by ordinance to prescribe the method of making application for any such franchise, easement, permit and right-of-way; what said application shall contain; to provide for notice of such application to be published; to provide when such franchise, permit, easement or right-of-way, if granted, shall become operative; and generally to prescribe such rules and regulations in respect to applications for same, the filing, publication of notice, and the granting of same as the mayor and council may deem necessary or advisable.

(c) **Ordinances to implement Section.** The mayor and council shall have the right and power to pass such ordinances as may be necessary to accomplish the provisions of this Section and to prescribe penalties for the violation of said ordinances.

**Section 4.15. Erection of Structure in Street, Sidewalk, Public Place.** The mayor and council shall have full power and authority to grant to any person, firm or corporation the right to erect or maintain a structure or obstruction in a public street, sidewalk or other public place, upon such terms and conditions and subject to such restrictions as the mayor and council shall deem appropriate.

**Section 4.16. Control of City Parks and Playgrounds.**

The mayor and council of the city shall have exclusive control over all city parks and playgrounds, and the power and authority to control, regulate and remove all obstructions and prevent all encroachments thereupon; and to provide for raising, grading, filling, terracing, landscape gardening, erecting buildings, and providing amusements therein, and for establishing walks and paving driveways around, in and through said parks, playgrounds and other public grounds.

**Section 4.17. Regulation of Streets, Avenues, Alleys, Obstruction Thereof.** The city shall have the power to control, regulate and remove all obstructions, encroachments and encumbrances on any public street, avenue, alley or other public place, and to regulate and control the moving of buildings and structures of any kind or character upon and along the same.

**Section 4.18. Condemnation of Property for Streets, Sidewalks, Public Places.** (a) Scope of authority. The mayor and council of the city shall have full power and authority to condemn property for the purpose of laying out and opening new streets, sidewalks, alleys, squares and parks in the city, and for the purpose of widening, straightening, grading or in any way changing the streets, lanes and sidewalks of the city.

(b) Exercise of power. Whenever the said mayor and council shall desire to exercise the power and authority to condemn property as granted and conferred herein, said power and authority shall be exercised, whether the land sought to be condemned is in the hands of the owner or a trustee, executor, administrator, guardian or agent, under the same terms and conditions as provided for in the general laws of this State with reference to the condemnation of private property for public use.

**Section 4.19. Streets, Sidewalks and Public Places—Opening, Widening, Changing, Closing.** (a) Scope of authority. The mayor and council of the city shall have the absolute, full and complete control and supervision of the streets, sidewalks, alleys, lanes, parks, squares and other public places of the city, and shall have full power and authority to open, lay out, close, narrow, widen, straighten, grade or otherwise change the streets, sidewalks, alleys, lanes, parks, and squares of said city; and shall have the power to lay out, grade, vacate, close up, curb and pave the roads, streets, bridges, alleys, sidewalks, crosswalks, cross drains, drains and gutters or any of

them for public use or to lay wires, lines or pipes, throughout the streets, squares, lanes, alleys, parks and public places of said city, upon such terms and conditions as the mayor and council may by ordinance provide.

(b) Assessment of cost. The mayor and council may assess not more than two-thirds (2/3) of the entire cost of any or all of the improvements or work described in Subsection (a) against the abutting property and the owners thereof, according to the proportion that such abutting property bears two-thirds (2/3) of the cost of such improvements or work and also to provide for the enforcement and collection of such assessments against the abutting property and owners thereof, including railroads thereon, by execution issued against such property and such owners.

(c) Equalizing assessments. The mayor and council shall have full power and authority to adopt by ordinance such system of equalizing assessments on real estate for the purpose stated above, as may be just and proper, estimating the total cost of each such improvement made, and prorating the cost thereof, or such part as is to be borne by the abutting property and the owners thereof, on the abutting real estate, and the owners thereof, according to the proportion such abutting real estate bears to two-thirds (2/3) of the cost of such improvements or work on or along such street, sidewalk, avenue, alley, lane or other public place, or according to the area or value of said real estate, any or all, as may be determined by ordinance.

(d) Lien of assessment. The amount of the assessment on each piece of real estate shall be a lien on such real estate against the owner thereof, from the date of the passage of the ordinance providing for the improvement of work and making assessment.

(e) Collection of assessment. The mayor and council shall have full power and authority to enforce the collection of any assessment so made for such work or improvement, as aforesaid, by execution issued by the city clerk against the real estate so assessed and the owner thereof for the amount thus assessed; which execution may be levied by the chief of police of the city on such real estate or other property owned by the owner thereof, without such levy being open to the charge of being an excessive levy, and after advertising and other proceedings, as in case of tax sales under existing ordinances, or such as may hereafter be made applicable to the subject, said property shall be sold in the same manner and shall be subject to all the rights

of purchase by the city and redemption by the owners as is now provided for tax sales by said city; provided, that all advertisements may be made in the official organ of said city.

(f) Contest of assessment. To any execution issued under the provisions of this Section the defendant shall have the right to file an affidavit of illegality to common law judgments under the practice of the Superior Courts of the State, denying that the whole or any part of the amount for which such execution issued is due, and the reason why the same is not due, but any amount admitted to be due shall be paid before the affidavit of illegality is received, and said affidavit shall be received for the balance, and said affidavit so received shall be returned for trial to the Superior Court of Pike County, Georgia, and there tried and the issues determined as in other cases of illegality, subject to all the pains and penalties provided for in cases of illegalities filed for delay only.

(g) Priority of assessment. The lien of such assessments and the executions issued thereon on abutting property, including that of railroads and railways, and the owners thereof, for any such improvement contemplated and provided for by this Section shall have rank and priority of payment next in point of dignity to liens for taxes, as provided by the Constitution and laws of the State of Georgia, and of the United States, and shall have priority over all other executions and judgments and liens, such liens to date from the passage of the ordinance authorizing the execution of the work or improvement in each case.

(h) Application to maintenance, repair. The mayor and council shall have full power and authority to prescribe by ordinance such rules as they may in their discretion deem necessary and proper, to grade, pave, curb, macadamize, repair, drain or lay sewerage along or upon or otherwise improve any or all of the streets, avenues, alleys, lanes, sidewalks, or other public places in said city, and assess not more than two-thirds (2/3) of the cost or expenses against abutting property, and the owners thereof, and enforce by execution the collection thereof against the abutting property and the owners thereof, and to prescribe by ordinance such notices to the abutting property owners as said mayor and council may see fit and proper.

(i) Publication required. One (1) publication of such ordinance, or ordinances, for any of the work and improvements contemplated by this Section, in the newspaper designated as the official organ for

said city shall be sufficient notice to the abutting property owner or the owners of any railroad or railway having property or tracks abutting on such streets, sidewalks, avenues, lanes, alleys, or other public places in said city, of the contents and provisions of such ordinance or ordinances, and of the fact that such improvements are to be made.

