

CODES AND ORDINANCES

City of McIntyre, Georgia

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CHAPTER 1: GENERAL PROVISIONS

1-101 How code designated and cited

The provisions embraced in the following chapters and sections shall constitute and be designated "The Code of the City of McIntyre, Georgia, 1979," and may be so cited.

1-102 Rules of Construction

In the construction of this code and of all ordinances, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the mayor and council:

1. General rule. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
2. Gender--singular and plural. Every word in any code provision or ordinance importing the masculine gender shall extend to and be applied to females as well as males; and every word importing the singular number only shall extend and be applied to several persons or things as well as to one person or thing; and every word importing the plural number only shall extend and be applied to one person or thing as well as to several persons or things.
3. Tenses. The use of any verb in the present tense shall include the future when applicable.

4. Joint authority. All words purporting to give a joint authority to three or more city officers or other persons shall be construed as giving authority to a majority of such officers or other persons unless it shall otherwise expressly declare the officer with authority.
5. Delegation of authority. Whenever a provision requires the head of a department or other officer of the city to do some act or perform some duty, it shall be construed to authorize subordinates to do the required act or perform the required duty unless the terms of the provision designate otherwise.
6. Computation of time. The time within which an act is to be done as provided in any code provision or ordinance or in any order issued pursuant to any ordinance, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day be a Sunday or a holiday it shall be excluded, and when any such time is expressed in hours the whole of Sunday, from midnight to midnight shall be excluded.
7. Overlapping provisions. Where any provision of this code imposes greater restrictions upon the subject matter than any general provisions imposed by this code, the provision imposing the greater restriction or regulation shall be applicable.

1-103

Definitions

Words and phrases used in this code shall have the following meanings, unless otherwise specified.

Advice and consent Whenever the term "advice and consent" of the city council is used in this code, it shall be construed to mean an affirmative vote of the majority of the entire city council.

City - The words "the city" or "this city" shall mean the City of McIntyre, Georgia.

County - The words "the county" or "this county" shall mean the County of Wilkinson, Georgia.

Court - The word "court" shall mean the recorder's court of the city.

Governing authority, governing body - the words "governing authority" or "governing body" shall mean the Mayor and City Council of the City of McIntyre, Georgia.

Judge or recorder - The words "judge" or "recorder" shall mean the judge of the recorder's court of the city.

Mayor - The word "mayor" shall mean the mayor of the City of McIntyre, Georgia.

Misdemeanor - The term "misdemeanor" shall mean a violation of the state criminal law punishable by a fine not in excess of \$1,000 or confinement in a county or other jail for a term not exceeding 12 months, or both.

Municipality - The word "municipality" shall be construed as synonymous with the term "city", "town," or "municipal corporation."

Oath - The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "affirm" and "affirmed" shall be equivalent to the words "swear" or "sworn".

Ordinance - The word "ordinance" shall mean a legislative act of the municipal governing body of a general and permanent nature.

Owner - The word "owner", when applied to a building or to land, shall include any part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety, of the whole or a part of such building or land.

Person - The word "person" shall include a corporation, firm, partnership, association, organization, and any other group acting as a unit, as well as an individual.

Personal property - The term "personal property" shall include every specie of property except real property, as hereinafter defined.

Preceding, following - The words "preceding" and "following" shall next before and next after, respectively.

Property - The term "property" includes real, personal, and mixed estates and interest.

Real property - The words "real property" shall include lands, tenements, and hereditaments.

Reasonable time or notice - Reasonable time or notice shall be deemed to mean only such time as may be necessary for the prompt performance of the act required.

Resolution - The word "resolution" shall mean a legislative act of the municipal governing body of a special or temporary character.

Sidewalk - The word "sidewalk" shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, but shall not include any unimproved areas between the curb line and improved walkways.

Signature, subscription - The word "signature" or "subscription" shall include a mark intended as such when the person cabbot write.

State - The words "state" or "this state" shall mean the State of Georgia.

Street - The word "street" shall mean and include any public way, road, highway, street, avenue, boulevard, parkway, alley viaduct, or bridge, and the approaches thereto, within the city.

Tenant or occupant - The word "tenant" or "occupant" when applied to a building or land, shall include any person holding a written or oral lease, of, or who occupies the whole or part of such building or land, either alone or with others.

Town - See municipality.

Week - The word "week" shall mean seven days.

Writing or written - The words "writing" and "written" shall include printing and any other mode of representing words and letters.

Year - The word "year" shall mean a calendar year.

1-104

Section Headings

The underlined headings of the several sections and subsections of this code are intended as mere captions to indicate the contents of the section or subsection and shall not be deemed or taken to be titles of such sections, nor as any part of the section or subsection, nor, unless expressly so provided, shall they be so deemed when any of such sections or subsections, including the headings, is amended or re-enacted.

1-105

Effect or repeal or expiration of code section

1. The repeal of a code section or ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued or any offense committed, any penalty or punishment incurred, or any proceeding commenced before the repeal took effect or the ordinance expired.
2. When any ordinance repealing a former code section, ordinance, clause, or provision, shall be itself repealed, such repeal shall not be construed to revive such former code section, ordinance, clause, or provision, unless it shall be expressly so provided.

