

# TOWN OF BOGART – NEW CHARTER

No. 906 (House Bill No.1236)

## AN ACT

To reincorporate and provide a new chapter for the Town of Bogart; to provide for corporate boundaries and maps thereof; to provide for powers and the exercise of powers; to provide for construction; to provide for a town council and for the members and their terms of office, qualifications, residence, vacancies, compensation =, expenses, regular and special meetings, oaths, rules, journal, committees, chairpersons and officers, quorum and voting; to prohibit holding any other town office and acting upon matters in which a councilmember or the mayor is personally interested; to provide for inquiries, investigations, and subpoena power; to provide for eminent domain; to provide for emergency ordinances; to provide for the adoption of codes of technical regulations; to provide for the authentication, codification, and printing of ordinances; to provide for a mayor and such official’s election, term of office, qualifications, residence, compensation, powers, and duties; to provide for administrative and service departments and the directors’ appointment compensation, responsibilities, nomination, removal, and suspension; to provide for boards, commissions, and authorities and their creation, composition, duties, powers, officers, and bylaws and their members appointment, compensation, expenses, oaths, and removal, to provide for a town attorney, town clerk, position classifications, pay plans, and person and policies; to provide for a municipal court and its convening, jurisdiction, powers, fees, bails, warrants, certiorari, rules, and regulations; to provide for judges and their qualifications, appointment, compensation removal, and oaths; to provide for nonpartisan election by plurality and the time for holding elections; to provide for the applicability of general law to elections; to provide for special elections to fill vacancies; to provide for removal of officers; to provide for property taxes, occupation and business taxes, regulatory fees, and permits; to provide for the millage rate, due dates, and methods of payment; to provide for franchises, service charges, special assessments, and other taxes and fees; to provide for the collect of delinquent taxes and fees; to provide for general obligation bonds, revenue bonds, and short-term loans; to provide for a fiscal year; to provide for operating and capital budgets and their preparation, submission, amendment, and adoption; to provide for tax levies, changes in appropriations, and independent audits; to provide for contacting procedures, centralized purchasing; and the sale of town property; to provide for bonds for officials; to provide for transition, including existing ordinances and regulations, existing employees and officers, and pending matters; to provide for construction and severability; to repeal and Act incorporating the Town of Bogart in the County of Oconee, approved August 14, 1905 (Ga. L. 1905, p.670), as amended; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I

Incorporation and powers

SECTION 1.10.

Name.

This town and the inhabitants thereof and hereby constituted and declared a body politic and corporate under the name and style Bogart, Georgia, and by that name shall have perpetual succession.

SECTION 1.11.

Corporate boundaries.

(a) The boundaries of this town shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this town at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the town clerk and to be designated, as the case may be” “Official (Map) (Description) of the corporate limits of the Town of Bogart, Georgia.” Photographic, typed, or other copies of such map or description certified by town clerk shall be admitted as evidence in all courts and shall have the same force and shall the same force and effect as with the original map or description.

(b) The town council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the entire map or mas which it is designated to replace.

SECTION 1.12.

Powers and construction.

(a) This town shall have all powers possible for a town to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter. This town shall have all the power of self-government not otherwise prohibited by this charter or by general law.

(b) The powers of this town shall be construed liberally in favor or the town. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this town.

SECTION 1.13.

Examples of powers.

The powers of the town shall include, but are not limited to, the following powers:

- (1) Air and water pollution. To regulate the emission of smoke or other exhaust which pollutes the air, and to prevent the pollution of natural streams which flows within the corporate limits of the town;
- (2) Animal regulation. To regulate and license or to prohibit the keeping or running at large of animals and fowl, and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted under this paragraph;
- (3) Appropriations and expenditures. To make appropriations for the support of the government of the town; to authorize the expenditure of money for any purposes authorized by this chapter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the town;
- (4) Building regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electric, gas, and heating and air conditioning codes; and to regulate all housing, and building trades;
- (5) Business regulations and taxation. To levy and to provide for the collection of license fees and taxes on privileges, occupations, trades, and professions; to license and regulate the same; to provide for the manner and method of payment of such license fees and taxes; and to revoke such permits after due process for failure to pay any town taxes or fees;
- (6) Condemnation. To condemn property, inside and outside the corporate limits of the town, for present or future use and for any corporate purpose deemed necessary by the governing authority utilizing procedures enumerated in Title 22 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;
- (7) Contracts. To enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations;
- (8) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists inside or outside the town, and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the town;
- (9) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with general law relating to both fire prevention and detection and to firefighting; and to prescribe penalties and punishment for violations thereof;
- (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the town from all individuals, firms, and corporations residing in or doing business in the town benefiting from such services; to enforce the payment of such charges, taxes, or fees; and to provide for the manner and method of collecting such service charges;