(j) Service of notices. Any other notice or notices deemed necessary or desirable to be made on abutting property owners by said city may be made in person or by leaving at the residence of the person to be notified if a resident of said city, but if such person is not a resident of said city then such notice may be served by publishing it for such time as may be prescribed by ordinance, and such publication in the official organ of said city shall be sufficient; provided further, that if said abutting property is owned by a partnership or by tenants in common, notice to any one of such owners shall be deemed sufficient, and if such real estate is owned by a minor or other person laboring under legal disability, notice to such minor or person laboring under legal disability and his guardian, if any, shall be deemed sufficient service of such notice; if such minor or person laboring under legal disability be a nonresident or absent from the city for more than ten (10) days, service may be made by publication as hereinbefore provided.

(k) Issuance of negotiable certificates. In addition to the authority hereby vested in the mayor and council of said city to issue executions for such improvements as are herein provided, covering the assessments in question, the said mayor and council shall have authority to issue paving, curbing, macadamizing, grading, draining, or sewerage certificates, one or all, in the name of the city, in behalf of or payable to the contractor or other person, corporation or concern, which certificates shall be made negotiable, shall be issued in such denominations and payable at such time or times, either for one (1) year or more than one (1) year, in the discretion of the mayor and council, and shall bear such legal rate of interest as may be fixed by council, interest to be payable annually or semi-annually, and the principal and interest to be paid at such place or places as may be fixed by said mayor and council; said certificates to be based upon the executions issued against the abutting property and the owners thereof for such street or sidewalk improvements aforesaid.

(l) Negotiation of certificates. The mayor and council shall have authority to negotiate such certificates when issued to contractors for

such improvements or parties furnishing material therefor, in settlement of such paving improvement provided herein, or for labor or material, or to negotiate them to banks, trust companies, or other persons or parties having money to lend, and thereby obtain the money to pay for such street or sidewalk improvement.

(m) Payment of certificates. The mayor and council shall have the authority to collect assessments for such street or sidewalk improvement under such execution as may be issued by authority of said city, and use the money to pay for such improvement certificates thus issued, and to prescribe the terms, the rate of interest and the time and place of payment of such executions and of such improvement certificates.

(n) Additional powers. The city, through its mayor and council, shall have all other necessary authority to accomplish such street or sidewalk improvements, in a manner to be provided by proper ordinance or ordinances to be adopted by said city.

**Section 4.20. Same—Maintenance, Drainage, Repair.**

(a) Scope of authority. The mayor and council of the city shall have full power and authority to pass all laws and ordinances necessary for the drainage and proper maintenance and care of the streets, alleys, sidewalks and other public places of said city; to provide for the paving, grading, macadamizing, curbing, or otherwise improving, for travel or drainage, the same or any part thereof; or to regrade, repave, recurb, remacadamize, or repair in any way the pavement, curbing, grade or drainage of the same, as provided in Section 4.18, whenever in the judgment of the said mayor and council, the same becomes necessary or advisable.

(b) Manner of payment. The said mayor and council shall have the right and authority to provide, by ordinance, how said paving, grading, macadamizing or repairing, maintenance and care of the same shall be paid, whether by the city or whether by the adjacent landowners or by both, as provided in Section 4.18.

**Section 4.21. Right-of-Way of Railroad, Maintenance, Repair.** The mayor and council shall have full power and authority to enact all laws and ordinances to require any railroad company having or which may hereafter have tracks running in, along, across or through the streets, alleys or public ways of said city, which have been improved, to macadamize or otherwise pave and improve as the

mayor and council may direct, the width of their tracks, and two (2) feet on each side thereof, and to require said companies to repair or repave their aforesaid portions as the mayor and council may direct; and the mayor and council shall have the power and authority to enforce the provisions of this Section by appropriate ordinances.

**Section 4.22. Construction, Paving, Repair of Streets, Pavements by Abutting Owners.** (a) Authority of city to require work. The mayor and council of the city shall have full and complete power and right to direct the mode, manner and style in which all street crossings, sidewalks, and pavements shall be constructed, paved, or unpaved, by the abutting property owners, and in case of failure or refusal of any property owner, after ten (10) days' notice to comply with the ordinance of said city in reference to the construction, paving or repairing of the sidewalks, pavements or street crossings, the mayor and council of said city are hereby authorized and empowered to prescribe that said owners be fined in a sum not exceeding two hundred fifty dollars (\$250.00) and to collect the same by execution.

(b) City may do work. The mayor and council may also direct their officers or employees to carry out and execute the provisions of said ordinance in reference to sidewalks, pavements and street crossings at the expense of the owner so refusing or failing to comply with said ordinance.

(c) Execution for expenses. The mayor and council shall be empowered to issue execution for said bill of expense against said owner, and to levy and collect the same, as in cases of execution for taxes.

**Section 4.23. Supervision, Regulation of Public Work.** The mayor and council may prescribe by ordinance or resolution any and all public work to be performed in the city and the method of doing the same, and shall have charge of the performance of all such public work.

**Section 4.24. Fixing Manner of Executing Public Work or Improvement.** Any public work or improvement may be executed either by contract or by direct labor, as may be determined by the mayor and council. Before authorizing the execution by any city department of any work or improvement, detailed plans and estimates thereof shall be submitted to the mayor and council by said

department, and there shall be separate accounting as to each work or improvement so executed.

**Section 4.25. Water Systems, Sanitary Sewer System: Establishment, Maintenance, Use.** (a) Authority. The mayor and council of the city shall have power and authority to provide for a water system and for a sanitary sewer system and for the maintenance thereof; to require property owners to make connection from their premises to such system or systems; to provide for fixing a lien against the premises of any property owner who fails or refuses to make such connections; to charge the cost against the said owner and make it a personal liability; and to fix penalties for failure to make such connections.

(b) Places to be filled in. The mayor and council of said city shall have power and authority to require all surface wells, dry wells or similar places to be filled in at the expense of the owner, and should the owner fail or refuse to fill the same within a reasonable time as the mayor and council may direct, the same shall be done by the city, and the expense thereof shall be collected from the owner in the same manner as taxes are collected.

(c) Ordinances to implement Section. The mayor and council are hereby authorized and empowered to enact such ordinances as may be necessary to fully accomplish the provisions of this Section.

**Section 4.26. Authority to Extend Water, Sewerage System: Assessment of Cost.** (a) The mayor and council shall have power to extend the water system and the sewer system at such time as the same shall be established, to any portion of the city within the corporate limits of said city, provided that two-thirds (2/3) of the cost of said extension is paid by the owners of the property to which said extension is made; and to extend said systems, or either of them, to any place beyond the corporate limits deemed feasible by the mayor and council. The mayor and council shall have power to provide for such extension by proper ordinance, including provisions that all cutoffs therefor be installed by the owners of the property served.

(b) The exercise of this provision shall be optional, however, with said owners and shall in no way affect the right of the mayor and council to extend the water system and the sewerage system when the same shall have been established, by the expenditure of funds from

the treasury, but where there are no such funds they may comply with this provision at the instance of owners who desire such services under this provision.

**Section 4.27. Water, Sewerage, Electric and Natural Gas Systems: Maintenance, Repair, Extension.** (a) Authority of city. The mayor and council of the city shall have the power and authority to establish, maintain, equip, repair, extend, enlarge, and in any way improve the present system of waterworks in the city, for the purpose of supplying its inhabitants and the city and consumers, generally, with water; and the mayor and council shall have the power to do any and all things necessary for such purpose, to contract with any person or persons, firms or corporations, for the purchase of land or premises to be used in connection therewith, whether within or without the city, and to contract for the purchase of easements over lands and premises to be used in connection therewith, whether the lands and premises over which easements are desired are within or without the limits of said city, and if necessary for any or all of such purposes to condemn the same as hereinafter provided.