1-106

Amending code

1. All ordinances passed subsequent to this code which amend, repeal, or in any way affect this code shall be numbered in accordance with the numbering system of this code and printed for inclusion herein. In the case of repealed chapters, sections, and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the code by omission from reprinted pages thereby. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as the code and subsequent ordinances omitted are readopted as a new code by the city council.
2. Amendments to any of the provisions of this code may be made by specific reference to the section number of this code in the following language: "That section 106 of the Code of Ordinances,

City of McIntyre, Georgia, 1979, is hereby amended to read as follows..." The new provisions may then be set out in full as desired.

3. In the event a new section not theretofore existing in the code is to be added, the following language may be used. "The Code of Ordinances of the City of McIntyre, Georgia, 1979, is hereby amended by adding a section (or subsection or chapter) to be numbered ____, which section reads as follows..." The new provision may then be set out in full as desired.
4. All sections, chapters, or provisions sought to be repealed must be specifically repealed by section, chapter, or provision number, as the case may be.

1-107

Altering code

It shall be unlawful for any person to change or amend by additions or deletions any part of this code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever, except by ordinance or resolution or other official act of the mayor and city council.

1-108

Penalty where no penalty provided

1. Whenever in this code or in any ordinance of the city any act is prohibited or is declared to be unlawful, or whenever in such code or ordinance the doing of any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of such provision shall subject the person committing the violation to a

fine not exceeding \$500.00 and cost or to imprisonment for a term not to exceed six (6) months, or both, any or all such penalties to be imposed at the discretion of the judge of the recorder's court.

2. The infliction of a penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the city's charter or code.

CHAPTER 2: ELECTIONS

Article 1: In General

2-101 Adoption of State rules and regulations

The rules and regulations promulgated by the State Election Board which pertain to municipal elections, together with the provisions of the Georgia Municipal Election Code contained in Title 34A of the Georgia Code Annotated, are hereby adopted as the rules, regulations, and provisions that shall govern the conduct of municipal general and special elections in this city. 34A-102 & 34A-201

2-102 Expenses

Such funds as are necessary for the conduct of elections and for the performance of the duties that are specified by this ordinance shall be budgeted and appropriated annually, and from time to time. 34A-210

Article 2: Registration

2-201 Registrars and deputy registrars

1. Appointment. Registrars and deputy registrars shall be appointed by the mayor and council, as necessary, and shall serve at the pleasure of the same. One such appointee shall be designated as chief registrar, and such person shall serve as the chief administrative officer of the board of registrars and shall generally supervise and direct the administration of the affairs of said board. 34A-502

All appointments shall be entered on the minutes of the council meeting at which they are made.

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All appointments shall be entered on the minutes of the council meeting at which they are made.

2. Qualifications. Registrars and deputy registrars shall be electors of the municipality and shall be able to read, write, and speak the English language. Such appointees, while serving as registrars or deputy registrars or within a period of six months after so serving, shall not be eligible to any nomination or office to be voted for at primary or election. 34A-503
3. Oath. Prior to entering upon his duties, each registrar and deputy registrar shall swear to faithfully perform his duties, such oath to be administered by an officer authorized by law to administer the oath. 34A-504
4. Term of office. Registrars and deputy registrars shall serve at the pleasure of the governing authority. 34A-502
5. Powers. The registrar and deputy registrars shall exercise those powers and duties and shall be subject to such regulations as are set forth in the Georgia Municipal Election Code, Title 34A of the Code of Georgia.

2-202

Elector qualifications

Any person desiring to vote in any municipal general or special election must: (1) register as an elector at least 15 days prior to the primary or election at which he desires to vote; (2) be a citizen of the State of Georgia and the United States; (3) be at least 18 years of age; and (4) be a resident of this municipality.

34A-501 & 34A-507

2-203

Registration list and records

The city shall maintain its own registration system. The form of the registration cards shall conform to the provisions of Section 34-609 of the Georgia Code Annotated. The complete registration cards and other papers of the registrar shall be kept in the main office of the board of registrars and shall be open to public inspection during usual business hours. 34A-506

2-204

Challenge of registration list

Any elector of the municipality shall have the right to challenge the registration of any person whose name appears on the registrations list in the manner set forth below.

1. Appeal to registrar. Any challenge of a person's right to register shall be made in the first instance to the registrar, who shall upon hearing the evidence decide whether to affirm or reverse the original decision.
2. Appeal to mayor and council. Any person asserting a challenge under this section, or any person whose name was omitted from the registra-

tion list by the registrar, shall have the right to appeal from the decision of the registrar to the mayor and council. If the mayor and council should decide, after hearing the evidence of such person and that of the registrar, that the registrar erred in his decision, such body shall direct the registrar to correct the error. 34A-520

2-205 Permanency of registration

The electors who have registered shall not thereafter be required to register or further qualify, except as provided by law. No person shall remain a qualified voter who does not vote in at least one general or special election or primary in a three-year period, unless he shall specifically request continuation of his registration as specified in Section 34A-515 (b) of the Code of Georgia. Any elector whose registration has been thus cancelled may reregister in the manner provided for original registration. 34A-514

2-206 Absentee registration

Absentee registration shall not be allowed in any numinipal primary or general or special election held in the city. 34A-513

Article 3: Candidates

2-301 Notice of candidacy

1. Filing. Each candidate desiring to have his name placed on the ballot for an office to be filled in a municipal general or special election shall file personally, or by his agent, notice of his candidacy in the manner and accompanied by the documents and information required by Section 34A-901 of the Georgia Code. 34A-901, 34A-905, 34A-906, and 34A-910.