- (11) General health and welfare. To define, regulate, and prohibit any act, practice, conduce, or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the inhabitants of the town; and to provide for the enforcement of such standards;
- (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to powers and duties of the town and the general welfare of its citizens, on such terms and conditions as the donor or granter may impose;
- (13) Health and sanitation. To prescribe standards of health and sanitation and to provide for the enforcement of such standards;
- (14) Jail sentence. To provide that persons given jail sentences in the town's court may work out such sentences in any public works or on the streets, roads, drains, and other public property in the town; to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;
- (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control over all traffic, including parking upon or across the streets, roads, alleys, and walkways of the town;
- (16) Municipal agencies and delegation of power. To create, alter, or abolish departments, boards, offices, commissions, and agencies of the town; and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;
- (17) Municipal debts. To appropriate and borrow money for the payment of debts of the town and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this charter or the laws of the State of Georgia;
- (18) Municipal property ownership. To acquire, dispose of, and hold in trust or otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the town;
- (19) Municipal property protection. To provide for the preservation and protection of property and equipment of the town and the administration and the use of same by the public; and to prescribe penalties and punishment for violations thereof;
- (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including but not limited to a system of waterworks, sewers and drains, sewage disposal, gas works, electric light plants, transportation facilities, public airports, and other public utility, to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and to provide for the withdrawal of service for refusal or failure to pay the same; and to authorize the extension of water, sewerage, and electrical distribution systems and all necessary appurtenances by which said utilities are distributed, inside and outside the corporate limits of the town, as provided by ordinance;
- (21) Nuisance. To define a nuisance and provide for its abatement whether on public or private property;

(22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the authority of this charter and the laws of the State of Georgia.

(23) Planning and zoning. To provide comprehensive town planning for developments by zoning and to provide subdivision regulation and the like as the town council deems necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;

(24) Police and fire protection. To exercise the power of arrest through daily appointed police officers; and to establish, operate, or contract for police and a firefighting agency;

(25) Public Hazards: Removal. To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;

(26) Public improvements. To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detention, penal, and medical institutions, agencies, and facilities, to provide any other public improvements, inside or outside the corporate limits of the town; and to regulate the use of public improvements; and, for such purposes, property may be acquired by condemnation under Title 22 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereinafter be enacted;

(27) Public peace. To provide for the prevention and punishment of drunkenness, riots, and public disturbances;

(28) Public transportation. To organize and operate such public transportation systems as are deemed beneficial;

(29) Public utilities and services. To grant franchises or make contracts for public utilities and public services; and to prescribe the rates, fares, regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as such are not in conflict with regulations of the Public Service Commission;

(30) Regulation of roadside areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights of way of streets and roads or within view thereof, within or abutting the corporate limits of the town; and to prescribe penalties and punishments for violation of such ordinances.

(31) Retirement. To provide and maintain a retirement plan for officers and employees of the town.

(32) Roadways. To lay out, open, extend, widen, narrow, establish, change the grade of, abandon or close, construct, pave, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the town; to negotiate and execute leases over, through, under, or across any town property or the right-of-town of any street, road, alley, and walkway or portion thereof within the corporate limits of the town, for bridges, passageways, or any other purpose or use between buildings on opposite sides of the street and for other bridges,

overpasses, and underpasses for private use at such location, and to charge a rental therefor in such manner as may be provided by ordinance; to authorize and control the construction of bridges, overpasses, and underpasses within the corporate limits of the town; to grant franchises and rights-of-way throughout the streets and roads, and over the bridges and viaducts for the use of public utilities or for private use; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands to curb or street and to impose penalties for failure to do so;

