

## **TOWN OF MCINTYRE – NEW CHARTER**

An Act to incorporate the Town of McIntyre, Georgia, and to grant a new Charter to said Town; to organize the municipal government thereof; to prescribe the corporate limits; to regulate the sale or lease of Town utilities, the grant of franchises, and the furnishing of certain practices; to provide for a mayor and aldermen and their function, authority, powers, duties, qualifications, and election; to provide the power of veto and the manner of overriding the same; to provide for removal from office; to prescribe the corporate powers and authority; to regulate the appointment, qualifications, duties, and authority of the officers and employees of the Town, and their compensation; to provide for the authority of the mayor and aldermen over said officers and employees; to create certain boards, commissioners, and departments and provide for the creation and regulation of others; to prescribe the qualifications of voters; to establish a municipal court and provide for appointment of a municipal court judge; to establish the jurisdiction, powers, and duties of the municipal court judge; to provide for public works improvements and the levy of assessments therefore; to provide for establishment of a fiscal year, a budget, and an annual audit of finances; 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 provide for the preservation of existing ordinances, and laws not inconsistent with this Act 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 incorporating the Town of McIntyre, Wilkinson County, Georgia approved August 15, 1910 (Ga. L. 1910, p. 928), as amended; to repeal certain other Acts affecting said Town; 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 Town of McIntyre, Wilkinson County, Georgia, shall be and is hereby incorporated as a Town under the name, style, and designation of the Town of McIntyre, hereinafter referred to as “the Town.”

**Section 1-2. Town Constituted Body Corporate and Politic.** From and after the passage of this Act, the municipal government of the Town of McIntyre shall constitute a body corporate, and be and in its name shall have perpetual succession, with power and authority to contract and be contracted with, to sue and be sued, to plead and be impleaded, to have and use a common seal; in law or equity to purchase, have, hold and enjoy, receive, possess, and retain to the Town, through the mayor and aldermen and their successors in office, for the use and benefit of the Town of McIntyre, in perpetuity or for any term of years any estate or estates, real or personal, of every kind and nature within or without the corporate limits, for corporate purposes; to have and to hold all property now belonging to the Town, either in its name or the name of others, to the use of said Town for the purpose and intent for which the same was granted, dedicated, or purchased; to use, manage, and improve, sell, convey, rent, or lease the same; and shall have like powers over property hereafter acquired, and shall succeed to all the rights and liabilities of the present corporation. The Town, through its mayor and aldermen, shall have power to borrow money and give evidences of indebtedness for the same; to use bonds from time to time, and to do and perform all and every act and acts necessary or incidental to raising of funds for the legitimate use of said Town. It shall have the right, power, and authority, through its mayor and aldermen, to govern by such rules, laws, bylaws, regulations, ordinances or other orders as said Mayor

and aldermen may deem proper, not in conflict with this Charter, the Constitution and laws of this State or of the United States.

**Section 1-3. Organization of Municipal Government; Legislative Power.** The municipal government of said Town shall be vested in the mayor, who shall be elected at large and five aldermen, who shall be elected by district and such other officers, employees, boards, and commissions as the mayor and aldermen may see fit to elect and appoint as hereafter provided.

Said mayor shall constitute the executive branch, and said aldermen shall constitute the legislative branch of said Town and, as such, shall have the full power and authority from time to time to make and establish rules, laws, ordinances, regulations, and orders as may to them seem right and proper to the peace, security, health, happiness, welfare, protection, or convenience of the inhabitants of said Town and for preserving the peace, good order, and dignity of said government.

Any enumeration of powers shall not be construed as restricted to said powers alone, but shall include all and every other thing and acts necessary or incident to municipal government and shall not conflict with any special power or authority given said government by this Charter or by any Act or Acts heretofore passed, but shall be construed as in addition to and in aid of such powers that are not repealed by this Charter.

**Section 1-4. Corporate Limits Defined.** The corporate limits of the Town shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time by local law or in the manner provided by state law. The boundaries of the Town shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the City Clerk and to be designated, as the case may be: "Official Map or Description of the Corporate Limits of the Town of McIntyre, Georgia."

**Section 1-5. Contracts to Furnish Light and Water Outside the Town Limits.** The mayor and aldermen of said Town, or the water and light commission, or either, shall have the right to make contracts with persons, firms, or corporations residing beyond the limits to furnish them with street light and water, or either, whenever the same can be done without interfering with the efficient supply of light and water to the inhabitants of the Town.

**Section 1-6. Subpoena Power.** The mayor and aldermen, municipal court, all boards, commissions, committees, or other agencies of the Town charged with the administration of the affairs of the Town (excluding individual officers, except those specially authorized by law or ordinance) shall have the power and authority to compel the attendance of witnesses and the production of relevant and admissible documents in proper cases, and failure or refusal of any person to attend as a witness or to produce pertinent documentary evidence within his possession, custody or control when notified or called upon to do so in a proper case, shall constitute a violation of this section and punishable as such.

