

House Bill 1447 (AS PASSED HOUSE AND SENATE)

By: Representatives Persinger of the 119<sup>th</sup>, Gaines of the 120<sup>th</sup>, and Efstration of the 104<sup>th</sup>

A BILL TO BE ENTITLED

AN ACT

1 To provide a new charter for the City of Statham, Georgia; to repeal all prior charters for the  
2 City of Statham, Georgia, and enactments, local legislation or home rule amendments  
3 relating thereto made prior to the effective date of this enactment; to provide for definitions;  
4 to provide for city limits; to provide for corporate powers; to provide that certain ordinances,  
5 by-laws, rules and regulations in force in the City of Statham, shall remain in force until  
6 amended or repealed by the mayor and city council; to provide for the registration of  
7 electors; to provide for election of the mayor and councilmember; to provide for certain  
8 restrictions on candidates and their supporters; to provide for penalties; to provide for the  
9 mayor and city council and their powers and duties; to provide for the compensation and  
10 expenses of the mayor and councilmember; to provide for a mayoral veto; to provide for a  
11 city administrator; to provide for a vice-mayor; to provide for the filling of vacancies in the  
12 office of mayor and councilmember; to provide for certain restrictions on councilmembers;  
13 to provide for a city clerk; to provide for the organization of the city government; to provide  
14 for city planning; to provide for a city attorney; to provide for certain officers and employees;  
15 to provide for official bonds; to provide that certain political activity shall be prohibited; to  
16 provide for penalties; to provide for the fiscal administration of said city and procedures  
17 thereto; to provide for the assessment of property for taxation and the procedures connected  
18 in addition; to provide for a tax levy; to provide for tax due dates and tax bills; to provide for

19 the collection of delinquent taxes; to provide for special assessments; to provide for  
20 disbursements by checks; to provide for an official depository; to provide for restrictions on  
21 actions for damages against the city; to provide for a municipal court, jurisdiction, and judges  
22 thereto; to provide for appeals from said court; to provide for prior ordinances and  
23 enactments; to provide for severability; to provide for related matters; to repeal a specific  
24 Act; to repeal conflicting laws; and for other purposes.

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

26 **SECTION 1.01.**

27 This Act shall constitute the whole charter of the City of Statham, Georgia, repealing and  
28 replacing all previous charters and enactments, local legislation, and home rule amendments  
29 thereto enacted prior to the effective date of this enactment. The City of Statham, Georgia,  
30 in the County of Barrow, and the inhabitants thereof, are hereby constituted and declared a  
31 body politic and corporate by the name and style of City of Statham, Georgia, and by that  
32 name shall have perpetual succession, may sue and be sued, plead and be impleaded, in all  
33 the courts of law and equity, and in all actions whatsoever, and may have and use a common  
34 seal and change it at pleasure.

35 **SECTION 1.02.**

36 Definitions.

37 (a) As used in this charter the following words and terms shall have the following meanings:

38 (1) "Agency" shall mean any office, court, utility, board, commission, institution, or other  
39 organization in charge of or administering any public function or municipal affair of the  
40 city.

- 41 (2) "At large" shall mean the entire city, as distinguished from representation by wards or  
42 other districts.
- 43 (3) "City" shall mean the City of Statham, Georgia.
- 44 (4) "Code" shall mean any publication or compilation of rules, regulations, specifications,  
45 standards, limitations, or requirements by an agency of the federal or state government, or  
46 by a municipality, or by a trade association or other organization generally recognized as  
47 an authority in its field of activity.
- 48 (5) "Councilmember" shall mean a person elected to the city council as provided in this  
49 charter.
- 50 (6) "Elector" shall mean a person residing within the city who is qualified to vote therein.
- 51 (7) "Member of the council" shall mean the mayor and each councilmember.
- 52 (8) "Nonpartisan" shall mean without any designation of candidates and members or  
53 candidates of any state or national political party or organization.
- 54 (9) "Officer" shall mean and include the mayor, councilmember, member of boards and  
55 commissions, and any other persons classified as public officers by the laws or judicial  
56 decisions of this state. An "officer" in this definition shall fill an "office," and an  
57 "employee" shall fill a "position of employment".
- 58 (10) "Public way" shall mean any land used by the public as a passageway, including, but  
59 not limited to, streets, roads, highways, expressways, freeways, boulevards, avenues,  
60 parkways, alleys, lanes, sidewalks, walks, bridges, viaducts, subways, underpasses, tunnels,  
61 parking lots or spaces and other thoroughfares, and including the rights of way of such  
62 public ways.
- 63 (b)(1) The masculine shall include the feminine, the singular shall include the plural, and  
64 vice versa.
- 65 (2) The word "shall" is mandatory; the word "may" is permissive.

66 **SECTION 1.03.**

67 City limits.

68 The municipal limits of the city shall be the same as those existing immediately before this  
69 enactment and such boundaries as may be annexed or deannexed in the future as provided  
70 by law.

71 **SECTION 1.04.**

72 Corporate powers.

73 The corporate powers of the city, to be exercised by the city council, shall include the  
74 following:

75 (1) To levy and to provide for the assessment, including special assessments, and  
76 collection of taxes on all property subject to taxation; and to levy and collect such other  
77 taxes as may be allowed now or in the future by law.

78 (2) To levy and to provide for the collection of license fees and taxes on privileges,  
79 occupations, trades and professions; to license and regulate the same; to provide for the  
80 manner and method of payment of such licenses and taxes; and to revoke such licenses  
81 after due process for failure to pay any city taxes or fees.

82 (3) To appropriate and borrow money to provide for payment of the debts of the city and  
83 to issue bonds for the purpose of raising revenue to carry out any project, program or  
84 venture authorized by this charter or the laws of the State of Georgia.

85 (4) To make appropriations for the support of the government of the city; to authorize the  
86 expenditure of money for any purpose authorized by this charter and for any purpose which  
87 a municipality is authorized to by the laws of the State of Georgia; and to provide for the  
88 payment of expenses of the city.