2. Designation of office sought. In the event a candidate seeks one of two or more public offices of the City, each having the same title and to be filled at the same election by the vote of the same electors, such candidate shall not be required to designate the specific office he is seeking; in all such elections the number of candidates equal to the number of such public offices to be filled at the election who receive the greatest number of votes shall be elected. 34A-902

2-302 Qualification fees

The qualification fee for the candidates filing a notice of candidacy in any general or specific election shall be 3% or the amount provided for by state code, which fee shall be paid to the municipal clerk at the time of filing such notice of candidacy. 34A-904

2-303 Campaign financing disclosure

All candidates for municipal public office shall keep all such records and file all such reports as are required by the Georgia Campaign and Financial Disclosure Act. 40-38 etc.

Article 4: Voting

2-401 Election Officials

1. Appointment. The following election officials shall be appointed by the mayor and council and shall receive such compensation as is provided by the same:
 - a. municipal election superintendent
 - b. chief manager
 - c. two assistant managers
 - d. clerks, as necessary 34A-302, 34A-401

2-402 Election districts

The area comprising the corporate limits of the city, as the same is now or shall hereafter exist, shall constitute the sole election district of the city. 34A-602

2-403 Polling places

The polling place within the city shall be the City Hall. 34A-604

2-404 Date of election

All municipal elections shall be held on the 2nd Saturday in December every four years in each election year. 34A-702

2-405 Write-in votes

Write-in votes shall be permitted in municipal elections, except that no write-in votes shall be counted in a primary, runoff primary, or runoff election. 34A-1124 & 2-1201A

2-406 Absentee ballots

Absentee ballots shall be used in all municipal elections, and such use shall be governed by the provisions of Chapter 34A-13 of the Georgia Code Annotated. 69-310

2-407

Vote required for election

Candidates for nomination for any public municipal office in any primary, and candidates for any public municipal office in any election shall be nominated or elected by a plurality of the votes cast to fill such nomination or public office. 34A-1407

2-408

Contested elections

1. Petition of contest. Any person wishing to contest the results of a primary or election shall file a petition with the city clerk within five days after the results of the election are certified to the mayor and council, which petition shall set forth in writing one or more of the following grounds:
 - a. malconduct, fraud, or irregularity by any election official sufficient to change or place in doubt the result;
 - b. ineligibility of the defendant for the office in dispute;
 - c. illegal votes received, or legal votes rejected, sufficient to change or place in doubt the result;
 - d. an error in counting the votes or in declaring the result of an election, if such error would change the result; or
 - e. any other cause which shows that another was the person legally elected. 34A-15
2. Notice and hearing. Upon the filing of the contest petition, a hearing shall be set before the mayor and council and written notice stating the time and place of the hearing and containing a copy of the contest petition shall be given to all affected candidates. The hearing will take place not less than seven nor more than seven days after service of the notice upon the affected candidates, and shall be conducted in an informal manner. 34A-1501

3. Determination by mayor and council. The mayor and council shall examine the qualifications of electors concerning their right to vote, order a recount of ballots, examine the registration list, and perform such acts and conduct such examinations as may be deemed necessary to determine the validity of a contest of an election, except that any member of the governing authority included in the contest shall disqualify himself from judging the contest.
4. Appeal. The final determination of the mayor and council may be appealed to the superior court of the county in the manner of appeal from a court of probate, except that such appeal shall be made within 10 days after determination of the contest by the mayor and council. 34A-1501

2-501

Article 5: Impeachment and removal

Grounds for removal

The mayor or any council man shall be subject to removal from office for any one or more of the following causes:

1. incompetence, misfeasance, or malfeasance in office;
2. conviction of a crime involving moral turpitude;
3. failure at any time to possess any of the qualifications of office as provided by this code or the laws of the State of Georgia;
4. wilful violation of any express prohibition of the municipal code.
5. abandonment of office or neglect to perform the duties thereof; or
6. failure for any other cause to perform the duties of office as required by this code or the laws of the State of Georgia.

Procedure for removal

Removal of any elected officer from office shall be brought about in the following manner:

1. Initiation of proceedings. Any person desiring to initiate removal proceedings against an elected officer shall file a complaint in writing with the city clerk, which complaint shall set forth distinctly the alleged ground or grounds for removal and the names of witnesses, if any.
2. Preliminary hearing. Immediately upon receipt of a complaint as provided for in the preceding subsection, the city clerk shall notify the mayor (except in cases of his own impeachment, when the clerk shall then shall notify the mayor pro tem) who shall call a meeting of the city council. If, at such meeting, a majority of the council shall deem the complaint sufficient to authorize an investigation, they shall call, at the earliest date practicable, a meeting for the trial of the officer complained of.
3. Articles of impeachment and notice. If a trial is ordered as provided in the preceding subsection, it shall be the duty of the city attorney to immediately draw the articles of impeachment based upon the complaint, which shall be filed with the city clerk at least five days prior to the date set for the trial. Upon receipt of the articles of impeachment it shall be the duty of the city clerk to attach the same to a notice directed to the party complained against, which notice shall specify the time and place of the trial and commend the appearance of the accused. The notice

and copy shall be served upon the accused by a police officer at least seven days before the date of trial.

4. Conduct of trial. The trial shall be conducted in the manner employed by the courts, both the council and the accused having the right to introduce evidence and be represented by counsel, it being the duty of the city attorney to act as prosecuting officer in such trials.
5. Verdict and judgment. The council shall render a verdict upon each article of impeachment, to be followed by the judgment, which shall be entered by the city attorney upon the original articles and signed by the mayor or other presiding officer. Such verdict and judgment shall be placed upon the minutes of the council.