**Section 1-7. Personal Profit, Nepotism Prohibited in Town Offices.** No officer or employee of the Town or member of a board or commission herein provided for shall be interested directly or indirectly in any contract made with the Town or receive any profit or emolument for any purchase or sale of material or other article sold to the Town, or paid for out of the public revenues of the Town and nepotism in any board or office is forbidden.



## ARTICLE II. MAYOR AND ALDERMEN

### **Section 2-1. Mayor Constituted Chief Executive Officer of the Town; Function, Authority, Duties.**

The mayor shall be the chief executive officer of the Town and shall have general supervision over its affairs. He shall sign all deeds and contracts. He shall be clothed with veto power as hereinafter set out. It shall be his duty to see that the laws and ordinances of the Town are faithfully carried out and executed within the Town. He shall keep the board of aldermen advised from time to time of the general condition of the Town, and shall recommend such measures as he may deem necessary or expedient for the welfare of the Town. He shall preside over the meetings of the board of aldermen and may call them together at any time when deemed necessary by him. He shall preside over the meetings of the board of aldermen and may vote in all elections for officers who are elected by the board and impeachment proceedings whether there be a tie or not. The mayor shall not vote upon any matter before the board of aldermen, except as heretofore set out, unless there is a tie vote. He may call the board of aldermen together at any time when deemed necessary by him. The mayor and three members of the board of aldermen shall constitute a quorum for the transaction of business.

**Section 2-2. Qualifications for Office.** No person shall be eligible to serve as mayor or board of aldermen member unless he is twenty-five (25) years old, a qualified municipal voter and shall have been a resident of the city for one (1) year immediately prior to the date of his election. No person shall be eligible to serve as a board of aldermen member unless he shall have been a resident of the alderman district he represents for six (6) months immediately prior to the date of his election. The mayor shall continue to reside in the Town, and each board of aldermen member shall continue to reside in his alderman district during his term of office. If the mayor or any board of aldermen member fails to continue to meet this residency requirement during his term of office, he shall immediately resign from office or, upon failure to resign, be removed from office by operation of law.

**Section 2-3. Vacancy in Office of Mayor or Aldermen.** In the event that the office of the mayor or any alderman shall become vacant by death, removal, disqualification, resignation or other cause, the board of aldermen or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, if such vacancy occurs within 90 days of the expiration of the term of office, a successor shall be elected at the next regularly scheduled election. In all respects, the special election shall be held and conducted in accordance with O.C.G.A. 21-2-540, as now or hereafter amended.

**Section 2-4. Oath of Office of Mayor and Aldermen.** Before entering upon the discharge of their respective offices, the mayor and aldermen shall each make and subscribe the following oath:

"I do solemnly swear that I will faithfully discharge all duties devolving on me as mayor (or alderman, as the case may be) of the Town of McIntyre during my continuance in the office, according to the best of my ability and understanding, so help me God."

The oath of the mayor shall be administered by the outgoing mayor or, in his or her absence or refusal to administer such oath, by the Town clerk. The oath of the aldermen shall be administered by the mayor. All of said oaths shall be entered upon the minutes of the Town.

**Section 2-5. Veto of Ordinances and Resolutions; Overriding Veto.** Every ordinance and resolution passed by the board of aldermen shall be subject to veto by the mayor in the following manner: The mayor shall within three days write out his objections to such ordinance or resolution, and the board of aldermen, at the next regular meeting at which a quorum shall be present, shall order said objections entered on the minutes and vote on the question as to whether said ordinance, resolution or other



action shall become adopted over said veto. Should as many of these three aldermen vote in the affirmative, said resolution and ordinance shall stand affirmed and become effective without the approval of the mayor; otherwise not. The ayes and nays shall in all cases be entered upon the minutes.

**Section 2-6. Provisions of Charter Constitute Defense for Acts of Mayor and Aldermen in Pursuance Thereof.** The provisions of this Charter may be pleaded and shall be a defense to any action brought against the mayor and aldermen, or either, when the acts of the mayor and aldermen are in accordance with ordinances properly passed in pursuance thereof.

**Section 2-7. Penalty for Violation or Neglect of Duties of Office.** Should the mayor or any member of the board of aldermen be guilty of malpractice in office, or willful neglect of his office, or abuse of the powers conferred upon him or shall be guilty of any other act or acts of general conduct unbecoming an officer of the Town of McIntyre, he shall be impeached by the board of aldermen and upon conviction shall be removed from office.

**Section 2-8. Compliance with State and Federal Law, Required.** The mayor and aldermen shall pass all ordinances and regulations for the government of said Town, the protection of life and property, the maintenance of public places and the protection of public health, provided the same are not repugnant to the Constitution and laws of the State or of the United States, and prescribe and enforce penalties for the violation of same.

**Section 2-9. Authority to Codify Ordinances; True Copy to be Competent Evidence.** In addition to the powers conferred by other provisions of this Charter or by general law of the State of Georgia, the mayor and aldermen shall have the power and authority to provide for codification of all ordinances, rules, or regulations of the Town and the adoption of such codification by ordinance. A copy of such codification, when certified by the Town clerk as being a true copy, shall be received in evidence in all courts of the State of Georgia.