- 89 (5) To enter into contracts and agreements with other governments and entities and with  
90 private persons, firms and corporations.
- 91 (6) To acquire, dispose of, and hold in trust or otherwise any real, personal or mixed  
92 property, in fee simple or lesser interest, inside or outside the city.
- 93 (7) To condemn property, inside or outside the city, for present or future use and for any  
94 corporate purpose deemed necessary by the governing authority, utilizing procedures  
95 enumerated in Titles 22, 32, and 36 of the O.C.G.A., or such other applicable laws as are  
96 or may hereafter be enacted.
- 97 (8) To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities,  
98 including, but not limited to, a system of waterworks, sewers and drains, sewage disposal,  
99 gas works, electric light plants, transportation facilities, public airports, and any other  
100 public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations and  
101 penalties associated with the use of said utilities by customers; and to provide for the  
102 withdrawal of service for refusal or failure to pay the same.
- 103 (9) To accept or refuse gifts, donations, bequests or grants from any source for any  
104 purpose related to powers and duties of the city and the general welfare of its citizens, on  
105 such terms and conditions as the donor or grantor may impose.
- 106 (10) To grant franchises or make contracts for public utilities and public services; and to  
107 prescribe the rates, fares, regulations, and standards and conditions of service applicable  
108 to the service to be provided by the franchise grantee or contractor, insofar as not in  
109 conflict with valid regulations of the Public Service Commission.
- 110 (11) To provide for the acquisition, construction, building, operation and maintenance of  
111 public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market  
112 houses, public buildings, libraries, public housing, airports, hospitals, parking facilities, and  
113 charitable, cultural, educational, recreational sport, conservation, curative, corrective,  
114 detention, penal and medical institutions, agencies and facilities, and any other public  
115 improvements, inside or outside the city; and to regulate the use of public improvements.

116 (12) To prescribe standards of health and sanitation and to provide for the enforcement of  
117 such standards.

118 (13) To provide for and regulate the collection and disposal of garbage, rubbish and refuse;  
119 and to prescribe the rates, fares, regulations, and standards and conditions of service  
120 applicable to such solid waste services and to provide that charges may be imposed to  
121 cover the costs of such services which, if unpaid, shall constitute a lien against any property  
122 of persons served, which lien shall be second in priority only to liens for county and city  
123 property taxes and shall be enforceable in the same manner and under the same remedies  
124 as a lien for city property taxes.

125 (14) To define, regulate and prohibit any act, practice, conduct, or use of property,  
126 detrimental, or likely to be detrimental, to the health, morals, safety, security, peace,  
127 convenience, or general welfare of inhabitants of the city; and to provide for the  
128 enforcement of such standards.

129 (15) To establish minimum standards for and to regulate building construction and repair  
130 and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating  
131 and air conditioning codes; to regulate all housing and building trades; and to provide for  
132 the enforcement of such standards.

133 (16) To regulate and license or prohibit the keeping or running at large of animals and  
134 fowls and to provide for the impoundment of same in violation of any ordinance or lawful  
135 order; to provide for their disposition, by sale, gift, or humane destruction of animals and  
136 fowl when not redeemed as provided by ordinance; and to provide punishment for violation  
137 of ordinances enacted pursuant to this paragraph.

138 (17) To regulate the emission of smoke or other exhaust which pollutes the air, and to  
139 prevent the pollution of natural streams which flow within the corporate limits of the city.

140 (18) To lay out, open, extend, widen, narrow, establish or change the grade of, abandon  
141 or close, construct, pave, curb, gutter adorn with shade trees or otherwise improve,  
142 maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within

143 the corporate limits of the city; to negotiate and execute leases over, through, under or  
144 across any city property or the right of way of any street, road, alley, and walkway or  
145 portion thereof within the corporate limits of the city, for bridges, passageways, or any  
146 other purpose or use between buildings on opposite sides of the street and for other bridges,  
147 overpasses and underpasses for private use at such location, and to charge a rental therefore  
148 in such manner as may be provided by ordinance; to authorize and control the construction  
149 of bridges, overpasses, and underpasses within the corporate limits of the city; and to grant  
150 franchises and rights of way throughout the streets and roads, and over the bridges and  
151 viaducts for the use of public utilities and for private use.

152 (19) To regulate the operation of motor vehicles and exercise control over all traffic,  
153 including traffic and speed control regulations and devices on any public way and parking  
154 upon or across and public way the streets, roads, alleys and walkways of the city.

155 (20) To regulate and license vehicles operated for hire in the city, to limit the number of  
156 such vehicles, to require the operators to be licensed, to require public liability insurance  
157 of such vehicles in amounts prescribed by ordinance, and to regulate and rent parking  
158 spaces in public ways for the use of such vehicles.

159 (21) To organize and operate such public transportation systems as are deemed beneficial.

160 (22) To levy and provide for the collection of special assessments for public  
161 improvements.

162 (23) To provide penalties for the violation of any ordinance, rule, regulation or order  
163 adopted pursuant to the authority of this charter and the laws of the State of Georgia as a  
164 misdemeanors; to provide that persons sentenced to jail sentences may satisfy such  
165 sentences in any public works or on the streets, roads, drains and squares in the city; to  
166 provide for the commitment of such persons to any jail, or to provide for the commitment  
167 of such persons to any county work camp or county jail by agreement with the appropriate  
168 county officials.

169 (24) To define a nuisance and provide for its abatement whether on public or private  
170 property.

171 (25) To exercise the power of arrest through duly appointed police officers, and to  
172 establish, operate, or contract for a police and a fire protection agency.

173 (26) To fix and establish fire limits and from time to time to extend, enlarge or restrict the  
174 same; to prescribe fire safety regulations consistent with general law, relating to both fire  
175 prevention and detection and to firefighting; and to prescribe penalties and punishment for  
176 violations thereof.

177 (27) To provide comprehensive city planning for development by zoning; and to provide  
178 subdivision regulation and the like as the council deems necessary and reasonable to ensure  
179 a safe, healthy, and aesthetically pleasing community.

180 (28) To prohibit or regulate and control the erection, removal, and maintenance of signs,  
181 billboards, trees, shrubs, fences, buildings and any and all other structures or obstructions  
182 upon or adjacent to the rights of way of streets and roads or within view thereof, within or  
183 abutting the corporate limits of the city; and to prescribe penalties and punishment for  
184 violation of such ordinances.

185 (29) To regulate or prohibit junk dealers, pawn shops, the manufacture sale or  
186 transportation of intoxicating liquors, and the use and sale of firearms; to regulate the  
187 transportation, storage and use of combustible, explosive and flammable materials, the use  
188 of lighting and heating equipment, and any other business or situation which may be  
189 dangerous to persons or property; to regulate and control the conduct of peddlers and  
190 itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxing or  
191 otherwise; and to license, tax, regulate or prohibit professional fortune telling, palmistry,  
192 adult bookstores, and massage parlors.

193 (30) To establish procedures for determining and proclaiming that an emergency situation  
194 exists inside or outside the city limits, and to make and carry out all reasonable provisions

195 deemed necessary to deal with or meet such an emergency for the protection, safety, health  
196 or well-being of the citizens of the city.