(b) Purchases, construction. Said mayor and council in the name of the city shall have full power and authority to make purchases of plants, machinery and any and all articles and things that may be necessary or advisable for the proper equipment of said plants and for the purpose of properly repairing and maintaining the same, or for the purpose of extending, enlarging, or in any way improving said plant; to build and erect structures, build, shape and furnish the same with machinery, tools and equipment that may be necessary or expedient in the care and maintenance of said plants, and generally to have the power and authority to do any and all things necessary or expedient to the upkeep, care, maintenance and improvements of said plants, or the extension or enlargement thereof. The right to repair and maintain said plants, and to purchase such articles and things for such purposes, shall be exercised by the mayor and council.

(c) Application to new systems. The mayor and council of the city shall have the full power and authority to establish and maintain new systems of waterworks, electricity, sewerage, natural gas, or any of them, whenever it may be necessary or advisable for the purpose of furnishing and supplying its inhabitants, and the city and consumers generally with water, sewerage, electric lights and natural gas, or any of them, and when such power and authority is exercised, the said mayor and council shall have the same rights, powers and privileges

and shall be subject to the same duties and responsibilities for the erection, equipment, care, maintenance, repairing and improvement thereof, and the making and enforcement of contracts for the furnishing of services from such systems, or any of them, to the inhabitants of said city and nonresidents thereof, together with the right to acquire, own, possess and condemn lands and premises for such purposes, whether within or without the limits of said city, as are herein conferred upon and granted said mayor and council respecting the present system owned and operated by the city; provided, however, that the provisions hereof shall be subordinate to the provisions of existing franchises for such services.

**Section 4.28. Furnishing Water, Sewerage, Electrical, Gas Services.** (a) Contracts authorized. The mayor and council in the name of the city shall have the right and authority to make contracts with the inhabitants of the city, and to consumers generally, whether residents of said city or residents without the limits thereof, for the furnishing of water, and for the furnishing of electric lights and power, sewerage, natural gas or any of them, in the event such systems are hereafter acquired, operated and maintained, at such rates and under such rules and regulations as the mayor and council may provide.

(b) Fixing rates and charges. The mayor and council shall have power and authority to fix all rates and charges made for any such public service owned and operated for and by the city.

**Section 4.29. Franchises for Water, Electric, Sewer, Gas Services.** (a) Authority of city. The mayor and council shall have full power and authority to grant franchises over its streets and other public property to any persons, firms or corporations for the furnishing of water, electric lights and power, sewerage, natural gas, or any of them, to the city and its inhabitants and to make such contracts with such persons, firms or corporations for such services as the mayor and council may deem proper.

(b) Enactment of appropriate legislation. The mayor and council of the city are hereby authorized and empowered to enact all laws, ordinances, rules and regulations necessary to carry out and accomplish the purposes of this Section; provided, however, that no provision of an existing franchise shall be impaired.

**Section 4.30. Condemnation of Property for Water, Electric, Sewerage, Gas Services.** (a) Authority of city. The mayor and council, in the name of the city, shall have full power and authority to condemn any lands or premises, within or without the city, for the purposes of establishing and maintaining water work systems, sewerage systems, drainage systems, natural gas systems and electrical distributing systems, or any of them, for said city, or for the purpose of maintaining, extending, enlarging or improving said systems, or any of them, and for either or all of said purposes.

(b) Regulation of proceedings. Whenever the right to condemn lands and premises herein granted is exercised, all proceedings in respect thereto shall be under the same terms and conditions as provided for in the general laws of this State with reference to the condemnation of private property for public use.

**Section 4.31. Sale of Electrical, Water or Gas Plant and/or System.** (a) Authority. The mayor and council of the city are hereby authorized and empowered by ordinance to contract to sell and sell upon such terms and conditions as they may determine, any water or other plant or system owned by the city, including distribution lines and all equipment, apparatus and property whatsoever, both real and personal, connected therewith and used as a part thereof, belonging to the city, and to cease operation of such system or systems, and to convey good and clear title thereto by deed of the city executed by its mayor.

(b) Election required. At such time and place as shall be fixed by the mayor and council of the city there shall be an election in said city by the duly qualified voters thereof, to authorize the selling of the system or systems, distribution lines and equipment, apparatus and property whatsoever belonging to said city, as the same then exists, said election to be held and determined as provided by said mayor and council of said city, in which election ballots shall be furnished setting forth the question whether such sale shall be consummated.

(c) Effect of election. If a majority of the legal voters of said city cast their votes in favor of selling said plant and its equipment, then the mayor and council of said city shall be authorized to sell the same. If a majority of legal voters of said city cast their votes against the selling of the same, then the mayor and council shall be without power and authority to sell said plant and equipment.

(d) Notice of election. No election shall be held without first advertising the same in some newspaper published in said city once a week for four (4) weeks prior to the time of holding said election.

(e) Qualifications of voters. The qualifications of voters shall be the same as are required of voters in elections held in said city for mayor and councilmen.

**Section 4.32. Bond Issues for Debts, Public Improvements.** The city may issue bonds for the payment of its debts or for public improvements, but such bonds shall be issued only in accordance with and under the provisions of the laws of Georgia.

**Section 4.33. Levy of Ad Valorem Tax for General City Purposes.** (a) Amount, scope of tax. The mayor and council shall have power and authority to levy and collect a tax annually, for general city purposes, upon all and every species of property, both real and personal, within the limits of the city, including bonds, notes, debts, choses in action, moneys employed in banking and otherwise, and to enforce the collection of same by execution, levy and sale as the mayor and council shall provide.

(b) Due date, collection. The mayor and council shall have power and authority to provide by ordinance when such taxes of said city shall be due, in what length of time said taxes shall be paid, when tax executions shall issue against defaulters, and to fix a penalty for the nonpayment of taxes when due.

**Section 4.34. Authority to Assess, Levy and Collect Ad Valorem Tax for Bond Purposes.** (a) Scope of authority. The mayor and council of the city shall be and are hereby authorized and empowered to annually assess, levy and collect, in addition to all other taxes authorized to be levied under this charter, a tax on all the property, both real and personal, in the corporate limits of said city in such sums as they may deem right, proper and necessary for the specific purpose of paying the interest on all bonds outstanding, or which are issued under the provisions of this charter, and also to create a sinking fund sufficient to redeem and pay off all bonds outstanding or which are issued under the provisions of this charter, at their maturity.

(b) Use of funds. All taxes so assessed, levied and collected shall be kept separate and distinct from all other taxes and shall be used

solely for the payment of the interest on all bonds as it accrues and for the creation and accumulation of a sinking fund for the payment of the principal of all bonds outstanding against the said city or which are issued under this charter.

(c) Due date, collection. The mayor and council shall have power and authority to provide by ordinance when such tax shall be due, in what length of time such tax shall be paid, when tax executions shall issue against defaulters, and to fix a penalty for the nonpayment of such taxes when due.