2-503

Appeal of decision

Any officer removed from office by the action of city council as provided in the preceding section shall have the right of appeal from the decision of the council to the superior court of the county in which city hall is located. Such appeal shall be governed by the same rules as govern appeals to the superior court from the court of probate.

CHAPTER 3: ADMINISTRATION

Article 1: In General

3-101 Exercise of governmental authority

The corporate governmental powers of the city shall be exercised by the mayor and council in the manner provided by charter and by the provisions of this chapter.

3-102 Code of ethics

1. Prohibited conduct. Public officials and employees of the city shall treat all citizens with courtesy, impartiality, fairness, and equality under the law, and shall avoid both actual and potential conflicts between their private self-interest and the public interest. Prohibited conduct of each such official and employee shall include, but not bel imited to, the following:
 - a. granting or making available to any person any special consideration, treatment, advantage, or favor beyond that which is the general practice to grant or make available to the public at large;
 - b. requesting, using, or permitting the use of any publicly-owned or publicly-supported property, vehicle, equipment, labor, or service for the personal convenience or the private advantage of himself or any other person, except as otherwise allowed by law;
 - c. participating in the deliberation of or voting on any manner involving his financial or personal interest;
 - d. accepting any gift, whether in the form of money, thing, favor, if he were not an official or an employee;

- e. disclosing any confidential information concerning any official or employee, or any other person, or any property or governmental affairs of the city, without prior formal authorization of the governing body;
- f. using or permitting the use of confidential information to advance the financial or personal interest of himself or any other person.

2. Hearings and determinations. Upon the sworn complaint of any person alleging facts which if true would constitute a violation of this section, the council shall conduct a public hearing at which the accused shall be given an opportunity to be heard, either personally or through counsel. At the conclusion of said hearing, the council shall, in written findings of fact and conclusions based thereon, make a determination concerning the propriety of the conduct of the official or employee in question. Note 69-204

3-103

Administrative policy and procedures.

- 1. Officers. Each officer shall perform all duties required of his office by state law, the charter, and this code, and other such duties not in conflict therewith as may be required by the mayor.
- 2. Department heads. All department heads shall:
 - a. be immediately responsible to the mayor for the effective administration of their respective department and all activities assigned thereto;
 - b. keep informed as to the latest practices in their particular field.
 - c. submit such reports of their activities as may be required by the mayor;

- d. establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the reports required by the mayor;
 - e. have power, when authorized by the mayor, to appoint and remove, subject to personnel regulations, all subordinates under him; and
 - f. be responsible for the proper maintenance of all city property and equipment used in their respective departments.
3. Departments. Each department shall cooperate with every other department and shall furnish, upon the direction of the mayor, any other department such service, labor, and materials as may be requisitioned by the head of each department, as its own facilities permit.
4. Records. All municipal records, except those which by order of a state court or by law are prohibited from being open to public inspection, shall be open for personal inspection by any citizen of Georgia during the hours of operation of the administrative service herein below prescribed. 40-2701
5. Operation of administrative service. All units in the administrative service shall:
- a. Office hours. Be open between the hours of 8 a.m. and 4:30 p.m. on weekdays and shall be closed on Saturday, Sunday, and legal holidays.
 - b. Make daily deposit. Make a daily deposit with the city treasurer of any monies received directly from the public.
 - c. Payment of monies. Pay out monies belonging to the city only in the manner prescribed herein.

3-104

Oaths.

All officers and employees required by charter or some other provision of law to take an oath shall, before entering upon the discharge of their respective duties, take and subscribe the following oath before an officer authorized by law to administer oaths:

I, _____, do solemnly swear or affirm that I will support the Constitution of the United States, the Constitution of the State of Georgia, the Charter and Ordinances of the City of McIntyre; and that I will, to the best of my ability, faithfully perform the duties of the office of _____ during my continuance therein, so help me God.

3-105

Bonds.

Except as otherwise provided by law, the mayor and councilmen may require any department head, city official, or employee, before entering upon the discharge of his duties to give good and sufficient bond in any amount decided by the mayor and council. Said bond shall be payable to the City of McIntyre for the faithful performance of said duties and to secure against corruption, malfeasance, misappropriations, or unlawful expenditures in office. Said surety bonds shall be obtained from a surety company licensed to do business in the State of Georgia and approved by the mayor and council. The premiums thereon shall be paid by the city.

3-106

Compensation.

Each officer and employee of the city shall receive such compensation as may be provided from time to time by resolution.

ORDINANCE

An Ordinance to amend Code Section 3-207 9. c. (3) of the Code of Ordinances of the City of McIntyre, Georgia, to govern the introduction and adoption of Ordinances.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF
McINTYRE, GEORGIA,

THAT Code Section 3-207 9. c. (3) is deleted in its entirety and inserted in lieu thereof is the following language: "All Ordinances shall be introduced in writing with a copy supplied to the Mayor and each Council member. Additional copies shall be made available to the public upon request."

All ordinances or parts of ordinances in conflict with this Ordinance are, to the extent of such conflict hereby repealed.

SO ORDAINED this 4th day of April, 2000.