197 (31) To create, alter or abolish departments, boards, offices, commissions and agencies of  
198 the city, and to confer upon such agencies the necessary and appropriate authority for  
199 carrying out all the powers conferred upon or delegated to the same including, without  
200 limitation, to establish the terms, conditions, rules, and policies for employment of city  
201 employees including compensation and providing of employment benefits such as  
202 insurance or retirement.

203 (32) To exercise and enjoy all other powers, functions, rights, privileges and immunities  
204 necessary or desirable to promote or protect the safety, health, peace, security, good order,  
205 comfort, convenience, morals, and general welfare of the city and its inhabitants; to  
206 exercise all implied powers necessary to carry into execution all powers granted in the  
207 charter as fully and completely as if such powers were fully enumerated herein; to exercise  
208 all powers now or in the future authorized to be exercised by other municipal governments  
209 under other laws of the State of Georgia. No list of particular powers in this charter shall  
210 be held to be exclusive of others nor restrictive of general words and phrases granting  
211 powers but shall be held to be in addition to such powers unless expressly prohibited to  
212 cities under the Constitution or applicable public act of the state.

213 **SECTION 1.05.**

214 Ordinances.

215 All ordinances, by-laws, rules and regulations now in force in said city, not inconsistent with  
216 this charter, are hereby declared valid and of force until amended or repealed by said mayor  
217 and councilmembers of said city.

218

219 ARTICLE II.  
220 MAYOR AND CITY COUNCIL

221 SECTION 2.01.  
222 City council.

223 (a) The mayor and five councilmembers shall compose the city council, in which is vested  
224 all corporate and legislative authority and other powers of the city, except as otherwise  
225 provided in this charter. The city council shall be the final judge of the election and  
226 qualifications of its members.

227 (b) The city council shall hold regular public meetings at a stated time and place, as provided  
228 by ordinance. The city council shall exercise its powers only in public meetings. A majority  
229 of the city council shall constitute a quorum. The city council may by ordinance adopt rules  
230 and by-laws to govern the conduct of its business, including procedures and penalties for  
231 compelling the attendance of absent members.

232 (c) The city council shall hold special meetings upon the call of such meeting by the mayor  
233 or any two councilmembers. Notice of such special meetings shall be served on all other  
234 members personally, or by telephone personally, at least 48 hours in advance of the meeting.  
235 Such notice to councilmembers shall not be required if the mayor and all councilmembers  
236 are present when the special meeting is called. Such notice of any special meeting may be  
237 waived by a councilmember in writing before or after such a meeting and by attendance at  
238 the meeting. Only the business stated in the call may be transacted at the special meeting.

239

**SECTION 2.02.**

240

Council terms and qualifications for office; term limits.

241 (a) The mayor and councilmembers shall serve for four-year terms or until their respective  
242 successors are elected and qualified. No person shall be eligible to serve as mayor or  
243 councilmember unless he or she has been a resident of the city for one year preceding the  
244 date of election of the mayor or councilmembers and must be a qualified voter in municipal  
245 elections for officers of this city. The mayor or councilmember shall continue to reside in  
246 the municipal limits during their period of service and to be registered and qualified to vote  
247 in municipal elections of this city.

248 (b) The mayor and city councilmembers shall be elected from the city at large for a term of  
249 four years commencing on the first day of January after each regular municipal election.  
250 Any mayor or city councilmember who has been elected for two consecutive four-year terms  
251 under the provisions of this charter shall not be eligible to hold the same elected office for  
252 the succeeding term. Any individual that has been elected to hold any combination of elected  
253 offices of the city for four consecutive, four-year terms shall be ineligible to qualify for any  
254 elected office for a period of four years thereafter. For purposes of calculating any municipal  
255 term limit, an elected official's first term of office shall be considered the term of office  
256 commencing after December 31, 2023.

257

**SECTION 2.03.**

258

Compensation.

259 The city council may determine by ordinance the annual salary of the mayor and  
260 councilmembers, but no ordinance increasing such salary shall become effective until the  
261 date of commencement of the terms of the mayor and councilmember following the next  
262 regular election, provided that such regular election follows the adoption of such ordinance

263 by at least six months. The mayor and councilmembers shall be reimbursed for actual and  
264 necessary expenses incurred in the performance of their duties of office.

265 **SECTION 2.04.**

266 Vacancy; filling of vacancies; removal of officers.

267 (a) The office of mayor or councilmember shall become vacant upon the incumbent's death,  
268 resignation, forfeiture of office, failing or ceasing to reside in the city, or if such officeholder  
269 has been continuously disabled for a period of six months so as to prevent him or her from  
270 discharging the duties of his or her office, or removal from office in any manner authorized  
271 by this charter or the general laws of the State of Georgia. A vacancy in the office of mayor  
272 or councilmember shall be filled for the remainder of the unexpired term, if any, by  
273 appointment if less than six months remain in the unexpired term, otherwise by special  
274 election as provided for in Titles 21 and 45 of the O.C.G.A., or such other laws as are or may  
275 hereafter be enacted.

276 (b)(1) The mayor or councilmembers may be removed from office for any one or more of  
277 the following causes:

278 (A) Conviction of a crime involving moral turpitude;

279 (B) Failure at any time to possess any qualifications of office as provided by this charter  
280 or by law;

281 (C) Knowingly violating any express prohibition of this charter;

282 (D) Abandonment of office or neglect to perform the duties thereof; or

283 (E) Failure for any other cause to perform the duties of office as required by this charter  
284 or by state law.

285 (2) Removal of any officer pursuant to this subsection shall be heard first following  
286 referral to an investigative hearing conducted by the municipal court judge. The referral  
287 may be made by the mayor or a majority vote of the city council. The notice of the

288 investigative hearing shall contain in writing the nature of the charges and the specific  
289 sections or subsections of the charter or code which the mayor or councilmember is alleged  
290 to have violated. Upon referral, the city solicitor shall present the case on behalf of the  
291 referring party. The mayor or councilmember subject to removal shall be entitled to be  
292 represented and to present evidence and arguments to the municipal court judge in his or  
293 her own defense. The hearing shall be conducted according to the rules of evidence and  
294 procedure, including the right of cross-examination, order of proof, and right of rebuttal  
295 applicable in the municipal court. The city council shall have the burden of proving its  
296 case by clear and convincing evidence of the grounds for removal. The municipal court  
297 judge shall make a recommendation to the city council regarding any removal or  
298 disciplinary action for the mayor or councilmember.