(33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a sewage disposal plant and sewerage system, and to levy on those to whom sewers and sewage systems are made available a sewer service fee; charge, or sewer tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose, and collect a sewer connection fee or fees to those connected with the system;

(34) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish, and refuse, and to regulate the collection and disposal of garbage, rubbish, and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials and to provide for the date of such items;

(35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops, the manufacture, sale, or transportation of intoxicating liquors, and the use of combustible, explosive, and flammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit professional fortunetelling; palmistry, adult bookstores, and massage parlors;

(36) Special assessments. To levy and provide for the collection of special assessments to cover the costs for any public improvements;

(37) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;

(38) Taxes: other. To levy and collect such other taxes as may be allowed now or in the future by law;

(39) Taxicabs. To regulate and license vehicles operated for hire in the town; to limit the number of such vehicles; to require the operators of such vehicles; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles;

(40) Urban redevelopment. To organize and operate an urban redevelopment program and;

(41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the town and its inhabitants; and to exercise all

implied powers necessary to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated in this charter; to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

#### SECTION 1.14.

Exercise of powers.

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

### ARTICLE II

Governmental structure.

#### SECTION 2.10.

Town council creation; number; election.

The legislative authority of the government of this town, except as otherwise specifically provided in this charter, shall be vested in a town council to be composed of a mayor and four councilmembers. The mayor and councilmembers shall be elected in the manner provide by this charter.

#### SECTION 2.11

Town council terms and qualifications for office.

The members of the town council shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor unless that person has attained the age of 25 years, is a citizen of the United States, and has resided in the corporate limits of Bogart for one year immediately preceding his or her election. No person shall be eligible to serve as a councilmember of Bogart unless such person has attained the age of 21 years, is a citizen of the United States, and has resided in the corporate limits of Bogart six months immediately preceding his or her election. Each member shall continue to reside therein during that member's period of service and shall continue to be registered and qualified to vote in municipal elections of this town.

#### SECTION 2.12.

Vacancy, filling of vacancies; suspensions.

(a) Vacancies. The office of mayor and councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this

charter or the general laws of the State of Georgia. A vacancy in the office of mayor or councilmember shall be filled or the remainder of the unexpired term, if any, as provided for in this charter.

(b) Suspension. Upon the suspension from office of mayor or a councilmember in any manner authorized by the general laws of the State of Georgia, the town council or those remaining shall appoint a successor for the duration of the suspension. If the suspension becomes permanent, then the office shall become vacant and shall be filled for the remainder of the unexpired term, if any, as provided in this charter.

#### SECTION 2.13.

##### Compensation and expenses.

The mayor and councilmembers shall receive compensation and expenses for their services as provided by ordinance.

#### SECTION 2.14.

##### Holding other office; voting when financially interested.

(a) Except as authorized by law, the mayor or any councilmember shall not hold any other town office or town employment during the term for which that person was elected.

(b) Neither the mayor nor any member of the town council shall vote upon, sign, or veto any ordinance, resolution, contract, or other matter in which that person is personally interested.

#### SECTION 2.15.

##### Inquiries and investigations.

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

#### SECTION 2.16.

##### General power and authority of the town council.

Except as otherwise provided by law or this charter, the town council shall be vested with all the powers of government of this town as provided by Article I of this charter.

#### SECTION 2.17.

##### Eminent domain.

The town council is authorized to acquire, construct, operate, and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, water-works, electrical systems, gas systems, airports, hospitals, and to



charitable, educational, recreational, sport, curative, corrective, detention, penal, and medical institutions, agencies, and facilities and any other public improvements, inside or outside the town, and to regulate the use thereof; and for such purposes, property may be condemned under procedures established under general law applicable now or as provided in the future.