Mayor



City Clerk

1st - 3/21/00
2nd - 3/21/00
3rd - 4/4/00

Article 2: The Mayor and City Council (General)

3-201 Election

The mayor shall be elected for a two-year term and the councilman shall be elected for a two-year term, and each elected officer shall serve until his successor is elected and qualified.

3-302 Qualifications for office

Any person whose principle place of residence is within the corporate limits of the City of McIntyre and who is both a qualified voter of the city and at least 18 years of age at the time of election shall be eligible for the office of mayor or councilman. Should the mayor or any councilman cease to maintain his principal place of residence within the city during his term of office, his office shall thereby become vacant.

3-303 Vacancies

In case of a vacancy in the office of mayor councilman, from failure to elect, death, removal, or any cause whatsoever, such vacancy shall be filled by a special election ordered by the city council to take place not more than 60 days from the time such vacancy occurs, under the same rules and regulations that govern other elections in the city. The city clerk shall cause notice of the holding of such election, including time and purpose thereof to be published once a week for two weeks prior to such election in a newspaper of general circulation in the county.

Meetings

The city council shall hold regular meetings on 1st Tuesday at 7:00 p.m., unless otherwise ordered by the council; provided, that the mayor may convene the council whenever in his opinion the public business requires it, and he shall do so upon the application of (3) three members of the city council. All meetings at which official actions are to be taken shall be open to the public. 40-3301 & 40-3302

1. Notice. Notice of any meeting of the mayor and council at which official actions are to be taken shall be given to the public by publication of notice in a newspaper of general circulation in the city at least five (5) days prior to such meeting. Notice shall be given to each council member individually by the city clerk.
2. Duty to attend. It shall be the duty of each member of the city council to attend each meeting of the city council, unless he is prevented by some unavoidable circumstances.

Standing committees

The following shall be the standing committees of the city council and their respective responsibilities:

- | | |
|--------------------|---|
| 1. Water and Sewer | water treatment
water distribution
sewer system
sewage treatment
meter reading
billing/collection |
| 2. Public Safety | fire protection
fire prevention
police protection
crime prevention
traffic engineering
civil defense
animal control |

- | | |
|-----------------------------------|--|
| 3. Public Works | streets
sanitation
lighting |
| 4. Finance | financial management
accounting/record keeping
budget
taxes
purchasing
building construction/maintenance |
| 5. Personnel | personnel management
plan development
salary increases
promotions
employee complaints
recommendations for employment |
| 6. Planning/Community Development | planning
zoning
community development
housing
recreation
cemetery/parks
engineering
building inspection/codes
permits/licenses |

3-206

Duties of committee chairmen. The chairmen of the standing committees shall have the following duties and responsibilities:

1. Make recommendations to the full council concerning purchases, employment, changes, and other similar matter within their respective areas;
2. Report to the full council concerning current and proposed activities within their respective areas;
3. Keep abreast of all new laws and regulations affecting their respective areas;
4. Make other such reports and carry out other activities as may be required by the mayor and council, and make other reports and carry out other activities as may be in the best interest of the city.

Rules for the conduct of business

Except as otherwise provided in this section, Robert's Rules of Order shall govern the conduct of the council meeting.

1. Call to order. All meetings of the city council shall be open to the public. The mayor, or in his absence, the mayor pro tempore, shall take the chair at the hour appointed for any regular, temporarily adjourned, special, or called meeting; and shall immediately call the council to order.
2. Roll call. Before proceeding with the business of the council, the city clerk or his deputy shall call the roll of the members, and the names of those present shall be entered in the minutes.
3. Quorum. A majority of all the members elected to the council shall constitute a quorum at any regular or special meeting of the council and an affirmative vote of a majority of such number shall be sufficient to permit the conduct of all business except that for which a larger vote has been mandated by this code.
4. Order of business. The business of the council shall be taken up for consideration and disposition in the following order:
 - a. call to order by the presiding officer
 - b. roll call
 - c. approval of minutes of previous meeting
 - d. petitions and communications
 - e. reports of standing committees
 - f. reports of special committees

g. unfinished business

h. new business

i. adjournment

5. Reading of minutes. Unless a reading of the minutes of a council meeting is requested by a council member, such minutes may be approved without a reading if the city clerk has previously furnished each member with a copy thereof.
6. Reports by committees. Any business coming before the city council concerning the subject matter of which any standing or special committee has jurisdiction, may be referred to the proper committee for investigation and report. It shall be the duty of each standing or special committee, whenever required by the mayor or by the city council, or any member of the city council, to examine any matter referred to such committee, and make a report thereof at the next regular meeting of the city council, or show good cause why no report is made. Such reports shall not be in writing unless so directed by the presiding officer.
7. Manner of addressing council. No member, while the city council is in session, shall speak on any subject unless recognized by the presiding officer. Every speaker shall address the chair, and no member shall interrupt anyone who is speaking, except to call him to order or for explanation.
8. Limitations on addressing the council. Any person not a member of the city council who desires to address the council shall first secure the permission of the presiding officer to do so, and then shall stand up, give his name and address for the record and direct his remarks to the council.

9. Ordinances, resolutions, contracts, and inter-local agreements.

Unless otherwise provided in this code, all ordinances, resolutions, contracts, and inter-local agreements of the city shall be prepared, approved, introduced, and adopted in the following manner.

a. Preparation. All ordinances shall be prepared by the city attorney. No ordinance shall be prepared for presentation to the council unless ordered by a majority vote of the council, or requested in writing by the mayor, or prepared by the city attorney on his own initiative.

b. Administrative staff approval. All ordinances, resolutions, and contract documents shall, before presentation to the council, have been approved as to form and legality by the city attorney or his authorized representative, and shall have been examined and approved for administration by the mayor or his authorized representative where there are substantive matters of administration involved. All instruments shall have first been referred to the head of the department under whose jurisdiction the administration of the subject matter of the ordinance, resolution, or contract document would devolve and returned to the mayor with any written comments.

c. Introduction and adoption.