299 (3) At their next regularly scheduled meeting, the city council shall consider the  
300 recommendation of the municipal court judge and shall either accept the recommendations  
301 or make any amendment, revisions or modification to the municipal court judge's  
302 recommendation. Any action to remove an officer, mayor, or councilmember from his or  
303 her office shall require majority vote of the remaining members of the council. The officer  
304 whose removal or discipline is being considered shall not vote on his or her own removal  
305 or discipline.

306 (4) Any elected officer sought to be removed from office under this subsection shall have  
307 the right to appeal the decision of the city council to the Superior Court of Barrow County.  
308 Such appeal shall be governed by the same rules as govern appeals to the superior court  
309 from lower courts.

310 **SECTION 2.05.**

311 Holding other office; voting when personally interested.

312 Except as authorized by law, the mayor or any councilmember shall not hold any other city  
313 office or other city employment during the term for which he or she was elected. Neither the  
314 mayor nor any councilmember shall vote upon, sign or veto any ordinance, resolution,  
315 contract or other matter in which he or she shall receive a direct personal financial gain.

316 **SECTION 2.06.**

317 Powers and duties of mayor; veto; appointment of city administrator.

318 (a) The mayor shall:

319 (1) Preside at meetings of the city council;

320 (2) Have a vote only in case of a tie;

321 (3) Be the ceremonial head of the city;

322 (4) Sign ordinances and resolutions on their final passage unless vetoed as provided in  
323 subsection (b) of this section;

324 (5) Sign deeds, bonds and contracts when authorized by the city council to do so;

325 (6) Be the officer to accept process against the city; and

326 (7) Perform other duties imposed by this charter and ordinances not inconsistent with this  
327 charter.

328 (b) Within 96 hours after the adjournment of any city council meeting, the city clerk shall  
329 present to the mayor the draft record of proceedings of the meeting together with all  
330 ordinances and resolutions adopted at the meeting. Within seven days of receipt of an  
331 ordinance or resolution, the mayor shall return it to the city clerk with his or her signature for  
332 approval or with his or her veto. If an ordinance or resolution is vetoed, the mayor shall  
333 attach a written statement explaining the reasons for his or her veto. Ordinances or

334 resolutions vetoed by the mayor shall be considered at the next regular meeting of the city  
335 council, and the city council may pass the ordinance over the veto by the affirmative vote of  
336 four of its members. The effective date of an ordinance passed over the mayor's veto shall  
337 not be less than 15 days after the date of final passage. The mayor's veto power shall extend  
338 to disapproving or reducing individual appropriation items in the budget or any ordinance  
339 or resolution, except appropriations for auditing or investigating any part of the executive  
340 branch. The mayor shall not have the power to veto any emergency ordinance.

341 (c) The mayor shall appoint a city administrator who shall be approved by the city council.  
342 The city administrator may only be removed upon recommendation of the mayor by a  
343 majority vote of the city council. Said city administrator shall be the principal managerial  
344 aide to the mayor and shall perform such duties as may be assigned by the mayor.

345 **SECTION 2.07.**

346 Vice-mayor.

347 The city council at the first regular meeting, after the newly elected councilmembers have  
348 taken office following each regular election, shall elect from its membership a vice-mayor  
349 for a term of two years. In the event that no decision is reached at such first regular meeting,  
350 the councilmember who received the highest number of votes when he or she was last elected  
351 shall become vice-mayor. The vice-mayor shall perform the duties of the mayor during his  
352 or her absence or inability to act and shall, in the event of a vacancy in the office of mayor,  
353 fill out any unexpired term in the office of mayor until said vacancy is filled pursuant to  
354 Section 2.04 of this charter, in which case a new vice-mayor shall be elected by majority vote  
355 of the city council.

356 **SECTION 2.08.**

357 Elections.

358 All primaries and elections shall be held and conducted in accordance with Chapter 2 of  
359 Title 21 of the O.C.G.A., as now effective, or hereafter amended. There shall be a municipal  
360 general election biennially in the odd years as provided by this charter and state law on the  
361 Tuesday next following the first Monday in November. It is the intent of this section of the  
362 charter that the elected officials of the City of Statham serve staggered terms with the mayor  
363 and two councilmembers to be elected in 2027 and every four years thereafter and with three  
364 councilmembers to be elected in 2025 and every four years thereafter. Those members of  
365 the council serving on the effective date of this charter shall serve out the terms to which they  
366 were elected. Political parties shall not conduct primaries for city offices and all names of  
367 candidates for city offices shall be listed without party designations. The person receiving  
368 a plurality of the votes cast for any city office shall be elected.

369 **SECTION 2.09.**

370 Restrictions on councilmembers.

371 The city council shall act in all matters as a body, and no member shall seek individually to  
372 influence the official acts of the mayor or any other officer or employee of the city, or to  
373 direct or request the appointment of any person to, or his or her removal from, any office or  
374 position of employment, or to interfere in any way with the performance of duties by the  
375 mayor or any other officer or employee. Councilmembers shall deal with the various  
376 agencies, officers and employees of the city, except boards of commissions authorized by  
377 this charter, solely through the mayor, and shall not give orders to any subordinates of the  
378 mayor, either publicly or privately. Nothing herein contained shall prevent the city council

379 from conducting such inquiries into the operation of the city government and the conduct of  
380 the city's affairs as it may deem necessary

381 **SECTION 2.10.**

382 City clerk.

383 The mayor shall appoint a city clerk who shall be approved by a majority vote of the city  
384 council. The city clerk shall be responsible for keeping and preserving the city seal and all  
385 records of the city council; attending meetings of the city council and the official minutes of  
386 its proceedings, including the names of members present and absent, the vote of each  
387 member on each question, each motion considered, and the title of each resolution or  
388 ordinance considered; preparing, the certifying copies of official records in his or her office,  
389 for which fees may be prescribed by ordinances; and performing such other duties as may  
390 be required by the city council or mayor. The city clerk may only be removed upon  
391 recommendation of the mayor by a vote of the city council.

392 **SECTION 2.11.**

393 City legislation.

394 Any action of the city council having a regulatory or penal effect, relating to revenue or the  
395 expenditure of money or required to be done by ordinance under this charter, shall be done  
396 only by ordinance. Each motion, resolution and ordinance shall be in written form before  
397 being introduced. The affirmative vote of at least three members of the city council shall be  
398 required to pass any motion, resolution or ordinance, including two readings in the case of  
399 an ordinance. Each ordinance, before being adopted, shall be read at two meetings not less  
400 than one week apart, and shall take effect ten days after its adoption, except that, where an  
401 emergency exists and the public safety and welfare require it, an ordinance containing a full

402 statement of the facts and reasons for the emergency may be made effective upon its  
403 adoption if approved by at least four members of the city council. No ordinance relating to  
404 a franchise, exclusive contract, or other special privilege shall be passed as an emergency  
405 ordinance. Amendments of ordinances and resolutions or parts thereof shall be accomplished  
406 only by setting forth the complete section, sections, subsections in their amended form. The  
407 original copies of all ordinances, resolutions and motion shall be filed and preserved by the  
408 city clerk. The city clerk shall maintain a compilation of all ordinances passed, and this  
409 compilation shall be known and cited officially as "The Code of the City of Statham,  
410 Georgia."