**Section 4.35. Authority to Assess, Levy and Collect Ad Valorem Tax to Assist Development Authority.** (a) Scope of authority. The mayor and council shall have power and authority annually to assess, levy and collect a tax not exceeding one (1) mill upon each dollar of assessed valuation, upon all and every species of property, both real and personal, in order to assist in defraying the cost of operation of a development authority should one be hereafter created for the benefit of the city by making appropriations thereto.

(b) Due date, collection. The mayor and council shall have power and authority to provide by ordinance when such tax shall be due, in what length of time said tax shall be paid, when tax executions shall issue against defaulters, and to fix a penalty for the nonpayment of such taxes when due.

**Section 4.36. Authority to Assess, Levy and Collect Garbage and Sanitation Tax.** (a) Scope of authority. The mayor and council shall have the power to assess, levy and collect an annual tax in an amount necessary to defray the cost of garbage collection service, upon each and every city lot occupied by a resident, and upon each store or other place of business in said city. Vacant lots shall not be assessed.

(b) Prerequisites. Before the imposition of such tax, the city shall establish a city garbage collection system and operate it at all times for the collection of all refuse and garbage from all lots so taxed for sanitary purposes, which said city is authorized to do by ordinance.

(c) Use of funds. The funds arising from this tax must be used for the purpose of city sanitation and for no other purpose.

**Section 4.37. Returns of Property for Taxation: Determination of Due Dates.** In the event the same shall become necessary, the mayor and council of the city shall have the power to provide by ordinance for the return of all real and personal property for taxation, to provide for compelling such return, and to provide penalties for failure to do so, to double tax defaulters, after due notice and hearing to be prescribed by the mayor and council, for the current or any previous years, not in conflict with any limitation prescribed by the laws of Georgia; and to prescribe the time or times at which said returns are due.

**Section 4.38. Executions for Taxes, Licenses, Other Demands.** (a) Issuance, contents, procedure thereunder. Executions for any and all taxes or licenses, or demands of any sort due the city or its corporate authorities by any person, firm or corporation, or against any property subject thereto, shall be issued by the clerk, be signed by him, bear teste in the name of the mayor, and be directed to the chief of police of said city and his deputies and to all and singular the sheriffs, deputy sheriffs and constables of this State, commanding them that of any property belonging to the defendant against whom said execution is issued, or of certain property described in the execution, they make by levy and sale the amount due on the execution with all costs. The mayor and council shall, by ordinance, provide the time, place and advertisement of, method of conducting, and all regulations governing sales by the chief of police under said executions. The sheriffs, deputy sheriffs and constables of this State shall proceed in the same manner to levy and collect said executions as they do executions issued from the respective courts of which they are an executive officer.

(b) Laws, presumptions governing executions. All executions issued by the city clerk for taxes, license fees, special assessments, fines or forfeitures, due the city shall be governed by the laws governing executions for State and county taxes, and shall be subject to all presumptions of law and fact which apply to executions for State and county taxes.

(c) Laws, rules, presumptions governing deeds. All deeds executed under levy of executions in favor of the city for taxes, licenses, special assessments, fines or forfeitures, shall be governed by the laws and rules of execution which apply to deeds executed by the sheriffs under levy of executions for State and county taxes, and shall be subject to all presumptions of law and fact which apply to deeds

executed by sheriffs under levy of executions for State and county taxes.

**Section 4.39. Licensing, Regulating Businesses, Occupations, Trades, Callings and Pursuits.** (a) Scope of authority. The mayor and council of the city shall have the right and authority to tax, license, regulate and control by ordinance, all businesses, occupations, trades, callings, pursuits and professions and any and every other type of commercial activity conducted or carried on in the city, and which under the Constitution and laws of this State are subject to license, regulation and tax.

(b) License restrictions. The mayor and council shall also have the right by ordinance to fix and prescribe the amount of said taxes and licenses; to provide where the same shall be paid; to provide for the revocation of any or all licenses issued pursuant to this Section; and to provide penalties for the violation of any of the provisions thereof.

**Section 4.40. Registration, Special Tax on Trade, Business, Vocation, Profession, Trade, Calling, Pursuit.** The mayor and council shall have full power and authority to adopt ordinances as authorized by the laws of Georgia to require any person, firm or corporation, whether a resident or nonresident of the city, engaged in or carrying on or who may engage in or carry on any business, trade, pursuit, calling, vocation, or profession, within the corporate limits of said city, either by themselves or by their agent or agents, to register their names and business, trade, pursuit, calling, vocation or profession, annually, and to require such person, firm or corporation to pay for such registration such amount as the mayor and council may by ordinance prescribe; and to provide for the punishment of all persons, firms or corporations who are required by ordinance to pay the said special tax and register, who shall engage in or offer or attempt to engage in such business, calling or profession without first complying in all respects with the ordinance in reference thereto.

**Section 4.41. Licensing, Regulating Control of Signs, Billboards.** The mayor and council shall have power and authority by ordinance to license, regulate, control and prohibit the erection of signs or billboards; and to provide penalties for the violation of any of the provisions of such ordinance.

**Section 4.42. Authority to Borrow Money.** The mayor and council of the city shall have the power and authority to borrow money for the use of said city by making a temporary loan or loans to supply casual deficiencies of revenue, not to exceed one per cent (1%) of the assessed value of the taxable property within any one year; the sum or sums so borrowed shall be paid from the income of the city for the fiscal year in which the loan or loans are made, and before the expiration of the fiscal year in which the same were made.

**Section 4.43. Authority to Provide for Depository of City Funds.** The mayor and council of the city may select some bank in the State as a city depository, and may require the treasurer or other appropriate officer of said city to deposit all funds of the city therein. Said depository may be selected upon such rules, regulations, conditions and requirements as the mayor and council may by ordinance prescribe.

**Section 4.44. Zoning and Planning.** The mayor and council of the city are hereby authorized to pass and enforce zoning and planning laws whereby said city may be zoned or districted for various uses and other or different uses provided therein, and regulating the use for which said zones or districts may be set apart and to regulate the plans for development and improvement of real estate therein, provided said zoning and planning laws are consistent with the Constitution of the State of Georgia and of the United States which said city (by and through its mayor and council) may deem necessary or proper, to promote the public health, safety, morals, order, comfort or general welfare.

**Section 4.45. Authority to Regulate Traffic.** The mayor and council of the city shall have the power and authority to control and regulate the running of bicycles, automobiles, motorcycles and any and all other kinds of vehicles in the city, whether said vehicles are propelled by hand, foot, steam, electricity or other motive power; to prescribe the rate of speed and the manner in which the same may be run, and the qualifications of the drivers, chauffeurs or operators of said vehicles; to provide for the registration of said vehicles, and to do any, all and every act and thing necessary or incident to the safety of the same and of the public. The mayor and council of said city shall have the authority to accomplish the provisions of this Section by ordinance and to provide penalties for the violation thereof.