#### SECTION 2.18.

##### Organizational meetings.

The town council shall hold an organizational meeting at the regular council meeting in the first January following the municipal election. The meeting shall be called to order by the town clerk and the oath of office shall be administered to the newly elected members as follows:

*“I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor) (councilmember) of Bogart and that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America.”*

#### SECTION 2.19.

##### Regular and special meetings.

- (a) The town council shall hold regular meetings at such times and places as shall be prescribed by ordinance.
- (b) Special meetings of the town council may be held on call of the mayor or two members of the town council. Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least 48 hours in advance of the meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice on and business transacted in such councilmember’s presence. Only the business stated in the call may be transacted at the special meeting.
- (c) All meetings of the town council shall be public to the extent required by law, and notice to the public of special meetings shall be made fully as is reasonably possible two days prior to such meetings.

#### SECTION 2.20.

##### Rules of procedure.

- (a) The town council shall adopt its rules of procedure and order of business consistent with the provisions of this charter and shall provide for keeping a journal of its proceedings, which shall be a public record.
- (b) All committees and committee chairpersons and officers of the town council shall be appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power to appoint new members to any committee at any time.

#### SECTION 2.21.

Quorum: voting.

The mayor and two councilmembers or, in the absence of the mayor, three councilmembers shall constitute a quorum and shall be authorized to transact business of the town council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any member of the town council shall have the right to request a roll-call vote, and such vote shall be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote of a majority of councilmembers with a quorum present shall be required for the adoption of any ordinance, resolution, or motion.

SECTION 2.22.

Ordinance form; procedures.

(a) Every proposed ordinance should be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be “The Council of the Town of Bogart hereby ordains...” and every ordinance shall so begin.

(b) An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the town council. Ordinances shall be considered and adopted or rejected by the town council in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided in Section 2.24. Upon introduction of any ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the town council may designate.

SECTION 2.23.

Action requiring an ordinance.

Acts of the town council which have the force and effect of law shall be enacted by ordinance.

SECTION 2.24.

Emergencies.

To meet a public emergency affecting life, health, property, or public peace, the town council may convene on the call of the mayor or two councilmembers and may promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of a majority of councilmembers present shall be required for adoption. It will become effective upon adoption or at such later time as it may specify. Every emergency ordinance

shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

#### SECTION 2.25.

##### Code of technical regulations.

(a) The town council may adopt any standard code of technical regulations by reference thereof in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that: (1) the requirements of subsection (b) of Section 2.22 of this chapter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.26 of this charter.

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

#### SECTION 2.26.

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

(a) The clerk shall authenticate by the clerk's signature and record in full, in a properly indexed book kept for that purpose, all ordinances adopted by the council.

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

(c) The town council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the town council. Following publication of the first code under this charter and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for incorporation therein. The town council shall make such further arrangements as deemed desirable with the reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations and other rules and regulations included in the code.

#### SECTION 2.27.

##### Election of mayor; forfeiture; compensation.

The mayor shall be elected and serve for a term of four years and until a successor is elected and qualified. The mayor shall forfeit the office on the same grounds and under the same procedure as for councilmembers. The compensation of the mayor shall be established in the same manner as for councilmembers.

#### SECTION 2.28.

##### Mayor pro tem.

By a majority vote, the town council shall elect a councilmember to serve as mayor pro tem. The mayor pro tem shall assume the duties and powers of the mayor during the mayor's disability or absence. Any such disability or absence shall be declared by a majority vote of the town council.

#### SECTION 2.29.

##### Powers and duties of mayor.

The mayor shall:

- (1) Preside at all meetings of the town council;
- (2) Be the head of the town for the purpose of service of process and for ceremonial purposes and shall be the official spokesperson for the town and the chief advocate of policy.
- (3) Have the power to administer oaths and to take affidavits;
- (4) Sign as a matter of course on behalf of the town all written and approved contracts, ordinances, and other instruments executed by the town which by law are required to be in writing;
- (5) Vote on matters before the town council and shall be counted toward a quorum as any other councilmembers;
- (6) Prepare and submit to the town council a recommended annual operating budget and recommended capital budget; and
- (7) Fulfill such other executive and administrative duties as the town council shall by ordinance establish.

### ARTICLE III

#### Administrative affairs

#### SECTION 3.10.

##### Administrative and service departments.

(a) Except as otherwise provided in this charter, the town council, by ordinance, shall prescribe the functions or duties and establish, abolish, or alter all nonelective offices, positions of employment, departments, and agencies of the town as necessary for the proper administration of the affairs and government of this town.