411 **SECTION 2.12.**

412 Rules and regulations.

413 The city council may by ordinance authorize officers and agencies of the city to promulgate  
414 formal rules and regulations within their respective jurisdictions, subject to such restrictions  
415 and standards of guidance as the city council may prescribe. No such formal rule or  
416 regulation shall take effect until it is filed with the city clerk, who shall file and preserve the  
417 original copy in his or her office. Amendments of such rules and regulations shall be  
418 accomplished only by setting forth complete sections or subsections in their amended form.

419 **SECTION 2.13.**

420 Investigations.

421 The city council by simple majority vote may make investigations into the affairs of the city  
422 and the conduct of any department, office or agency thereof, and for this purpose may  
423 subpoena witnesses, administer oaths, take testimony, and require the production of

424 evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of  
425 these powers by the city council shall be punished as provided by ordinance.

426 **ARTICLE III.**  
427 **ORGANIZATION AND PERSONNEL**

428 **SECTION 3.01.**  
429 **Organization.**

430 The city government shall be organized into a Department of Government Administration,  
431 Police Department, Department of Public Works and Planning Department as provided in  
432 Section 3.02, unless and until otherwise provided by ordinance. All department heads shall  
433 be nominated by the mayor and approved by the city council and shall be subject to removal  
434 only by majority vote of the city council. The city council by such ordinances may establish,  
435 abolish, merge, or consolidate offices, positions or employment, departments, and agencies  
436 of the city, may provide that the same person shall fill any number of offices and positions  
437 of employment, and may transfer or change the functions and duties of offices, positions of  
438 employment, departments, and agencies of the city, subject to the following exceptions: all  
439 officers and employees of the city, except as otherwise specifically provided in this charter,  
440 shall be appointed and removed by and shall be under the direction and control of the mayor.

441 **SECTION 3.02.**  
442 **Planning.**

443 (a) There shall be a planning department headed by a director who shall be appointed by the  
444 mayor and confirmed by the majority of the city council. The planning director shall have  
445 the following responsibilities to:

- 446 (1) Advise the mayor and city council on any matter affecting the physical development  
447 of the city;
- 448 (2) Formulate and recommend to the mayor and city council a comprehensive plan and  
449 modifications of the comprehensive plan; and
- 450 (3) Review and make recommendations regarding proposed city council action  
451 implementing said comprehensive plan pursuant to subsection (c) of this section.
- 452 (b)(1) The city council shall adopt, and may from time to time modify, a comprehensive  
453 plan setting forth in graphic and textual form policies to govern the future physical  
454 development of the city. Such plan may cover the entire city and all of its functions and  
455 services or may consist of a combination of plans governing specific functions and services  
456 or specific geographic areas which together cover the entire city and all of its functions and  
457 services.
- 458 (2) Upon receipt from the mayor of a proposed comprehensive plan or proposed  
459 modification of the existing plan, the city council shall hold a public hearing on the  
460 proposed comprehensive plan or modification and shall adopt it by resolution with or  
461 without amendment. The comprehensive plan shall serve as a nonbinding guide to all  
462 future city council action concerning land use and development regulations, urban renewal  
463 programs and expenditures for capital improvements.
- 464 (c) The city council may by ordinance adopt land use and development regulations  
465 including, but not limited to, an official map and zoning and subdivision regulations.
- 466 (d) The city council may by ordinance provide for redevelopment, rehabilitation,  
467 conservation and renewal programs for:
- 468 (1) The alleviation or prevention of slums, obsolescence, blight or other conditions of  
469 deterioration; and
- 470 (2) The achievement of the most appropriate use of land.

471

**SECTION 3.03.**

472

## Administrative duties of mayor.

473 The mayor shall:

474 (1) Be the executive head of the city government, responsible for the efficient and orderly  
475 administration of the city's affairs.

476 (2) Be responsible for the enforcement of laws, rules and regulations, ordinances and  
477 franchises in the city, and the city attorney shall take such legal actions as the mayor may  
478 direct for such purposes.

479 (3) Have the authority with the approval of city council to appoint and remove department  
480 heads; provided, however, that if the mayor fails to appoint a department head within 120  
481 days of vacancy, the city council may vote to appoint that department head;

482 (4) Have authority to appoint, promote, demote, transfer, suspend and remove all officers  
483 and employees, except department heads, and to direct and control their work, except as  
484 otherwise provided in the charter.

485 (5) Submit to the city council annual budgets, reports, and such other information as the  
486 city council may require. The mayor shall have authority to make allotments of funds  
487 within the limits of appropriations and no expenditure shall be made without the mayor's  
488 approval.

489 (6) If no other employee is designated as purchasing agent, to act as purchasing agent for  
490 the city.

491 (7) He or she may conduct inquiries and investigations into the conduct of the city's affairs  
492 and shall have such other powers and duties as may be provided by ordinances not  
493 inconsistent with this charter.

494 **SECTION 3.04.**

495 City attorney.

496 The mayor shall appoint a city attorney with the approval of the city council, together with  
497 such assistant city attorneys as may be authorized. The city attorney shall be responsible for  
498 representing and defending the city in all litigation in which the city is a part and shall advise  
499 the city council, mayor and other officers and employees of the city concerning legal aspects  
500 of the city's affairs.

501 **SECTION 3.05.**

502 Other officers and employees.

503 After receiving the written recommendations of the mayor, the city council may establish by  
504 ordinance offices and positions of employment and may abolish, combine or modify them  
505 in accordance with such recommendations. The powers and duties of such offices and  
506 positions of employment may be defined by ordinance, and if not defined by ordinance shall  
507 be defined in formal rules and regulations issued by the mayor; in any event the mayor may  
508 require officers and employees of the city, except those appointed by and accountable to the  
509 city council, to perform such additional duties as may be considered necessary by the mayor  
510 for the proper and efficient conduct of the city's affairs. Public utilities owned or operated  
511 by the city may be under the supervision of the mayor and employees appointed by the  
512 mayor or may be under boards or commissions appointed by and answerable to the city  
513 council, as provided by ordinance. The salaries of all employees of the city shall be fixed  
514 by ordinance under a pay plan applying uniformly to all employees having similar  
515 responsibilities and doing like work.