**Section 4.46. Railroad Trains: Speed, Operation.** The mayor and council of the city shall have full power and authority by ordinance to regulate the speed and operation of railroad trains on, along or across the streets, avenues or alleys of the city; to make it a penal offense for any railroad company, its agents or employees to block or obstruct any street crossing, with railroad trains, cars or engines any longer than is necessary for said trains, cars or engines to pass over said crossings; and to regulate in any other way the running or operation of railway trains within the city limits, as it may deem necessary to protect and safeguard the public and to provide penalties for the violation of any of the provisions of this Section.

**Section 4.47. Authority to Regulate Vehicles for Hire.** The mayor and council of the city shall have the full right and power, by ordinance, to regulate all vehicles of every kind and description used in the city for hire or profit in the transportation of passengers, freight, drayage or either or all of them; to provide for the inspection of same; to fix the rates of fare therefor; and to fix and prescribe penalties for violation thereof.

**Section 4.48. Regulating Plumbers and Plumbing.** The mayor and council shall have the power and authority by ordinance to provide for the regulation and control of plumbers and plumbing work, and to secure efficiency in the same.

**Section 4.49. Authority to Regulate Storage, Sale of Explosives, Combustibles: Sale, Discharge of Fireworks.** The mayor and council of the city shall have the right, power and authority, by ordinance, to regulate the keeping of gunpowder, dynamite, petroleum oils, turpentine, and any and all other kind of explosives or combustible materials; and to prescribe penalties for violations of such ordinances.

**Section 4.50. Authority to Regulate Cemeteries.** (a) Generally. The mayor and council shall have exclusive jurisdiction over all cemeteries belonging to the city. They may make such appropriations as may be necessary for the care and supervision of same, and may enact ordinances and provide penalties for the purpose of preventing trespass thereon.

(b) Fees and charges. They may regulate the charges of grave-digging and interment, hearse fees, and any and everything pertaining to the proper care and operation of such cemeteries; including the

sale of lots or right to bury thereon. They may prescribe such fees for burials as they may deem proper, and may enforce the collection of such fees, as they may by ordinance provide.

**Section 4.51. Removal of Ice, Snow, Debris, Overhanging Limbs.** The mayor and council shall have power and authority to remove within a reasonable time, ice, slush, snow and other debris from sidewalks and to require the owner, agent or leasee owning, occupying or controlling the abutting property to remove all such ice, snow and other debris, and all low-hanging limbs from trees adjacent to such sidewalks.

**Section 4.52. Keeping, Handling of Animals and Fowl.** The mayor and council of the city shall have the power and authority to prevent horses, mules, cattle, hogs, sheep, goats, dogs, chickens and all other animals and fowl from running at large in said city; to regulate, prevent or prohibit the keeping of certain animals within the city limits, or to regulate the number and manner in which they must be kept, if allowed; and shall have full power and authority to take up and impound any of such animals and punish all owners of any of such animals who shall fail or refuse to obey such ordinances as may be adopted by the mayor and council of said city to carry out and accomplish the purposes of this Section.

**Section 4.53. Taxation, Registration, Keeping of Dogs.** The mayor and council shall have the authority to levy and collect such tax as they may deem proper upon dogs kept within the limits of said city; to provide for the registration thereof, and to prescribe such ordinances respecting the keeping of dogs as may be deemed proper, and to prescribe punishment for violation of said ordinances.

**Section 4.54. Establishment, Operation of Municipal Pound.** The mayor and council shall have authority to establish a pound for the impounding of animals, and to change the same whenever they see proper; to fix a schedule of charges and penalties to be paid by the owners of such impounded animals before they are released from said pound; to regulate the mode or manner of sale or disposition of impounded animals where no owner appears, or when payment of the impoundment fees charged, penalties, or costs is refused; to provide for the disposition of the proceeds of the sale of impounded animals; and to provide for the punishment of all persons, who, without authority, shall break into the pound or interfere with the operation thereof.

**Section 4.55. Cruelty to Animals.** The mayor and council shall have power and authority to prohibit the inhuman treatment of animals and provide punishment therefor.

**Section 4.56. Prohibiting, Punishing Beggars, Prostitutes.** The mayor and council shall have the power and authority to restrain and punish vagrants, mendicants, beggars and prostitutes.

**Section 4.57. Authority to Provide for Working of Convicts, Custody of Prisoners.** (a) Scope of authority. The mayor and council shall have full power and authority to provide for the working of the convicts from the police court upon the streets and other public places and works of said city; to maintain, establish and equip, a jail, prison or guardhouse in said city for the safekeeping of prisoners and persons charged with violating the laws and ordinances of said city; and to provide for the care of such prisoners.

(b) Ordinances to implement provisions. The mayor and council shall have the authority to enact such ordinances as are necessary to carry out the provisions of this Section.

**Section 4.58. Hospitals, Similar Institutions: Establishment, Operation.** The mayor and council shall have power and authority to establish, maintain and regulate such hospitals, orphanages and charitable institutions as may be deemed expedient by the governing authority.

**Section 4.59. Participation in Emergency Plans with Disaster Stricken Cities.** The mayor and council are hereby authorized to provide by ordinance or resolution for participation by the city in emergency procedure plans whereby the mayor, or in his absence the mayor pro tem, shall be authorized to furnish city equipment, machinery, services, supplies and personnel to other cities during time of emergency therein; provided, however, that in the event of such participation, liability insurance coverage and other applicable insurance coverage shall remain in force and effect respecting any equipment, machinery, services, supplies or personnel furnished by the city under such plan, and provided further, that the mayor and council may provide by ordinance or resolution for the withdrawal of the city from such plan at any time.

## ARTICLE V. POLICE COURT

**Section 5.1. Police Court Established.** That there shall be a court of the city known and designated as the "Police Court of the City of Molena".

**Section 5.2. Time and Place of Sessions.** Sessions of the police court shall be held and presided over at the city hall building in the city, or at such other place in said city as the mayor or council may direct, daily or at such times as in the judgment of the presiding officer of said court may be necessary.

**Section 5.3. Scope of Jurisdiction.** The jurisdiction of the police court shall extend over all violations of the laws and ordinances of the city and all other laws of which municipalities are allowed jurisdiction under the laws of the State of Georgia, whenever said violations and offenses are committed within the corporate limits of the city.

**Section 5.4. Jurisdiction Extended Beyond City Limits.** The city shall have the power and authority to exercise police power over all property beyond the limits of the city but owned by the city, and jurisdiction of violations of the ordinances of the city in and over such territory is hereby vested in the police court of the city.

**Section 5.5. Powers Enumerated.** The police court and the presiding officer thereof shall have the following powers:

(a) Contempt. To punish for contempt against its lawful authority whether in its presence or otherwise;

(b) Summonses, subpoenas. To issue summonses and subpoenas for witnesses and compel their attendance whether residents of the city or not; to issue subpoenas duces tecum for witnesses and the production of books and papers whether in the city or not, and compel their production; to compel the presence of witnesses by imprisonment if necessary and to take bonds to secure their attendance and to forfeit said bonds before said police court; and to punish, as for contempt, failure to obey its legal summonses and orders;

(c) Continuances. To grant continuances under rules of law;

fine or to imprisonment or to work upon the streets of the city or other public works thereof, and fails or refuses to pay said fine, the city shall have the right to enforce the collection thereof by execution, levy and sale in the same way and manner as the collection of taxes is enforced in the city.