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

(c) All appointed officers and directors of departments shall receive such compensation as prescribed by ordinance.

(d) There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the mayor, be responsible for the administration and direction of the affairs and operations of that director's department or agency.

(e) All directors under the supervision of the mayor shall be nominated by the mayor with confirmation of appointment by the town council. The mayor may suspend or remove directors under his or her supervision, but such shall not be effective for 14 calendar days following the mayor giving written notice of such action and the reasons therefore to the director involved and to the town council. The director involved may appeal to the town council which, after a hearing, may override the mayor's action by a vote of a majority of all councilmembers.

#### SECTION 3.11.

##### Boards, commissions, and authorities.

(a) The town council shall create by ordinance, such boards, commissions, and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative, function the town council deems necessary and shall by ordinance establish the composition, period of existence, duties, and powers thereof.

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

(c) The town council by ordinance may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission, or authority.

(d) Except as otherwise provided by charter or by law, no member or any board, commission, or authority shall hold any elective office in the town.

(e) Any vacancy on a board, commission, or authority of the town shall be filled for the unexpired term in the manner prescribed in this charter for original appointment, except as otherwise provided by this charter or by law.

(f) No member of a board, commission, or authority shall assume office until that person has executed and filed with the clerk of the town an oath obligating himself or herself to perform faithfully and impartially the duties of that member's office, such oath to be prescribed by ordinance and administered by the mayor.

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

(h) Except as otherwise provided by this charter or by law, each board, commission, or authority of the town shall elect one of its members as chairperson and one member as vice-chairperson and may elect as its secretary one of its own members or may appoint as secretary of an employee of the town. Each board, commission or authority of the town government may establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances of the town, or law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with the clerk of the town.

SECTION 3.12.

Town attorney.

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

SECTION 3.13.

Town clerk.

The town council shall appoint a town clerk who shall not be a councilmember. The town clerk shall be custodian of the official town seal; maintain town council records required by this charter; and perform such other duties as may be required by the town council.

SECTION 3.14.

Town treasurer.

The town council shall appoint a town treasurer to collect all taxes, licenses, fees, and other monies belonging to the town subject to the provisions of this charter and the ordinances of the town, and to enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes by the town. The town treasurer shall also be responsible for the general duties of a treasurer and fiscal officer.

SECTION 3.15.

Town accountant.

The town council shall appoint a town accountant to perform the duties of an accountant.

SECTION 3.16.

Position classification and pay plans.

The town manager shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the town council for approval. Such plan may apply to all employees of the town and any of its agencies, departments, boards, commissions, or authorities. When a pay plan has been adopted, the town council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan. For purposes of this section, all elected and appointed town officials are not town employees.

SECTION 3.17.

Personnel policies.

The town council shall adopt rules and regulations consistent with this charter concerning:

- (1) The method of employee selection and probationary periods of employment;
- (2) The administration of the position classification and pay plan, methods of promotion and application of service ratings thereto, and transfer of employees within the classification plan;
- (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and the order and manner in which layoffs shall be affected;
- (4) Such dismissal hearings as due process may require; and
- (5) Such other personnel notices as may be necessary to provide for adequate and systematic handling of personnel affairs.

ARTICLE IV

Judicial branch.

SECTION 4.10.

Creation; name.

There shall be a court to be known as the Municipal Court of the Town of Bogart.

SECTION 4.11.

Chief judge; associate judge.

(a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or stand-by judges as shall be provided by ordinance. The method of selection and terms of such judges shall be as provided by ordinance.

(b) No person shall be qualified or eligible to serve as a judge of the municipal court unless that person shall have attained the age of 21 years and shall be a member of the State Bar of Georgia. All judges shall be appointed by the town council.

€ Comprehensive of the judges shall be fixed by ordinance.

(d) Judges may be removed for cause by a vote of a majority of all members of the town council.

€ Before assuming office, each judge shall take an oath, given by the mayor, that the judge will honestly and faithfully discharge the duties of the office to the best of that person's ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the town council journal required in Section 2.20 of this charter.