516

**SECTION 3.06.**

517

Appointment, suspension and removal of employees.

518

All employees of the city, except as otherwise provided in this charter, shall be appointed,

519

promoted, demoted, transferred, suspended and removed by the mayor. During a suspension

520

an employee's salary may be reduced or eliminated, as determined by the mayor. Before

521

suspending for more than 30 days or removing an employee, the mayor shall serve the

522

employee with a written notice of intention to suspend or remove him or her containing a

523

clear statement of the grounds for such proposed action and notification that the employee

524

may appeal to the city council by filing, within ten days, with the city clerk written notice of

525

his or her intention to do so. The decisions of the city council in cases of such appeals by

526

employees shall be final. The mayor shall provide in writing to the city council, within ten

527

days, any appointment, promotion, demotion, transfer, suspension or removal of any

528

employee along with reasons for doing so.

529

**SECTION 3.07.**

530

Oath of office.

531

Before a person takes any office in the city government, he or she shall take, subscribe to,

532

and file with the city clerk the following oath or affirmation:

533

"I [name of affiant] do solemnly swear (or affirm) that I faithfully discharge the duties of

534

the office of \_\_\_\_\_, and that I will in all respects observe the provisions of

535

the charter and ordinances of the City of Statham, and that I will support and defend the

536

Constitution and the laws of the State of Georgia and of the United States."

537

**SECTION 3.08.**

538

## Political activity prohibited.

539 No officer or employee of the city other than the mayor and councilmembers shall continue  
540 in the employment of the city after becoming a candidate for nomination or election to any  
541 public office. No person shall directly or indirectly give, render, or pay any money, service  
542 or other valuable consideration to any person for or on account of or in connection with any  
543 test, appointment, proposed appointment, promotion, or proposed promotion to any office  
544 or position of the city government. No person shall orally, by letter, or otherwise solicit or  
545 be in any manner concerned in soliciting any assessment, subscription or contribution for any  
546 political party or political purpose from any officer or employee of the city. An officer or  
547 employee of the city, other than the mayor and councilmember, shall not make any  
548 contribution to the campaign funds of any candidate in any city election, and shall not take  
549 part in the management, affairs or political campaign of any city election, other than in the  
550 exercise of his or her rights as a citizen to express his or her opinions and to cast his or her  
551 vote. Political campaigning shall not be allowed during city council meetings, meetings of  
552 any committee or employees of the city or any other meetings involving official city  
553 business. Candidates for office, including those currently serving as mayor or city  
554 councilmember, may rent city-owned or controlled facilities for political campaigning  
555 purposes subject to the rules and regulations for renting of city facilities for the general  
556 public. Nothing contained herein shall prevent or prohibit candidates for office from  
557 conducting political campaigning or related activities during special events, festivals, or other  
558 community events, whether conducted or sponsored by the city.

559 ARTICLE IV.  
560 FISCAL ADMINISTRATION

561 SECTION 4.01.

562 Fiscal year.

563 The fiscal year of the city government shall begin on the first day of July and shall end on  
564 the thirtieth day of June of the succeeding year, but another fiscal year may be fixed by  
565 ordinance for the entire city government or for any utility.

566 SECTION 4.02.

567 Mayor to submit annual budget.

568 On or before a date fixed by the city council but not later than 45 days prior to the beginning  
569 of each fiscal year, the mayor shall submit to the city council a proposed budget for the next  
570 fiscal year, showing separately for the general fund, each utility, and each other fund the  
571 following:

- 572 (1) Revenue and expenditures during the preceding fiscal year;
- 573 (2) Appropriations and estimated revenue and expenditures for the current fiscal year;
- 574 (3) Estimated revenue and recommended expenditures for the next fiscal year;
- 575 (4) A comparative statement of the assets, liabilities, reserves, and surplus at the end of the  
576 preceding year and estimated assets, liabilities, reserves, and surplus at the end of the  
577 current fiscal year; and
- 578 (5) Such other information and data, such as work programs and unit costs, in justification  
579 of recommended expenditures, as may be considered necessary by the mayor or requested  
580 by the city council. The mayor may recommend and estimate additional revenue measures,  
581 providing such estimates are separated clearly from normal revenue estimates. The budget

582 shall be accompanied by a message from the mayor containing a statement of the general  
583 fiscal policies of the city, the important features of the budget, explanations of major  
584 changes recommended for the next fiscal year, a general summary of the budget and such  
585 other comments and information as he or she may deem pertinent. A sufficient number of  
586 copies of the mayor's message shall be reproduced to furnish a copy to any person desiring  
587 one, at cost of reproduction, and a copy of the budget in full shall be filed with the city  
588 council and furnished to each councilmember.

589 **SECTION 4.03.**

590 Public hearing.

591 After receiving the budget from the mayor, the city council shall fix a time and place for a  
592 public hearing thereon and shall cause a public notice thereof to be posted at a public place  
593 designated by the city council at least ten days in advance of the date of the hearing. The  
594 public hearing shall be held before the city council at the stated time and place, and all  
595 persons present shall be given an opportunity to be heard.

596 **SECTION 4.04.**

597 Action by council on budget.

598 After the public hearing and before the beginning of the next fiscal year the city council shall  
599 adopt an appropriation ordinance, based on the mayor's budget with such modifications as  
600 the city council considers necessary or desirable. The city council shall not make any  
601 appropriations in excess of estimated revenue, except to provide for an actual emergency  
602 threatening the health, property or lives of the inhabitants of the city; providing the city  
603 council unanimously agrees there is such an emergency. If emergency conditions prevent  
604 the adoption of an appropriation ordinance before the beginning of the new fiscal year, the

605 appropriations for the last fiscal year shall become the appropriations for the new fiscal year,  
606 subject to amendment as provided in this section. Amendments may be made to the original  
607 appropriation ordinance at any time during a current fiscal year after a public hearing before  
608 the city council on five days' notice posted at a public place designated by the city council,  
609 provided that increased appropriations may be made only after the mayor has certified in  
610 writing that a sufficient amount of unappropriated revenue will be available, except for  
611 emergency appropriations as provided above. Any portion of an annual appropriation  
612 remaining unexpended and unencumbered at the close of a fiscal year shall lapse and be  
613 credited to the general fund, except that any balance remaining in any other fund at the end  
614 of a fiscal year may remain to the credit of that fund and be subject to further appropriation.  
615 At the end of each month the mayor shall submit a detailed budget report to the city council,  
616 showing estimated and actual receipts and expenditures or encumbrances for that month and  
617 the fiscal year to the end of that month, as well as the amount encumbered or expended in  
618 excess of any of the itemized estimates of expenditures supporting the appropriations.