**Section 5.10. Criminal Jurisdiction of Justice of the Peace Vested in Presiding Officer.** The presiding officer in the police court of said city shall have in addition to the jurisdiction hereinbefore conferred, criminal jurisdiction of a justice of the peace, and when it shall appear upon the trial of any case in the police court of said city, that an offense against the laws of the State has been committed within the limits of said city, it shall be the duty of the officer presiding in said court, to make a thorough investigation into the facts and to commit the offender to jail or to bail to answer to the court having jurisdiction of the offense if the offense is bailable.

**Section 5.11. Jurisdiction to Try Nuisances, Require Abatement.** The police court of the city shall have concurrent jurisdiction with the mayor and council of the city in respect to the trial and abatement of all nuisances in said city.

**Section 5.12. Right of Trial Upon Written Accusation.** All trials in the police court of the city shall be had without written pleadings of any kind unless the defendant shall, upon the calling of the case, file a written demand with the city clerk that an accusation, in writing, shall be preferred against him, in which event a written accusation, in form substantially as follows:

“Georgia, Pike County, City of Molena—In the Police Court of the City of Molena:

‘I, \_\_\_\_\_, chief of police (or policeman) of said city, in the name and behalf of the City of Molena, charge and accuse \_\_\_\_\_ of the offense of \_\_\_\_\_, contrary to the laws and ordinances of said city, the good order, peace and dignity thereof.’”

shall be preferred against the defendant, signed by the officer making or prosecuting the case, and filed in said court, whereupon the defendant shall enter his plea thereon in writing and upon the issue thus formed the case shall proceed to trial and disposition.

**Section 5.13. Appearance Bonds—Amount, Conditions, Effect.** The chief of police or any policeman of the city shall release any person arrested for a violation of the laws and ordinances of said city, upon said person giving a cash bond or surety bond with good and sufficient security to be approved by the chief of police or the assistant chief, or in their absence by the senior officer on duty, payable to the mayor of said city, in an amount fixed by the said chief of police or the assistant chief, or in their absence by the senior officer on duty, for the personal appearance of such person before the police court of said city at the time and place therein specified, to answer the charges against him, and from time to time until the principal in such bond is tried and the case disposed of, and not to depart from thence except by leave of the court, except when the offender is violent, in which case bail may be refused.

**Section 5.14. Same—Forfeiture.** In the event the principal fails to appear before the police court as stipulated in his appearance bond, said bond shall be forfeited in said court and the presiding officer thereof shall have the power and authority to order the principal in said bond rearrested and placed in the city jail or guardhouse until such case shall be tried and disposed of, or to admit the defender to bail, as he may deem proper.

**Section 5.15. Certiorari to Review Conviction—Prerequisites.** Any person convicted in the police court in the city for a violation of any of the laws and ordinances of said city shall have the right to certiorari to the Superior Court of Pike County, provided all costs are first paid to the city clerk, who shall, upon payment thereof, certify in writing that the same have been paid and bond and security given in at least double the amount of the fine which can be imposed, to personally appear, stand to and abide by the final judgment in said case; and if no fine is imposed and the defendant is sentenced to work on the streets or other public works in said city, then a like bond shall be given, the amount of which shall be fixed by the presiding officer of said police court.

**Section 5.16. Same—Bonds to be Approved.** All bonds given in certiorari cases shall be approved by the presiding officer in the police court.

**Section 5.17. Same—Affidavit in Forma Pauperis.** Nothing in Sections 5.15 through 5.19 shall prevent the defendant if he desires to certiorari his case, from filing the usual affidavit in forma

pauperis in lieu of giving bond and security and the payment of the costs.

**Section 5.18. Same—Affidavit, Bond to Act as Supersedeas.** Upon the affidavit provided for in Section 5.17 being made or the bond provided for in Section 5.15 being given, the same shall act as a supersedeas of the judgment sought to be reviewed by certiorari, until the final judgment is rendered in said case.

**Section 5.19. Same—Rules and Regulations Applicable.** All certiorari shall be governed under the same rules and regulations, except as otherwise provided herein, as are provided by law for the carrying of cases by certiorari from the probate court to the superior court.

**Section 5.20. City Recorder—Creation, Establishment of Office.** The mayor and council of the city may, whenever in their judgment they see fit, create the office of city recorder for said city and elect an upright and intelligent person reasonably skilled in the law, to perform the duties of that office.

**Section 5.21. Same—Qualifications, Oath of Office.** The recorder shall be a qualified voter of Pike County and shall take and subscribe to such oath as the mayor and council shall by ordinance prescribe.

**Section 5.22. Same—Term of Office.** The recorder may be elected at any time that in the judgment of the mayor and council his services may be necessary or desirable, and he shall hold his office for a term of one year, or until the qualification of the mayor and council following the next city election, and until his successor is elected and qualified.

**Section 5.23. Same—Compensation.** Whenever the mayor and council in their judgment see fit to create the office of city recorder and elect a person to perform the duties of that office, they shall also fix his compensation therefor.

**Section 5.24. Same—Duty to Preside in Police Court.** It shall be the duty of the recorder to preside in the police court of the city in all cases, except when providentially hindered or when absent from the city, or when he may be disqualified. In either case the mayor or in his absence the mayor pro tem or in his absence a

councilman designated by the mayor shall designate one to preside as acting recorder with the same power that is vested in the recorder.

## ARTICLE VI. PENALTIES AND PROCEDURES ON ARREST

**Section 6.1. Authority to Arrest, Confine Persons Arrested.** The chief of police and all policemen of the city shall be fully authorized and empowered to arrest any person within the corporate limits of the city charged with an offense against its laws and ordinances and to imprison and confine such persons arrested by them in the city jail or guardhouse, or in the jail of Pike County until trial, or to admit them to bail as provided in this charter.

**Section 6.2. Territorial Scope of Power to Arrest.** The chief of police and the policemen of the city shall be authorized to arrest anywhere within the limits of this State any person charged with a violation of the laws and ordinances of the city upon a warrant from the proper officer of said city authorized to issue the same.

**Section 6.3. Arrest for Violation of City Laws, Ordinances.** In no case, except as herein otherwise provided, shall the chief of police or any policeman of the city make any arrest of any person charged with a violation of any of the laws and ordinances of said city without first having procured from the mayor, mayor pro tem or recorder of said city (each of them being hereby authorized and empowered to issue warrants for the apprehension and arrest of persons charged with violating any of the laws and ordinances of said city), a warrant for the arrest of such persons, unless the offense or violation is committed in the presence of such arresting officer, or the offender is attempting to escape, in which event said officer may arrest and detain such person until a proper warrant can be secured authorizing the offender's further detention.

**Section 6.4. Arrest for Violation in Presence of Officer.** It shall be the duty of the chief of police and policemen of the city to arrest any person violating any of the laws of this State in their presence and to immediately carry such persons before a magistrate and see that a proper warrant is sworn out.

**Section 6.5. Authority to Arrest Without Warrant.** The chief of police and the policemen of the city may arrest without

warrant in all cases where authority is given to arresting officers of this State by the laws of Georgia for making arrests without a warrant.