(1) Ordinances, resolutions, and other matters or subjects requiring action by the council must be introduced and sponsored by a member of the council, except that the

mayor or city attorney may present ordinances, resolutions, and other matters to the council, and any councilman may assume sponsorship thereof by moving that such ordinances, resolutions, matters, or subjects be adopted.

(2) No ordinance shall be put on its final passage on the same day on which it is introduced.

(3) All ordinances shall have three separate readings, but the second and third readings shall never be had on the same day.

(4) No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practicable all ordinances shall be introduced as amendments to the code.

(5) An ordinance, resolution, or contract shall be deemed adopted or approved when it receives the affirmative vote of a majority or the whole council. For the purposes of tallying such vote an abstention shall be deemed a negative vote.

d. Effective date. No ordinance shall take effect until five days after the date of its publication, except that an ordinance passed by a majority plus one of the whole membership of the council, designated therein as a public emergency ordinance necessary for the protection of public health, public safety, public property, or the public peace, may be made effective upon adoption.

10. Recording vote. Whenever any member shall request it, the yeas and nays of the members present shall be recorded on the minutes on any question taken.
11. Question of order. The presiding officer shall decide all questions of order, but any councilman who is dissatisfied with the decision may appeal to the city council in the manner provided by Robert's Rules of Order for appealing from decisions of presiding officers.
12. Elections. All elections by the city council shall be by ballot, and a majority vote of the whole council shall be necessary to an election.
13. Executive session. The city council may, at any time, upon call therefor by the presiding officer or upon motion duly carried by a council member, meet in executive session. Attendance at such sessions shall be limited to the mayor and members of council and such invitees as shall be invited with the unanimous consent of the mayor and council. See 40-9911 & 40-3302

3-208

Legislative authority generally

The city council shall exercise the legislative functions of the city, and may pass any ordinance or resolution that it deems best for the government of the city in the manner set forth in this chapter; provided, that the same is not in conflict with the charter of the city, the Constitution or laws of the State of Georgia, or the Constitution or laws of the United States.

Article 3: The mayor

3-301

General authority

The mayor shall be the chief executive and administrative officer of the city government, shall enforce the laws of the city and shall require the faithful performance of all administrative duties.

3-302

Duties.

The mayor shall have the following duties:

1. Presiding at meetings. To preside at all meetings of the city council, but the mayor shall not be allowed to vote at such meetings except in the case of a tie vote by the council on any question;
2. Appointment of standing committees. To appoint at the first meeting each year, or as soon thereafter as possible, standing committees and committee chairmen for the year; but the mayor may appoint additional committees as the interest of the city may require;
3. Appointment of officers and employees. To appoint, by and with the advice and consent of the city council, all officers and employees of the city whose election or appointment is not otherwise provided for;
4. Dismissal, suspension, and discipline of officers and employees.
This shall be governed by the city of McIntyre personnel's policy.
5. Preparation of annual report. To prepare and present to the council an annual report of the city's affairs including a summary of reports of department heads, and such other reports as the council shall require; and
6. Executing legal documents. To sign and execute all contracts, deeds, and bonds of the city duly authorized by the mayor and council.

Powers

The mayor shall have the following powers:

1. Rule making. To prescribe such rules and regulations as may be deemed necessary or expedient for the conduct of administrative agencies subject to his authority, and to revoke, suspend, or amend any rule or regulation of the administrative service by whomever prescribed;
2. Investigation. To investigate and to examine or inquire into, either by himself or any officer or person designated for the purpose by him, the affairs or operation of any department, including the power to employ consultants and professional counsel when so authorized by the council to aid in such investigations, examinations, or inquiries;
3. Overriding. To set aside any action taken by a department head and to supersede him in the functions of his office; and
4. Delegation. To direct any department to perform the work of any other department.

Mayor pro tempore

During a temporary absence or disability shall possess the powers of the mayor.

Acting mayor

In the event of a vacancy in the office of mayor the council may appoint one of its members as acting mayor to serve until the vacancy is filled at a regular or special election as provided by law.

3-306

Veto power

The mayor shall have the right to veto any ordinance or other legislative measure passed by the city council which said veto may be overridden by the affirmative vote of two-thirds of the members of said council.

Article 4: The city clerk/treasurer

3-401

Election

The city council shall at its first regular meeting after election and qualification elect a city clerk/treasurer.

3-402

Term of office

The city clerk/treasurer shall hold his office for two years, subject to removal for cause, and until his successor is elected and qualified.

3-403

Bond

Before entering upon the duties of his office, the city clerk/treasurer shall give a good and sufficient bond, payable to the city council, such bond to be fixed and approved by the city council.

3-404

Duties as city clerk.