619 **SECTION 4.05.**

620 Allotments.

621 No contracts or purchases, except those made by the city council, may be made in excess of  
622 the amount permitted by such purchasing policy established by the city council. In no event  
623 may contracts or purchases be made in excess of appropriations. Any expenditures except  
624 for salaries and wages may be reduced or eliminated through such allotment control.

625

**SECTION 4.06.**

626

**Contracts and purchasing.**

627 The city council may by ordinance establish contracting and purchasing procedures;  
628 provided, however, that no contract with the city shall be binding on the city unless:

629 (1) It is in writing;

630 (2) It is drawn by or submitted and reviewed by the city attorney, and as a matter of  
631 course, is signed by the city attorney to indicate approval of the form;

632 (3) It is reviewed as to substance by the mayor, or the mayor's designee, and city council  
633 and the director of the department most affected by the contract, signed by such director  
634 to indicate approval as to substance, and signed by the mayor;

635 (4) The expenditure has been approved in accordance with the city's financial and  
636 purchasing policies; and

637 (5) It is attested to by the city clerk.

638

**SECTION 4.07.**

639

**Sale of city property.**

640 The mayor may sell any city property which is obsolete, surplus or unusable if the acquisition  
641 cost of such property did not exceed \$500.00, without taking bids, but sealed bids shall be  
642 taken or a public auction shall be held for any sale of property having an acquisition cost of  
643 more than \$500.00; provided that any sale of real estate shall be subject to approval by the  
644 city council. Notwithstanding the foregoing, the sale of any city property shall be made in  
645 conformance with Georgia law.

646 **SECTION 4.08.**

647 Annual audit.

648 The city council shall employ a certified public accountant to make an annual audit of all  
649 financial books and records of the city. The accountant shall file his or her report with the  
650 city council, at a time agreed to between him or her and the city council, and shall prepare  
651 a summary of the report which shall be posted in a public place designated by the city  
652 council.

653 **SECTION 4.09.**

654 Property tax.

655 The city council may assess, levy and collect an ad valorem tax on all real and personal  
656 property within the corporate limits of the city that is subject to such taxation by the state and  
657 county. This tax is for the purpose of raising revenues to defray the costs of operating the  
658 city government, of providing governmental services, for the repayment of principal and  
659 interest on general obligations, and for any other public purpose as determined by the city  
660 council in its discretion.

661 **SECTION 4.10.**

662 Millage rate; due dates; payment methods.

663 The city council, by ordinance, shall establish a millage rate for the property tax, a due date,  
664 and the time period within which these taxes must be paid. The city council, by ordinance,  
665 may provide for the payment of these taxes by installments or in one lump sum, as well as  
666 authorize the voluntary payment of taxes prior to the time when due.

667

**SECTION 4.11.**

668

## Occupation and business taxes.

669 The city council, by ordinance, shall have the power to levy such occupation or business  
670 taxes as are not denied by law. Such taxes may be levied on both individuals and  
671 corporations who transact business in this city or who practice or offer to practice any  
672 profession or calling within the city to the extent such persons have a constitutionally  
673 sufficient nexus to this city to be so taxed. The city council may classify businesses,  
674 occupations, professions or callings for the purpose of such taxation in any way which may  
675 be lawful and may compel the payment of such taxes as provided in Section 4.17 of this  
676 charter.

677

**SECTION 4.12.**

678

## Licenses; permits; fees.

679 The city council by ordinance shall have the power to require any individual or corporation  
680 who transacts business in the city or who practices or offers to practice any profession or  
681 calling within the city to obtain a license or permit for such activity from the city and to pay  
682 a reasonable fee for such license or permit where such activities are not now regulated by  
683 general law in such a way as to preclude city regulations. Such fees may reflect the total cost  
684 to the city of regulating the activity and, if unpaid, shall be collected as provided by  
685 ordinance. The city council by ordinance may establish reasonable requirements for  
686 obtaining or keeping such licenses as the public health, safety and welfare necessitate.

687 **SECTION 4.13.**

688 Franchises.

689 The city council shall have the power to grant franchises for the use of the city's public ways  
690 for the purposes of railroads, street railways, telephone companies, electric companies, cable  
691 television, gas companies, transportation companies and other similar organizations. The  
692 city council shall determine the duration, terms, whether the same shall be exclusive or  
693 nonexclusive, and the consideration for such franchises; provided, however, no franchise  
694 shall be granted unless the city receives just and adequate compensation therefore. The city  
695 council shall provide for the registration of all franchises with the city clerk. The city council  
696 may provide by ordinance for the registration within a reasonable time of all franchises  
697 previously granted.

698 **SECTION 4.14.**

699 Service charges.

700 The city council by ordinance shall have the power to assess and collect fees, charges, and  
701 tolls for sewers, sanitary and health services, or any other services provided or made  
702 available inside and outside the city limits of the city. If unpaid, such charges shall be  
703 collected as provided in Section 4.17 of this charter.

704 **SECTION 4.15.**

705 Special assessments.

706 The city council, by ordinance, shall have the power to assess and collect the cost of  
707 constructing, reconstructing, widening, or improving any public way, street, sidewalk,  
708 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property

709 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be  
710 collected as provided in Section 4.17 of this charter.

711 **SECTION 4.16.**

712 Construction; other taxes.

713 The city shall be empowered to levy any other tax allowed now or hereafter by law, and the  
714 specific mention of any right, power or authority in this article shall not be construed as  
715 limiting in any way the general powers of the city to govern its local affairs.

716 **SECTION 4.17.**

717 Collection of delinquent taxes and fees.

718 The city council, by ordinance, may provide generally for the collection of delinquent taxes,  
719 fees, or other revenue due the city under Sections 4.09 through 4.16 of this charter by  
720 whatever reasonable means as are not precluded by law. This shall include providing for the  
721 dates when the taxes or fees are due; late penalties or interest; issuance and execution of writs  
722 of fieri facias; creation and priority of liens; making delinquent taxes and fees personal debts  
723 of the persons required to pay the taxes or fees imposed; revoking city licenses for failure to  
724 pay any city taxes or fees; and providing for the assignment or transfer of tax executions.

725 **SECTION 4.18.**

726 General obligation bonds.

727 The city council shall have the power to issue bonds for the purpose of raising revenue to  
728 carry out any project, program or venture authorized under this charter or the laws of the

729 state. Such bonding authority shall be exercised in accordance with the laws governing bond  
730 issuance by municipalities in effect at the time said issue is undertaken.