**Section 6.6. Service of Summons in Lieu of Arrest.** Upon information that an offense against the city's laws and ordinances has been committed, and said violation has not been committed in the presence of a police officer of the city, but said police officer is satisfied that the person charged with such offense is not likely to leave the city to escape arrest under a warrant, he shall serve upon said person a written summons to appear before the police court at its next regular session to answer such charge.

**Section 6.7. Failure to Obey Summons.** If the person served with a summons as provided in Section 6.6 refuses to obey such summons, he shall be deemed in contempt of the police court and shall be punished accordingly.

**Section 6.8. Use of Warrant to Prevent Accused from Leaving City.** If a police officer of the city has reason to believe that an accused person will leave the city and not obey a summons served as provided in Section 6.6, said officer shall obtain a warrant from the proper officers of the city for the arrest of said person, and shall imprison said person until a trial is had before the police court, or the accused is admitted to bail for his appearance before the police court at its next regular session to answer the charge against him.

**Section 6.9. Arrest for Violation of State Laws.** It shall be the duty of all police officers of the city in all cases where they know that State laws are being violated in the city, to apply to the nearest magistrate for a warrant for such person and have the same executed.

**Section 6.10. Authority to Execute Warrants for Violation of State Laws.** The chief of police and the policemen of the city shall be authorized to the same extent as sheriffs of this State to execute warrants placed in their hands charging any person with a violation of any of the criminal laws of this State.

## ARTICLE VII. REGISTRATION OF VOTERS

**Section 7.1. System for Registration of Voters Adopted.** A system for the registration of voters is hereby established for the city.

**Section 7.2. Scope of Registration Provisions.** No person shall be allowed to vote in any election of any kind held in the city without having first registered in accordance with the provisions of this Article, the provisions of Code Chapter 34A-5 (Article 6 of Chapter 3 of Title 21 of the Official Code of Georgia Annotated) and such ordinances or regulations as may be adopted hereunder; and the mayor and council are hereby empowered to adopt such ordinances and regulations as may be deemed proper to carry out the purposes of this Article.

**Section 7.3. Qualifications of Applicant for Registration.** Any voter registering under the provisions of this Article shall be a qualified voter so long as he remains a citizen of the City of Molena, meets all of the qualifications of electors prescribed in Code Section 34A-501 (Code Section 21-3-125 of the Official Code of Georgia Annotated), and is otherwise qualified to register in any general election in the State of Georgia.

**Section 7.4. Form for Registration: Contents, Execution.** The registrar or registrars of elections appointed by the mayor and council shall procure registration cards complying in form with the provisions of Code Section 34-609 (Code Section 21-2-217 of the Official Code of Georgia Annotated), which card shall be properly filled in, and an oath shall be administered to the applicant for registration, and signed by him and attested by the registering officer. For this purpose the registering officer shall be authorized and empowered to administer oaths to the persons so registering.

**Section 7.5. Oath of Registrant.** The registering officer shall require an applicant for registration to take the following oath before him:

"I do solemnly swear that I am a citizen of the United States; that I am at least eighteen (18) years of age, and am qualified by citizenship, residence and constitutional qualifications to vote for members of the General Assembly of Georgia in the County of Pike; that I will have resided in the State of Georgia for not less than one (1) year, and in Pike County for not less than six (6) months and in the City of Molena for not less than ninety (90) days next preceding this registration, or by the vote of the next city election if still a resident of this city I will have fulfilled these conditions; and that it is my intention to remain a resident of this city until the day of election, so help me God."

When an applicant for registration is so sworn, and has signed said oath and the same has been attested by the registering officer, a minute of that fact shall be entered opposite his name on the registration list.

**Section 7.6. Registrars—Selection, Term.** At the first meeting of the mayor and council held after the passage of this Act, the mayor and council shall elect by ballot three (3) registrars for the city, one of whom shall be designated chief registrar, who shall serve at the pleasure of the mayor and council, and until their successors are elected and qualified. Said registrars shall be qualified voters of said city. In the event of the death or resignation of any registrar his unexpired term shall be filled by the mayor and council.

**Section 7.7. Same—Oath.** The registrars selected as provided in Section 7.6, before entering upon their duties, shall take and subscribe the following oath:

“I do solemnly swear that I will faithfully and impartially discharge, to the best of my ability, the duties imposed upon me by law as registrar.”

Said oath shall be filed with the clerk of council and entered upon the minute books of the city.

**Section 7.8. Same—Compensation.** The mayor and council of the city shall have the power and authority to fix the compensation of registrars and to pay the same.

**Section 7.9. Actions of Registrars to be Public.** All actions of the registrars in revising the lists of voters registered in the city shall be done in public in the council chambers of the city.

**Section 7.10. Time for Opening, Closing Registration List.** The registrars shall open at the city clerk's office, or at such other place as may be designated by the mayor and council, at least ten (10) days after notice of such change has been given, a list for the registration of voters, which list shall be kept open from 9:00 a.m. until 5:00 p.m. each and every day, Sunday excepted, until a day not later than three (3) days prior to such primary or election when it shall be finally and absolutely closed at 5:00 p.m. on the last day.

**Section 7.11. Registration of Absent Persons.** Any qualified voter who desires to be registered to vote shall be required to apply in person before the registering officer for such purpose.

**Section 7.12. Duty to Prove Right to Register.** No person unknown to the registering officer shall be allowed to register until he produces evidence of his residence in the city and his right to register.

**Section 7.13. Preparation, Revision, Certification of Registration Lists.** In making a voters' registration list, and in revising such list, the registrars shall examine the grounds for disqualification of voters, and shall leave no person on said list who is not entitled to register, and shall strike no name from said list who is entitled to register and vote. After such registrars have fully completed their work in revising the voters' registration list, they shall file a certified copy of such list, alphabetically arranged, with the city clerk.

**Section 7.14. Revision of Lists to Exclude Disqualified Persons.** In order to guide the registering officer in the discharge of his duties, he shall obtain from the proper authorities the list of disqualified voters for that year, as now or may be hereafter provided for by the State law. The registering officer shall refuse to register any person whose name appears on these lists unless such person shall furnish satisfactory evidence that his disqualification has been removed.

**Section 7.15. Registrars to Bear Complaints.** Five (5) days prior to the date of any election for any purpose, held in and for the city, the registrars shall, in open session in the council chamber, hear all challenges of the right of registration of any person whose name appears upon the voters' registration list. The procedure for deciding such challenges shall be provided by ordinance of the mayor and council.

**Section 7.16. Delivery of Voters' List to Clerk of Council.** At least three (3) days prior to a primary or election, the registrars shall file one certified copy of the revised voters' list with the clerk of council for the inspection of all parties concerned.

**Section 7.17. Registration to be Permanent Unless Voter Becomes Disqualified.** All persons who register as herein provided and otherwise qualified to vote in the City of Molena shall

remain permanently registered and shall be entitled to vote at all elections held by the City of Molena or its authorities so long as he may continue to be a qualified voter in said city, provided he does not become disqualified to vote, in which event said elector's name shall be stricken from the list of qualified voters by the board of registrars, which is hereby authorized to purge said list prior to each election, as provided in Code Section 34A-515 (Code Section 21-3-133 of the Official Code of Georgia Annotated).