The city clerk/treasurer shall have the following duties in his capacity as city clerk:

1. to attend all meetings of the city council;
2. to keep correct and full minutes of the proceedings of city council together with all ordinances and resolutions passed by it, in a properly indexed book or register kept for that purpose;

3. to receive all applications or petitions made to the city and to place them before the mayor and city council at the meeting of council next succeeding the receipt thereof;
4. to issue all licenses, and keep a record thereof, and all badges and permits authorized by the city council;
5. to be the custodian of the city seal and affix its impression on documents whenever required; and
6. to carefully preserve the records and documents belonging to the city which are not assigned to the custody of some other office, and to maintain a proper index to all such records and documents so that ready access thereto and use thereof may be had.

3-405

Duties as city treasurer

The city clerk/treasurer shall have the following duties in his capacity as city treasurer:

1. to receive all money due the city council, including taxes, and pay out the same only upon orders passed by the city council and signed by the mayor, or in his absence, the mayor pro tempore;
2. to keep a book of accounts showing all money received on behalf of the city and the source and disposition thereof, which book shall be open for inspection by the public and city councilmen;
3. to maintain a uniform system of accounts and keep such other records and accounts as may be required by statute or ordinance;
4. to furnish the council with quarterly statements detailing all receipts and payments of funds for the quarter.

Article 5: Departments

3-501 Departmental organization

The administrative service of the city shall be divided into the following departments and heads thereof:

Department of Public Works Director of Public Works

Police Department Police Chief

Fire Department Fire Chief

3-502 Department of Public Works

1. Composition. The Department of Public Works shall consist of the Director of Public Works, who shall be the head of the department.
2. Appointment of director. The Director of Public Works shall be appointed by the mayor, by and with the advice and consent of the city council, and shall have control and supervision over all officers and employees assigned to the department, subject to the control of the mayor.
3. Duties of director. The Director of Public Works shall have the following duties:
 - a. to provide for and supervise the care, maintenance, construction, and extension of all streets, sidewalks, street gutters and drains, alleys, and public ways;
 - b. to have charge of and be responsible for the care, maintenance, and operation of the city water distribution system, the sanitary sewer system and disposal plant, and the street lighting system;
 - c. to have charge and supervision over all public property of the city, including all parks, parkways, playgrounds, municipal

cemeteries, buildings, and utilities not assigned to some other department or officer;

- d. to have charge of the collection and disposal of garbage and refuse;
- e. to have charge of and be responsible for the condition of all motor vehicles and other equipment of the city, and of all buildings or places in which the same are housed or kept;
- f. to be the custodian of all tools, equipment, and other personal property belonging to the city and not assigned to the care of any other public officer of the city; and
- g. to perform such additional duties as maybe assigned to him from time to time by the mayor.

3-503

Police department

1. Composition. The police department shall consist of the chief of police and such other officers and personnel as the mayor and council shall prescribe.
2. Police chief.
 - a. Appointment and powers. The police chief shall be appointed by the mayor, by and with the advice and consent of the city council, and shall be the chief executive officer of the police department, subject always to the orders and regulations of the mayor and city council. In the exercise of his duties, the police chief shall have the power to establish and enforce rules and regulations for the government of the members and employees of the department, which rules shall, be consistent with the ordinances of the city and the laws of the State of Georgia.

b. Bond and oath. Prior to entering upon the discharge of his duties, the police chief shall execute a bond in the amount of \$1,000 and shall take and subscribe the oath prescribed by this code.

c. Duties. The police chief shall have the following duties:

1. to attend all meetings of the city council and all trials before the recorder's court;
2. to see to the proper service of all summonses, subpoenas, citations, executions, attachments, and rules of the city council;
3. to see to the collection of all fines and costs imposed by the recorder's court;
4. to see that the ordinances, rules, and regulations of the city and all statutes applicable therein are faithfully enforced;
5. to preserve the public peace, prevent infractions of the law, and arrest violators thereof;
6. to protect the rights of persons and property;
7. to oversee the conduct of the officers and men of the police force, and to be held strictly responsible for such conduct and for the general good order of the department;
8. to keep adequate records of all personnel and equipment of the department including a log of all questions, activities, and investigations;
9. to submit a monthly report to the city council outlining the number and type of arrests for state offenses, the

number and type of cases involving violations of municipal ordinances, and the number of arrests made cases reported by each police officer;

10. to submit to the Georgia Department of Public Safety the "Uniform Crime Report" prescribed by state law 92A-2501; and
11. to discharge such other duties as may be required of him by the mayor or council.

d. Resignation, removal, death, or disability. In the event of resignation, removal, death, or disability of the police chief, the officer next in rank shall perform the duties of the chief until removal of such disability or until a successor has been duly appointed.

4. Police officers

a. Qualifications. Any person employed by the city as a police officer shall have the following qualifications:

1. be at least 18 years of age;
2. be a citizen of the United States;
3. have a high school diploma or its recognized equivalent;
4. not have been convicted by any state or by the federal government of any crime, the punishment for which could have been convicted of sufficient misdemeanors to establish a pattern of disregard for the law;
5. be fingerprinted and a search made of local, state, and national fingerprint files to disclose any criminal record;
6. possess good moral character as determined by investigation under procedure established by the Georgia Peace Officers Standards and Training Council;

7. have an oral interview with the mayor and the city council to determine applicant's appearance, background, and ability to communicate;
8. be found, after examination by a licensed physician or surgeon, to be free from any physical, emotional, or mental conditions which might adversely affect his exercising the powers or duties of a police officer; and
9. complete satisfactorily a basic course of 240 hours of instruction within 12 months of the date of his appointment as a police officer, except that an extension may be granted by the Georgia Peace Officers Standards and Training Council on account of illness, injury, military service, or other reasons deemed sufficient by said Council. 92A-21

- b. Bond and oath. Prior to entering upon the duties of their respective offices, all officers of the police department shall execute a bond in the amount of \$2,000 and shall take and subscribe the oath prescribed by this code.
- c. Duties. It shall be the duty of the officers of the police department to acquire full knowledge of and to enforce all of the ordinances of the city and all statutes applicable therein, to become familiar with the rules and regulations established by the police chief concerning the discipline, good order, proper conduct, care, and management of the police department, and to respect and obey all orders of the police chief not in conflict with the law and ordinances of the city.