731 **SECTION 4.19.**

732 Revenue bonds.

733 Revenue bonds may be issued by the city council as state law now or hereafter provides.  
734 Such bonds are to be paid out of any revenue produced by the project, program or venture  
735 for which they were issued.

736 **SECTION 4.20.**

737 Short-term loans.

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

740 **SECTION 4.21.**

741 Disbursements by checks.

742 All city checks and drafts shall be signed by two officers including, the mayor, the city  
743 administrator or the city clerk. In the absence or unavailability of the mayor, the vice-mayor  
744 may sign in the place of the mayor.

745 **SECTION 4.22.**

746 Official depository.

747 The city council shall designate an official depository or depositories for deposit and  
748 safekeeping of the funds of the city and may require such collateral security as it deems  
749 necessary.

750 **ARTICLE V.**

751 **MUNICIPAL COURT**

752 **SECTION 5.01.**

753 Creation; name.

754 There shall be a court to be known as the Municipal Court of the City of Statham.

755 **SECTION 5.02.**

756 Municipal judge; associate judge.

757 The municipal court shall be presided over by a municipal judge or such part-time, full-time,  
758 or stand-by judges as shall be provided by ordinance. To the maximum extent permitted by  
759 general law, the method of selection and terms of such judges shall be provided by  
760 ordinance. No person shall be qualified or eligible to serve as a judge of the municipal court  
761 unless he or she shall have attained the 21 years of age, shall be a member of the State Bar  
762 of Georgia, and shall possess all qualifications required by law. All judges shall be  
763 appointed by mayor and approved by the city council. Before assuming office, each judge  
764 shall take an oath that he or she will honestly and faithfully discharge the duties of his or her  
765 office to the best of his or her ability and without fear, favor or partiality.

766 **SECTION 5.03.**

767 Convening.

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

769 **SECTION 5.04.**

770 Jurisdiction; powers.

771 (a) The municipal court shall try and punish violations of this charter, all city ordinances,  
772 and such other violations as provided by law.

773 (b) The municipal court shall have authority to punish those in its presence for contempt, by  
774 fine, as allowed by law, or 15 of imprisonment and labor on the public works of the city, or  
775 by both fine and imprisonment.

776 (c) The municipal court may fix punishments for offenses within its jurisdiction by fine in  
777 an amount not to exceed \$1,000.00 or by imprisonment for up to 12 months in jail or any  
778 combination thereof or by labor on the public works of the city for one year, or alternative  
779 sentencing as allowed by law.

780 (d) The municipal court shall have authority to establish a schedule of fees to defray the cost  
781 of operation and shall be entitled to reimbursement of the cost of meals, transportation, and  
782 caretaking of prisoners bound over to state or superior courts for violations of state law.

783 (e) The municipal court shall have authority to establish bail and recognizances to ensure  
784 the presence of those charged with violations before said court and shall have discretionary  
785 authority to accept cash or personal or real property as surety for the appearance of persons  
786 charged with violations. Whenever any person shall give bail for his or her appearance and  
787 shall fail to appear at the time fixed for trial, his or her bond shall be forfeited by the judge  
788 presiding at such time, and an execution issued thereon by serving the defendant and his or  
789 her sureties with a rule nisi, at least two days before a hearing on the rule. In the event that

790 cash or property is accepted in lieu of bond for security for the appearance of a defendant at  
791 trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so  
792 deposited shall be on order of the judge declared forfeited to the city, or the property so  
793 deposited shall have a lien against it for the value forfeited which lien shall be enforceable  
794 in the same manner and to the same extent as a lien for city property taxes.

795 (f) The municipal court shall have the same authority as superior courts to compel the  
796 production of evidence in the possession of any party; to enforce obedience to its orders,  
797 judgments and sentences; and to administer such oaths as are necessary.

798 (g) The municipal court may compel the presence of all parties necessary to a proper  
799 disposal of each case by the issuance of summonses, subpoenas, and warrants which may be  
800 served as executed by any officer as authorized by this charter or by law.

801 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of  
802 persons charged with offenses against any ordinance of the city, and each judge of the  
803 municipal court shall have the same authority as a magistrate of the state to issue warrants  
804 for offenses against state laws committed within the city.

805 (i) The municipal court is specifically vested with all the jurisdiction and powers throughout  
806 the geographic area of this city granted by law to municipal courts and particularly by such  
807 laws as authorize the abatement of nuisances and prosecution of traffic violations.

808 **SECTION 5.05.**

809 **Appeal.**

810 Any person aggrieved by a decision of the municipal court shall have the right to appeal,  
811 certiorari, or review as provided by law to the Superior Court of Barrow County.

812 **SECTION 5.06.**

813 Rules for court.

814 With the approval of the city council, the municipal court judge shall have full power and  
815 authority to make reasonable rules and regulations necessary and proper to secure the  
816 efficient and successful administration of the municipal court; provided, however, that the  
817 city council may adopt in part or in toto the rules and regulations applicable to the municipal  
818 court. The rules and regulations made or adopted shall be filed with the city clerk, and shall  
819 be available for public inspection, and, upon request, a copy shall be furnished to all  
820 defendants in municipal court proceedings.

821 **ARTICLE VI.**822 **MISCELLANEOUS**823 **SECTION 6.01.**

824 General laws may be used.

825 The city council in its discretion may elect to use the provisions of any general laws of the  
826 state in addition to or instead of the provisions of this charter.

827 **SECTION 6.02.**

828 Prior ordinances and enactments.

829 All ordinances, resolutions, rules and regulations now in force in the city consistent with this  
830 charter are hereby declared valid and of full effect and force until amended or repealed by  
831 the city council.

832 **SECTION 6.03.**

833 Severability.

834 If any article, section, subsection, paragraph, sentence, or part, of this charter shall be held  
835 to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or  
836 impair other parts of this charter unless it clearly appears that such other parts are wholly and  
837 necessarily dependent upon the part or parts held to be invalid or unconstitutional, it being  
838 the legislative intent in enacting this charter that each article, section, subsection, paragraph,  
839 sentence, or part thereof, be enacted separately and independently of each other.

840 **SECTION 6.04.**

841 Specific repealer.

842 An Act to provide a new charter for the City of Statham, Georgia, approved April 21, 1967  
843 (Ga. L. 1967, p. 3326), is hereby repealed in its entirety; and all amendatory acts thereto are  
844 likewise repealed in their entirety.

845 **SECTION 6.05.**

846 General repealer.

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