**Section 2-10. General Powers.** In addition to the powers conferred by other provisions of this charter, the mayor and aldermen shall have power and authority to remove or cause to be removed, all buildings, porches, steps, fences, or other obstructions or nuisances in public streets, lanes, alleys, sidewalks, squares, parks, or other public ways in said Town. They shall have power to designate certain streets or places for the conduct of certain business; to regulate chicken houses, hog pens, slaughterhouses, blacksmith shops, tanneries, livery stables, forges, stoves and chimneys, mill ponds, oil mills, fertilizer plants, ginneries, fish ponds, warehouses, hacks, drays, automobiles, bicycles, motorcycles, and other vehicles. They shall have power to fill up all open cellars or excavations in said Town, or cause to be removed all dilapidated or unsafe structures which they may consider a nuisance or dangerous to the health or lives of the people of the Town; to abate, or cause to be removed, anything that constitutes a nuisance or is injurious or deleterious to the health or lives of the people of the Town. They shall also have the right to condemn property for public purposes, as provided by the laws of this State.

**Section 2-11. Zoning Powers.** The mayor and aldermen, in the interest of the public health, safety, order, convenience, comfort, prosperity, and general welfare, shall have the power to adopt by ordinance a plan or plans for the districting or zoning of the Town to regulate the location, height, bulk number of stores and size of buildings and other structures, the percentage of lot which may be occupied, the size of yards, courts and other open spaces, the density and distribution of population and the uses of building, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation, water supply, sanitation, protection against floods, public activities, and other purposes. Such plan and the regulations adopted thereunder shall be made with reasonable consideration of the



character of the district and its peculiar suitability for particular uses, and with a view to promoting desirable living and working conditions and the sustained stability of neighborhoods, protecting property against blight and depreciation, securing economy in governmental expenditures, conserving the value of buildings and property, and encouraging the most appropriate use of land and of buildings and structures throughout the Town.

The Town may be divided into such number of zones or districts and such districts may be of such shape and areas as the mayor and aldermen shall deem best suited to accomplish the purpose of the regulations. In the determinations and establishment of districts and regulations, classification may be based upon the nature or character of the trade, industry, or other activity conducted or to be conducted on the premises; the number of persons, families or other group units to reside in or use buildings; the public, quasi-public or private nature of the use of premises; or upon any other basis or bases relevant to the purposes of the regulations.

The mayor and aldermen may provide by ordinance for a zoning commission composed of not more than five members, to be selected by the mayor and aldermen, and prescribe its powers and duties. Said mayor and aldermen may also create a board of zoning appeals composed of not more than five members to be selected by the mayor and aldermen, , and prescribe its power and duties and provide for the right of certiorari from said board of zoning appeals to the Superior Court of Wilkinson County.

**Section 2-12. Sanitary Regulations; Enactment, Scope, Enforcement; Right of Entry to Inspect, Condemn Property.** The mayor and board of aldermen shall have power and authority over, and absolute control of, all pipes, sewers, and private drains in said Town, and power and authority to prescribe their location, structure, use, and preservation and to make such regulations concerning them in all particulars as may seem best.

They shall have power and authority to prescribe the kind of water closets, urinals or other receptacles or drains for water or other fluids or substances to be used within the Town, and to condemn and destroy any water closet, urinal or other receptacle or drain now in use or hereinafter to be constructed and put in use, which does not conform to and is not of the kind prescribed for use by the ordinances and rules of the Town, and which may be detrimental to the health of the Town.

They shall also have power and authority to compel all property owners to connect water closets and urinals, or other receptacles or drains, on the premises of the said property owners, with the sanitary sewers of said Town under such rules and regulations as may be prescribed. If such property owner shall fail to connect any water closet, urinal or other receptacles or drains as aforesaid, within the time and in the manner prescribed, then the Town may cause said work to be done and connections to be made and provide all necessary material therefore and assess the costs of the same against the property owner and the property so improved.

The Town shall arrest and prosecute the owners of said property before the municipal court of the Town for maintaining a nuisance, in connection with which the Town shall have the right, power, and authority to enter upon the premises of anyone, after notice, to inspect the connections and fixtures necessary to connect the same with the sanitary sewers of the Town, without being deemed a trespasser or becoming responsible as such to the owner or tenant.

**Section 2-13. Regulation of Drainage; Enforcement by Execution.** The mayor and aldermen shall have the power to cause the owner or owners of lots within the Town to drain the same or to fill the same to the level of the streets or alleys on which said lots abut; to cause the owner or owners of cellars holding water to cause the same to be drained thereof or filled up if necessary; to compel property

owners to make proper drain pipes to storm sewers and gutters or other street waterways, and to pass such ordinances regulating the same as they may deem necessary.

Whenever the owner of any such property shall refuse or fail, after a reasonable notice to him or his agent, or to the tenant in possession of said premises to comply with the requirements of said mayor and aldermen within the period prescribed for such notice, it shall be lawful for the Town to cause the same to be done at the owner's expense, and for the amount so expended.