- d. Conduct. Every member of the police department shall conduct himself or herself in a proper and law-abiding manner at all times and shall avoid the use of unnecessary force. Prohibited conduct shall include, but not be limited to, the following:
1. absence from regular hours of duty without permission;
 2. sleeping on duty;
 3. insubordination or disobedience of orders;
 4. drinking any malt or intoxicating beverage while on duty or in uniform;
 5. wilful maltreatment of any person or prisoner;
 6. using profane language;
 7. giving out or releasing any information covering the affairs, business, or operation of the police department without the permission of the police chief;
 8. receiving or accepting a reward from any person, firm, or corporation for any services rendered in the line of duty;
 9. accepting bribes of money, gifts, or other articles of apparent or actual value, or accepting any fee, reward, or gift of any kind from a person arrested or from any friend in his behalf while he is in custody or after his release or discharge; or
 10. active participation in any political campaign to the neglect of his official duty.
- e. Penalties for improper conduct. Any police officer violating the rules and regulations of the police department or this code, upon conviction therefor by the city council, after due notice and hearing, or upon the plea of guilty, shall be reprimanded, fined,

suspended, or dismissed by the city council. Any one or more of said penalties may be imposed in the discretion of the city council.

3-504

Fire department

1. Composition. The fire department shall consist of a chief and such subordinate officers and firemen as may from time to time be provided for by the mayor and city council.
2. Fire chief.
 - a. Appointment. The fire chief shall be appointed by the mayor, by and with the advice and consent of the city council, and shall be the chief executive officer of the fire department, subject always to the orders and regulations of the mayor and city council.
 - b. Bond and oath. Prior to entering upon the discharge of his duties, the fire chief shall execute a bond in the amount of \$1,000 and shall take and subscribe the oath prescribed by this code.
 - c. Powers and duties. The fire chief shall be responsible for and have control over the fire department and all fire apparatus belonging to the city, and shall have the following duties:
 1. to see to the proper and speedy extinguishment of all fires;
 2. to see to the enforcement of the fire prevention code adopted by the mayor and council;
 3. to keep or cause to be kept adequate records of all fires, inspections, equipment, fire prevention efforts, and other activities of the department;

4. to submit a monthly written report to the mayor and council on the activities of the department;
 5. to establish rules and regulations concerning the discipline, good order, proper conduct, care, and management of the fire department, subject to approval by the city council;
 6. to investigate the causes of all extended or destructive fires occurring within the city.
- d. Resignation, removal, death, or disability. In the event of resignation, removal, death, or disability of the fire chief, the officer next in rank shall perform the duties of the chief until removal of such disability or until a successor has been appointed.

3. Fireman

- a. Qualifications. Any person employed by the city as a fireman shall have the following qualifications:
1. be at least 18 years of age;
 2. not have been convicted of a felony within 10 years prior to employment;
 3. have good moral character as determined by investigation under procedure approved by the Georgia Firefighters Standards and Training Council;
 4. be in good physical condition as determined by a medical examination approved by said council;
 5. complete at least a basic training course of 120 hours of instruction within 12 months after being appointed a full-time paid member of the department; and
 6. train, drill, or study in council-approved school, classes, or courses at least 120 hours in each calendar year following

the first year of employment. 92A-2607

- b. Bond and oath. Prior to entering upon the discharge of their duties all fireman shall execute a bond in the amount of \$500 and shall take and subscribe
 - c. Duties. It shall be the duty of all firemen to become familiar with and proficient in the handling of all of the apparatus of the fire department, to be prepared at a moments' notice to respond to all alarms of fire, to observe all rules and regulations of the fire department established by the fire chief, and to obey all orders of the commanding officer at all fires.
- 4. Daily inspections. Each fire station and its equipment shall be examined daily.
 - 5. Persons permitted on apparatus. No persons other than members of the fire department shall be permitted to ride upon the firefighting apparatus in going to or returning from fires.
 - 6. Obstructing firefighting apparatus. It shall be unlawful for any person to obstruct in any manner any firefighting apparatus or any of the officers or members of the fire department in the performance of their duties.
 - 7. Obstructing fire plugs. It shall be unlawful for any person to obstruct any fire plug so as to obstruct approaches to the same by the fire department.

8. Command at fires. In case of fire, the officer of highest rank at the fire shall take command of the fire department and direct the management thereof for the suppression of the fire in the best manner possible. Such commanding officer may cause buildings to be torn down, or destroyed when such acts are necessary for the protection of other property and for the prevention of the spread of the fire.
9. Persons permitted within the vicinity of fire. No person other than firemen, city officials, police officers, and property owners of their agents shall be allowed within the immediate vicinity of a fire, unless such persons are given permission to do so by the fire chief.
10. False alarms. It shall be unlawful for any person to make, give, send or turn in, in manner or way whatever, a false fire alarm, knowing the same to be false.