**Section 7.18. List of Registered Voters to be kept as Permanent List.** The list of registered voters, prepared and purged as herein provided, shall be kept and retained on file in the office of the clerk of the mayor and council of the city as a permanent registration list, until the same has been superseded by a new list also prepared and purged as provided herein, at which time the superseded list may be destroyed.

**Section 7.19. Violation by Registrants.** Any person who shall register illegally under this Article or be guilty of a violation of Code Sections 34-1901 and 34-1902 (Code Sections 21-2-560 and 21-2-561 of the Official Code of Georgia Annotated) or Code Section 34A-509 (Code Section 21-3-128 of the Official Code of Georgia Annotated) pertaining to false statements and false registration, in registering under this Article, shall be guilty of a misdemeanor, and upon conviction shall be punished therefor.

**Section 7.20. Violations by Clerk of Council, Registrars.** Should the clerk of council or registrars wilfully refuse to permit any person to register who is entitled to do so under this Article or under Code Chapter 34A-5 (Article 6 of Chapter 3 of Title 21 of the Official Code of Georgia Annotated), or fail to enter the name of any such person upon the records to be kept for that purpose, or should illegally remove the name of any such person from such record, or the lists prepared for holding such election, or shall wilfully enter the name of any person on such lists who is not entitled to register, then such clerk or registrar so violating shall be guilty of a misdemeanor, and on conviction thereof shall be punished as such.

## ARTICLE VIII. ELECTIONS

**Section 8.1. Councilmen, Mayor to be Elected by Voters of Entire City.** All councilmen and the mayor of the city shall be elected by the voters of the entire city, voting at large.

**Section 8.2. Residence Requirements of Candidates for Councilman, Mayor.** In order to be eligible to be elected as a councilman or as mayor of the city, a candidate must be a resident and qualified and duly registered elector of the city on the date he qualifies to run for office, and at the time of election thereto.

**Section 8.3. Candidates for Council to Indicate Type of Candidacy.** A candidate for office hereunder shall designate the specific office and council post for which he is offering as a candidate.

**Section 8.4. Designation of Polling Places.** The mayor and council of the city shall designate the polling places for the conduct of elections in the city.

**Section 8.5. Hours for Opening, Closing Polls.** The polls for the holding of all elections in and for the city shall open at 7:00 a.m. and remain open until 7:00 p.m. by the time in common use in said city, at which time they shall be closed.

**Section 8.6. Challenge of Voter.** When any voter is challenged, that fact shall be so written opposite his name on the voters' lists and also on his ballot, and he shall be required to take the following oath:

"I do solemnly swear that I am a citizen of the United States and of the State of Georgia; that I have attained the age of eighteen (18) years, and resided in the State for one (1) year, in the County of Pike for not less than six (6) months and in the City of Molena for not less than ninety (90) days next preceding the election; and that I have not voted before at this election, so help me God."

Any voter who shall refuse to take the oath when challenged shall have his ballot rejected.

**Section 8.7. Declaration of Election Results.** The mayor and council, or so many of them as are not disqualified by being a candidate for election shall, at their first meeting after an election, declare the result of the election, those receiving the highest number of votes being declared elected, or the question voted upon being declared carried or not carried, as the case may be; the resolution of the council declaring the results of the election shall be entered on the

minutes of the council; provided, however, that any two (2) councilmen or one (1) councilman and the mayor, shall have authority to declare the result of said election in the event a majority of said body should be disqualified.

**Section 8.8. Police to Preserve Peace and Order at Polls.**  
To preserve peace and good order at the polls, so that every voter may have an unobstructed opportunity to cast his ballot, or so that the secrecy of the same may be maintained, it shall be the duty of the municipal authorities to furnish a sufficient number of police.

**Section 8.9. Accompanying Voter to Polls.** It shall be unlawful for any person to lead or carry a voter to the polls, or to accompany or follow him, either to influence his vote, or to see how he votes, or to see that he votes in any particular way.

**Section 8.10. Electioneering.** It shall be unlawful for any person to electioneer, or in any way to influence or try to influence any voter, or to speak to him on any subject of voting within two hundred-fifty (250) feet of the voting place. The provisions of this Section shall not apply to the managers of the polls in the discharge of their duties as such, provided they do not electioneer or try to influence any voter in any particular manner.

**Section 8.11. Penalties for Unlawful Conduct at Polls.**  
Any person or persons who shall in any manner violate either or any of the provisions of Sections 8.9 or 8.10 shall be guilty of a misdemeanor, and upon conviction shall be punished as prescribed by law in cases of misdemeanor.

**Section 8.12. Violations and Penalties.** The violations set forth in Code Chapter 34A-16 (Code Sections 21-3-16 and 21-3-17 of the Official Code of Georgia Annotated), being a part of the Georgia Municipal Election Code, when committed in any city primary or election, shall constitute violations of this Article; excepting therefrom, however, those violations and penalties which by their nature can have no application.

#### ARTICLE IX. DIRECTORY AND TRANSITORY PROVISIONS

**Section 9.1. Succession to Rights, Privileges, Remedies, Debts, Liabilities.** The City of Molena, as continued by

this Act, shall succeed to all the rights, privileges and remedies of, and is hereby made responsible as a body corporate for all the legal debts, liabilities and undertakings of the present City of Molena and its former governing authorities as heretofore incorporated.

**Section 9.2. Preservation of Ordinances and Resolutions.** All ordinances and resolutions in force at the time of the taking effect of this Act, not inconsistent with its provisions, shall continue in force until amended or repealed.

**Section 9.3. Preservation of Existing Officers, Salaries, Fees, Licenses, Special Taxes.** Nothing in this Act shall affect the present officers of the city or their fees or salaries, or the licenses and special taxes or the tax rate fixed by the ordinances of said city for the current year.

**Section 9.4. Severability.** In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full force and effect as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

**Section 9.5. Act Repealed.** An Act creating a new charter for the City of Molena in the County of Pike, approved August 23, 1905 (Ga. L. 1905, p. 1018), as amended, is repealed in its entirety.

**Section 9.6. Repeal of Conflicting Laws.** All laws and parts of laws in conflict with this Act shall be and are repealed.

Georgia, Pike County.

Notice is hereby given that I shall introduce a bill in the 1982 session of the General Assembly of the State of Georgia, amending the Charter of the City of Molena, approved by Georgia Laws 1905, p. 1018, as amended, so as to extend the powers of the said City.

This 11th day of February, 1982

/s/ Marvin Adams  
Representative for the  
79th District, containing  
the City of Molena

Georgia, Fulton County.

Personally appeared before me, the undersigned authority, duly authorized to administer oaths, Marvin Adams who, on oath, deposes and says that he/she is Representative from the 79th District, and that the attached copy of Notice of Intention to Introduce Local Legislation was published in the Pike County Reporter which is the official organ of Pike County, on the following dates: Feb. 17 & 24, 1982 & March 3, 1982.

/s/ Marvin Adams  
Representative,  
79th District

Sworn to and subscribed before me,  
this 10th day of March, 1982.

/s/ Donna M. McLarin  
Notary Public, Georgia State at Large.  
My Commission Expires Nov. 4, 1985.  
(Seal).

Approved April 13, 1982.

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