**Section 2-14. Laying Out, Vacating, Paving, Maintaining, and Improving Public Streets and Ways.** The mayor and aldermen of the Town of McIntyre shall have the power and authority to open, lay out, widen, straighten or otherwise change the streets, avenues, alleys, sidewalks, crossings, or other passageways of said Town, and shall have the power to vacate, close up, open, alter, grade and fill, curb, pave, drain, and repair the same. They shall have power and authority to prescribe such rules and regulations for laying out, constructing and maintaining the same and the power of curbing and paving of all squares, triangles, and intersections of said Town; they shall prescribe the kind of material to be used in construction, and shall fix the time when notice shall be given and when the work shall be completed, shall supervise the construction of the same and reject any work not performed in compliance with such prescribed regulations. They shall have power and authority to require any street, avenue, alley, sidewalk, street crossing and railroad crossings, or other passageways to be paved in such manner and with such material as they may be determined by resolution or ordinance.

Whenever the mayor and aldermen shall deem it proper to pave or improve any of the streets, lanes, or alleys of said Town, they shall have a survey made and plans and specifications and estimates of the cost of the improvements contemplated, and shall establish the grades of the streets to be improved and locate the sewers and water mains therein.

**Section 2-15. Street Paving; Registration; Taxation.** The mayor and aldermen of said Town shall pass all ordinances necessary to effect the purposes and intent of Section 2-14 as are deemed to be in the best interest of the Town and which shall not be in conflict with the Constitution and laws of the State of Georgia.

The mayor and aldermen of the Town may levy and collect any additional ad valorem tax, or a special street tax, upon all property, real or personal, within the Town limits for the purpose of paying the paving expenses referred to in Section 2-14, which said tax shall be collected in the same manner as is provided elsewhere in this Charter for the enforcement and collection of taxes.

**Section 2-16. Granting of Franchises.** The mayor and aldermen of said Town shall have the power to grant franchises, easements and rights-of-way over, in, under and on the public streets on such terms and conditions as they may fix. They may contract with any other public or private corporation regarding the furnishing of water, electric current, gas, garbage collection, or other public service to said Town by said other corporation, or regarding the furnishing of water, electric current, gas, or other public service, by the Town to such public or private corporation. Provided the said mayor and aldermen shall not grant any franchise, easement, or authority to any person, public or private corporation to own, operate, or maintain any public utility in competition to any public utility owned by said Town within said Town.

**Section 2-17. Exercising Eminent Domain.** The mayor and aldermen are authorized and empowered to condemn land within the corporate limits of said Town for any municipal uses or purposes, which includes the erection of public buildings for said Town, for public parks, playgrounds,



water supply, sewers, forms for handling and disposing of sewerage, garbage or trash, and for any other public purposes and improvements.

The said Town is authorized and empowered to take and condemn personal property in the same manner as above when needed for public purposes of the Town.

When it is necessary for the Town to exercise the power of eminent domain, the same shall be exercised under the provisions of the general laws of this State relative to eminent domain.

**Section 2-18. Handling Alcoholic Beverage.** The mayor and aldermen shall have the power and authority by ordinance to prohibit, regulate, or license the sale, possession, distribution, manufacture or consumption of spirituous, vinous, malt, or intoxicating liquors within the Town, and may abate violations of such ordinances as nuisances. The policemen of the Town shall have the authority to enter and, if necessary, to break open and enter any premises in the Town which the mayor and aldermen may have reasonable cause to believe, or may suspect to be, a place where spirituous, vinous, malt or intoxicating liquors are sold, possessed, distributed, manufactured, or consumed in violation of law or of any ordinance of the Town and to seize the stock thereof and any machinery, equipment, or apparatus used in connection therewith. Upon conviction of any person for maintaining a nuisance, as above stated, and as a punishment for same, the mayor and aldermen shall be empowered to cause the police department of the Town to destroy the stock of liquors so seized and the machinery, equipment, or apparatus used in connection therewith, in addition to any other penalty which may be imposed upon the offender for violation of the laws of the Town.

**Section 2-19. Suppression of Crime; Municipal Court.** The mayor and aldermen of the Town of McIntyre shall have the power and authority to pass all laws and ordinances, rates, and regulations necessary and proper to secure the efficient and successful administration of the business of the municipal court, and all other ordinances that they may deem necessary to preserve order and to suppress crime, not in conflict with the Constitution and the laws of the State of Georgia.

**Section 2-20. Municipal Jail; Establishment Authorized; Purpose.** The mayor and aldermen shall have authority to establish a municipal jail and provide regulations for the same in which to confine for punishment, when necessary, persons sentenced by the municipal court judge for violating any Town law or ordinance, or any penal section of this Charter, and for the detention of all persons committing or attempting to commit crimes; and any policemen of the Town shall have the right to confine such persons in the municipal jail to await their trial.

**Section 2-21. Regulations of Animals at Large.** The mayor and aldermen shall have the power and authority to prevent animals from running at large and to take up and impound any animal found at large within the Town, to provide for the redemption of or sale of the same, and to enact such laws and ordinances as are necessary to carry out the provisions of this Section.

**Section 2-22. Keeping of Combustibles and Explosives, Erection of Buildings.** The mayor and aldermen shall have power to regulate the keeping of gunpowder, gasoline, and other combustibles and explosives, to make regulations for guarding against fires, and to fix and establish fire limits and from time to time to change, enlarge or restrict the same; to regulate the kinds of buildings to be erected, and the material and construction thereof; and to grant or refuse permits of all kinds of buildings and other structures to be erected in said Town.

**Section 2-23. Places of Worship and Burial; Regulations of Interments.** The mayor and aldermen shall have power and authority to protect places of worship, and to provide places for burial and regulate interments.

### **ARTICLE III. TOWN OFFICERS, EMPLOYEES, AND BOARDS**

**Section 3-1. Mayor Pro Tem; Selection.** The mayor and aldermen shall elect at their annual organizational meeting, a mayor pro tem from the aldermen, whose duty it shall be to act in all cases as the mayor in the absence, disqualification or sickness of the mayor, during which time he shall be clothed with all necessary powers of the mayor.

**Section 3-2. Town Clerk; Treasurer; Terms of Office; Compensation; Consolidation of Offices of Town Clerk and Treasurer.** The Town clerk and the treasurer shall be appointed by the mayor and aldermen and serve at the pleasure of the mayor and aldermen. The mayor and aldermen shall have power to fix the salary of the Town clerk and treasurer, and may also have the power to combine the offices of the clerk and treasurer, or may, at their discretion, elect one person to fill both offices.

**Section 3-3. Same; Removal.** Any of the offices in Section 3-2 may be removed at any time by a majority vote of the mayor and aldermen for neglect of duty, incapacity or malfeasance in office. Said officers shall be governed by such rules and regulations as may be prescribed by the mayor and aldermen and which are not inconsistent with this Charter. The mayor shall have the authority to suspend any officer temporarily, in his discretion, until the next regular meeting of the mayor and aldermen, when such officer shall be given a trial.

**Section 3-4. Same—Oath; Duties of Town Clerk and Treasurer.** The Town clerk and treasurer of the Town of McIntyre shall take and subscribe an oath before the mayor that they will, to the best of their ability, faithfully perform the duties of their office, without favor or partiality.

The Town clerk shall be the clerk of the board of aldermen; shall attend all meetings of the mayor and aldermen and the municipal court and keep the minutes, books, and files of each; shall collect all fines, taxes, and other money due the Town; shall attend to the issuance of all licenses and permits; and shall perform such other duties as may be required of him by the mayor and aldermen.

It shall be the duty of the treasurer to receive and disburse all monies of the Town, upon proper orders, and he shall make itemized reports of all receipts and disbursements and submit the same to the mayor and aldermen whenever called upon by them to do so.

**Section 3-5. Police Force Constituted; Terms; Removal from Office; Compensation; Powers and Duties.** There shall be a police department of the same Town which shall consist of a chief of police and such other officers and men as the mayor and aldermen may prescribe. The chief of police and such other officers shall be appointed by the mayor and aldermen, and serve at the pleasure of the mayor and aldermen. The chief and the officers of the police department may be discharged or suspended at any time by the mayor and aldermen, after trial, for neglect of duty, incapacity, conduct unbecoming an officer or other like offense, when in their judgment it is best for the good of the department or the interest of the Town. The mayor and aldermen shall have power to fix the salaries of the members of the police department.

The chief and the officers of the police department shall preserve the peace of the Town and shall have power and authority to arrest all persons within said Town guilty or charged with violating any of the laws of the State or laws and ordinances of the Town and all persons committing or attempting to



commit any crime against the laws of the State or ordinances of the Town. They shall have the power and authority to confine all persons arrested in the Town jail or in the common jail of Wilkinson County and bring them before the municipal court for trial or commitment; provided, however, that all persons desiring to give bail for their appearance before the municipal court in bailable cases, shall be allowed to do so.

**Section 3-6. Chief of Police; Vacancy in Office.** In case of death, resignation or removal from office of the chief of police, the mayor, or in his absence the mayor pro tem, and in his absence the board of aldermen shall appoint some person to perform the duties of the chief of police until the next regular meeting of the aldermen, when the mayor and aldermen shall elect a successor.

**Section 3-7. Fire Department Constituted; Selection, Duties, Terms of Personnel; Rules, Regulations.** There shall be a fire department, which consists of a chief and other officers and men thereof, who shall be selected by the mayor and aldermen and whose duties shall be prescribed by said mayor and aldermen. The mayor and aldermen shall have power to suspend or remove any of the members hereof whenever they shall deem it necessary or proper for the well being and efficiency of the department. The mayor and aldermen shall have power to fix all rules and regulations for the general government and management of the department and fix the salaries of the members thereof. The members of the fire department shall be elected to serve for an indefinite term; however, they may be discharged or suspended at any time by the mayor and aldermen, after trial, as provided for police officers.

**Section 3-8. Town Attorney; Terms, Duties, Compensation.** The office of the Town attorney is hereby created and established. Said attorney shall be elected by the mayor and aldermen and serve at the pleasure of the mayor and aldermen. His duties shall be prescribed from time to time by the mayor and aldermen. He shall represent the interest of the Town in all courts, and shall attend the sessions of the mayor and aldermen when they request. His salary or compensation for any service shall be fixed by the mayor and board of aldermen.

**Section 3-9. Selection of Officers and Employees.** In addition to the officers, employees, and boards provided for in this Charter, the mayor and aldermen shall have power and authority to elect or appoint, for such time as in their judgment may seem best, such officers, agents, superintendents, maintenance men, street overseers, draftsmen or other personnel for the carrying out of the provisions of this Charter and the functioning of the government of the Town of McIntyre and to prescribe their duties and fix their compensation.

**Section 3-10. Salaries of Officers, Employees.** The mayor, aldermen, and other officers and employees of the Town shall be paid such salaries for their services as may be fixed each year by the mayor and aldermen to apply to the ensuing fiscal year; provided, however, that the salaries payable to the mayor and aldermen shall not be increased or diminished during the year.

**Section 3-11. Retirement Pensions; Eligibility; Amount.** The mayor and aldermen shall have the power and authority to establish a retirement system for its employees.

**Section 3-12. Board of Health; Constituted; Membership, Compensation; Powers.** The mayor and aldermen shall have the authority to constitute a board of health for said Town, to consist of the mayor, one licensed physician, and one citizen to be appointed by the mayor, whose appointment shall be confirmed by the board of aldermen. Said members shall hold office for one year and until their successors are appointed and qualified. The citizens appointed on said board of health shall hold no other municipal office during their terms as a member of the board of health. The mayor and board of

When created, said board or boards shall be vested with power and authority to maintain, extend, improve, modify and operate the system of waterworks now in operation or hereafter acquired, extended or improved, or any gas, light, or water system or other system of public works of the same or similar nature now or hereafter owned or operated by the Town, or acquired, extended, or improved, or any light contract or other contract existing between the Town and any company for the furnishing to the Town of light, natural gas, power, or other public works; to establish, equip, maintain, modify, extend, improve, and operate a system of drains and sewers for the Town; to appoint superintendents and other employees, and remove the same when necessary; to purchase, rent, lease, and sell real estate and any apparatus, machinery, and all other things necessary to conduct of said public works systems, and hold title to the same for the Town; to collect, receive, and disburse all monies arising from the sale of bonds issued for the acquisition, extension, enlargement, and improvement of such plant or plants, and all revenues derived therefrom; to make such bylaws, rules, and regulations for their own government and the government of their employees as they deem necessary, not in conflict with this Charter.

Said board or boards shall make a quarterly report in writing to the mayor and aldermen, showing the amount of money received and the source thereof, and the amount disbursed thereof, together with vouchers for the same, and shall furnish an accurate estimate of the amount of money required for the ensuing year.

Said board or boards shall elect a clerk and fix his compensation, such compensation to be approved by the mayor and aldermen. The members of said board or boards shall receive for their services such compensation as the mayor and aldermen shall prescribe, which compensation shall not be diminished or increased during the terms of office of said members.

The mayor and aldermen shall have the authority to enact all ordinances necessary to effect the purpose and intent of this Section. The mayor and aldermen shall maintain and operate any and all systems of public works as heretofore, until the board or boards authorized herein, are created.

#### **ARTICLE IV. ELECTIONS**

**Section 4-1. Qualifications of Voters.** All persons who have been bona fide residents of the Town for six months before the day of election, and who shall have been duly registered, and who shall be qualified to vote for members of the General Assembly, shall be qualified voters.

#### **ARTICLE V. MUNICIPAL COURT**

**Section 5-1. Municipal Court Created, Presiding Officer.** There is hereby created a municipal court for the trial of the offenses and offenders against the laws and ordinances of the Town of McIntyre, such court to be called the municipal court, to be presided over by the municipal court judge. When so appointed and qualified as hereinafter provided, he shall have full authority as judge of said court for the administration of its affairs.

His salary shall be fixed by the mayor and aldermen, and he shall take such oath as may be prescribed by the mayor and aldermen, and shall be subject to removal, with or without any stated cause, upon a majority vote by the mayor and aldermen.

Any vacancy in the office of municipal court judge, by reason of death, resignation, removal or other reason shall be filled by appointment of the mayor and aldermen. In case of his disqualification or



absence, the mayor or mayor pro tem may hold such court and may exercise all the powers conferred by law or this Charter upon the municipal court judge.

**Section 5-2. Penalty for Violation of Laws, Ordinances.** The municipal court judge may punish for any violation of a Town ordinance or law by fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not to exceed one hundred eighty (180) days.

**Section 5-3. Sentence for Contempt.** When sitting as a court, the municipal court judge, shall have the power to punish for contempt by fine not exceeding five hundred dollars (\$500.00), by imprisonment in the manner prescribed aforesaid not exceeding one hundred eighty (180) days, or by one or both, or any part thereof, in the discretion of the presiding officer.

**Section 5-4. Warrants; Form, Scope, Execution; Municipal Court Judge's Authority to Hear Evidence, Grant, Bond.** The municipal court judge shall be authorized to issue warrants for any offense under any law or ordinance of the Town of McIntyre or this State, and when the offense is against State laws and not covered by municipal law or ordinance, may hear evidence and commit to jail or take bond for appearance before the grand jury or a State court having jurisdiction to try the same. If the offense charged in the warrant be one against any law or ordinance of the Town of McIntyre, the arresting officer shall carry the same before the municipal court, where same shall be disposed of as other cases of arrest not under warrant.

All warrants issued by the municipal court judge, or anyone authorized to preside in the municipal court, shall be directed to the "Chief of Police of the Town of McIntyre, any policeman or marshal thereof, and to all and singular the sheriffs, deputy sheriffs and constables of the State of Georgia," and any one of said officers shall have authority to execute warrants.

**Section 5-5. Rules of Practice in Municipal Court; Competency of Officers as Witnesses.** The rules of practice in the municipal court, so far as practicable, shall be the same as the rules of practice in the superior courts of this State.

**Section 5-6. Witnesses.** The municipal court judge, or any authorized presiding officer of the municipal court shall have power and authority to subpoena witnesses to attend the municipal court under the same rules and regulations that regulate and govern the superior courts of this State, to compel attendance, and to punish any witness who has been duly subpoenaed and fails to attend, under the provisions heretofore provided for contempt.

**Section 5-7. Appearance Bonds; Posting, Forfeiture, Execution.** Any police officer of the Town of McIntyre shall release any person arrested for a violation of any law, regulation or rule of said municipal government upon such person posting bonds payable to the Town of McIntyre in the amount and surety approved as directed by the municipal court judge, conditioned for the appearance of such persons before the municipal court at the time and place specified in said bond and from time to time until he or she shall have been tried for the offense for which charged.

If any persons so released under appearance bond shall fail to appear for trial at the time named therein, such bond shall be forfeited, and a rule nisi shall be issued requiring him or the surety upon such bond to show cause before court, at a time not less than ten days from the date of such rule, why such bond shall not be absolutely forfeited. Copies of such rule shall be served upon such person or to whom it shall be directed at least five days before return day thereof, provided such person or persons and residents of said Town, and such service may be made personally or by mailing a written notice to such person or persons at their last known address.

At the time such rule is made returnable and no sufficient cause be shown, the forfeiture of said bond shall be final and absolute, and execution shall issue for the full amount thereof, and all costs against the principal and sureties thereon or such of them as shall have been served. Such execution shall be signed by the clerk of the Town of McIntyre and the municipal court judge, and shall be directed to all police officers of said Town and to all and singular the sheriffs and constables of this State, and the same when so issued shall be alien upon all property, real or personal, of such parties and of binding effect upon such property of the defendants therein as if the same were issued upon judgments in the superior courts, and shall be levied by any officer to whom it shall be directed.

However, any police officer of said Town, when the emergency of the occasion demands it, may require cash bonds for the appearance of such arrested person or persons, and upon their failure to appear at trial thereof, said cash bond may, in the discretion of the Town municipal court judge, be regarded as a fine and so assessed by said judge.

**Section 5-8. Ministerial Officers of Municipal Court – Attendance, Duties.** The ministerial officers of the municipal court shall be the policemen of the Town of McIntyre to whom all processes shall be directed. Said officers or a sufficient number shall attend the sessions of the court for the purpose of executing the orders of said court, and shall do and perform such duties connected with said court as may be required of them.

**Section 5-9. Rights of Appeal.** Any person convicted before the municipal court judge shall have the right to enter an appeal from the judgment of said court to the Superior Court of Wilkinson County.

## **ARTICLE VI. TAXATION, FINANCE, AND REVENUE**

**Section 6-1. Fiscal Year.** The fiscal year of the Town shall be fixed by ordinance or resolution of the mayor and aldermen, duly entered upon the minutes.

**Section 6-2. Budget.** No expenditures of money shall be expended by the mayor and aldermen until a fiscal year budget has been adopted. The budget shall include in its anticipation for the ensuing fiscal year a sum not to exceed the normal revenue collections of the Town anticipated from all sources during the ensuing year. The mayor and aldermen shall appropriate a sum sufficient to pay the annual debt service, including sinking fund and interest in bonded indebtedness, which sum shall not be diverted to any other department or departments by the mayor and aldermen during the year. Should the revenue of the Town be less than the amount anticipated, it shall be the duty of the mayor and aldermen to amend the budget in order to reflect such decreased revenue; in the event the revenue of the Town is greater than the amount anticipated, and such increase is definite and reasonably certain, the mayor and aldermen may amend the budget in order to reflect such increase in revenue.

**Section 6-3. Deficits.** If at any time during the year expenses exceed revenues and a deficit is created, it shall be the duty of the mayor and aldermen, before appropriating any other sum for any other purpose, to appropriate a sufficient sum to immediately discharge any such deficit which has occurred.

**Section 6-4. Borrowing Money Authorized.** The mayor and aldermen shall have authority to borrow money to meet casual deficiencies in the revenues of the town; provided, however, that loans negotiated for such purpose shall not extend over a period longer than twelve months and shall be repaid from the revenues of the current year, for which provision shall be made by tax levy.



**Section 6-5. Annual Audit of Finances Required; Publication.** The mayor and aldermen, at the end of each fiscal year, shall have an annual audit conducted by a certified public accountant, covering all financial transactions entered into by said mayor and aldermen or by any board, commission, agency, department or officer of the Town in behalf of the Town for that year. When such audit has been completed, it shall be adopted by the mayor and aldermen, and an official copy placed in the clerk's office.

**Section 6-6. Taxes; Authority to Levy, Provide for Collection.** The mayor and aldermen of said Town shall have power and authority to levy and collect an ad valorem tax upon all property, real and personal, within the corporate limits of the Town, which is taxable under the laws of this State, and to provide the manner in which the same shall be collected.

**Section 6-7. Payment of Taxes and Licenses.** The mayor and aldermen of said Town shall have power and authority to prescribe the time when all business and occupation taxes and licenses shall be paid to the Town.

**Section 6-8. Collection of Delinquent Taxes and Fees.** The board of aldermen by resolution may provide generally for the collection of delinquent taxes, fees, or other revenue due the Town under this charter by whatever reasonable means as are not precluded by law. This shall include providing for the dates when the taxes or fees are due; late penalties or interest; issuance and execution of tax fi. fa.; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking city licenses for failure to pay any city taxes or fees; and providing for the assignment or transfer of tax executions.

**Section 6-9. Bond Issues, Elections for Public Improvements.** The mayor and aldermen of said Town shall have the power and authority to order elections at various times to determine the issue of bonds, and to issue and/or hypothecate bonds in accordance therewith, for all public improvements as they may deem necessary; they may issue the same for the purpose of purchasing, building or enlarging the waterworks and sewer system of the Town, to establish a light plant, to erect a Town Hall where the public business of the Town shall be transacted, to curb and pave the streets, to purchase sites, erect and equip public school buildings, and for any such other public improvements as they may deem proper; and they shall provide how the public debt of the Town shall be paid, and may constitute such sinking fund for that purpose, if they may deem it necessary.

**Section 6-10. Tax Levy to Amortize Bond Authorized; Interest Coupons.** The mayor and aldermen of said Town are hereby authorized and empowered to levy, assess, and collect annually a sufficient tax upon and from the taxable property in said Town, real and personal, to pay the principal and interest on bonds as they shall become due. This tax shall be separately assessed, levied, and collected for the specific purpose herein designated and shall not be used or applied to any other purpose whatever. Said mayor and aldermen are hereby authorized and empowered to issue interest coupons payable annually for the interest of said bonds. Any money received and collected under this Charter and remaining after the payment of maturing interest coupons and bonds shall be held by the mayor and aldermen as a sinking fund for the payment of the bonds and interest maturing the next year.

**Section 6-11. Execution, Registration, Sale of Bonds.** Any bond issued pursuant to the authority in this Charter shall be signed by the mayor and clerk of said Town and registered and sold in manner and in such sums and at such times as the mayor and board of aldermen may determine for the best interest of said Town and the speedy execution of the objects thereof.

## ARTICLE VII. MISCELLANEOUS

**Section 7.1. Terms of Officers.** All present officers of said Town shall hold their offices until the expiration of their present terms and until their successors are elected and qualified, except as herein provided. An election shall be held on the first Tuesday after the first Monday in November, 2011, for the purpose of electing a mayor and five aldermen. The mayor and five candidates for aldermen shall serve for a term of four years, and until their successors are elected and qualified. Beginning on the first Tuesday after the first Monday in November, 2011, and every four years thereafter, an election shall be held to elect the successors to the mayor and aldermen whose terms expire the first day in January of the year next following such election. The successors to the mayor and aldermen elected in 2011 and all future successors shall take office on the first day of January in the year next following their election and shall serve a term of four years and until their successors are elected and qualified. The mayor and aldermen shall enter upon the discharge of their respective offices as soon as they take the oath of office after election.

**Section 7-2. Existing Ordinance Preserved.** This Act shall not abolish any of the ordinances now in effect in said Town except where they are in conflict with this Charter, but the same shall be preserved and continued.

**Section 7-3. Existing Acts Preserved.** All other Acts heretofore approved by the General Assembly relating to the Town of McIntyre, except such part or parts thereof as may be in conflict with this Charter and except for the Acts specifically repealed herein, shall be and they are hereby continued in operation, confirmed and consolidated with and made a part of this Charter.

**Section 7-4. Severability.** If any provision of this Act shall be held to be unconstitutional, such provision only shall be invalid, and all other parts of this Act shall not be affected thereby but shall remain in full force and effect.

**Section 7-5. Specific Act Repealed.** An Act to create and establish a Charter of the Town of McIntyre, approved October 15, 1910 (Ga. L. 1910. P. 928), as amended by an Act approved March 5, 1957 (Ga. L. 1957, p. 2383), an Act approved March 31, 1962 (Ga. L. 1962, p. 2847) and an Act approved March 30, 1971 (Ga. L. 1972 p.2370), is hereby repealed in its entirety.

**Section 7-6. Repeal of Conflicting Laws.** All laws and parts of laws in conflict with this Act are hereby repealed.