#### SECTION 4.12.

##### Convening.

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

#### SECTION 4.13.

##### Jurisdiction; powers.

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

(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$200.00 or ten days in jail.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for no more than six months or both such fine and imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as now or hereinafter provided by law.

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

(e) The municipal court shall have authority to establish bail and recognizes to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for that person's appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at such time and an execution issued thereon by serving the defendant and the defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the town, or the property so deposited shall have a lien against it for the value forfeited, which lien shall be enforceable in the same manner and to the same extent as a lien for town property taxes.

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



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

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

(i) The municipal court is specifically vested with all the jurisdiction and powers throughout the geographic area of this town granted by law to mayor's, recorder's and police courts, and particularly by such laws as authorized the abatement of nuisances and prosecution of traffic violations.

#### SECTION 4.14.

##### Certiorari.

The right of certiorari from the decision and judgement of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of a judge of the Superior Court of Oconee County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

#### SECTION 4.15.

##### Rules of court.

With the approval of the town council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the town council may adopt in part or in toto rules and regulations applicable to superior courts, The rules and regulations made or adopted shall be filed with the town clerk, shall be available for public inspection, and upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

#### SECTION 4.16.

##### Contacting for municipal court.

Notwithstanding any provision of this article, the Town of Bogart may contract with Oconee County for municipal court services in accordance with the Official Code of Georgia Annotated as now or hereinafter amended.

### ARTICLE V

#### Elections and removal.

#### SECTION 5.10.

##### Applicability of general law.

All primaries and elections shall be held and conducted in accordance with Chapter 3 of Title 21 of the Official Code of Georgia Annotated, known as the “Georgia Municipal Election Code,” as now or hereafter amended.

SECTION 5.11.

Election of the town council and mayor.

(a) There shall be a municipal general election biennially on the Tuesday following the first Monday in November.

(b) There shall be elected the mayor and two councilmembers at one election. The remaining town council seats shall be filled at the election alternating with the first election so that a continuing body is created as provided for in the initial election so that a continuing body is created as provided for in the initial election held under this charter pursuant to Section 7.12.

SECTION 5.12.

Nonpartisan elections.

Political parties shall not conduct primaries for town offices and all names of candidates for town offices shall be listed without party designations.

SECTION 5.13.

Election by plurality.

The person receiving a plurality of the votes cast for any town office shall be elected.

SECTION 5.14.

Special elections; vacancies.

In the event that the office of mayor or councilmember shall become vacant for any cause whatsoever, a special election shall be held and conducted in accordance with Chapter 3 of Title 21 of the Official Code of Georgia Annotated, known as the “Georgia Municipal Election Code,” as now or hereinafter amended.

SECTION 5.15.

Other provisions.

Except as otherwise provided in this charter, the town council shall, by ordinance, prescribe such rules and regulations as it deems appropriate to fulfill any options and duties under Chapter 3 of Title 21 of the Official Code of Georgia Annotated, known as the “Georgia Municipal Code.”

SECTION 5.16.

Removal of officers.

The mayor, councilmembers, or other appointed officers provided for in this charter shall be removed 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; or
- (3) Pursuant to the terms of general law.

## ARTICLE VI

### Finance

#### SECTION 6.10.

##### Property tax.

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

#### SECTION 6.11.

##### Millage rate; due dates; payments and methods.

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

#### SECTION 6.12.

##### Occupation and business taxes.

The town council by ordinance shall have the power to levy such occupation or business taxes as are not denied by law. Such taxes may be levied on both individuals and corporations transacting business in this town or practicing or offering to practice any profession or calling therein to the extent such persons have a constitutionally sufficient nexus to this town to be so taxed. The town council may classify businesses, occupations, professions, or callings for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.18 of this charter.

#### SECTION 6.13.

##### Licenses; permits; fees.

The town council by ordinance shall have the power to require any individuals or corporations who transact business in this town or who practice or offer to practice any professional or calling therein to obtain a license or permit for such activity from the town and pay a reasonable fee for such license or permit where such activities are not now regulated by general law in such a way as to preclude town regulating the activity and, if unpaid, shall be collected as provided in Section

6.18 of this charter. The town council by ordinance may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety, and welfare necessitate.

#### SECTION 6.14.

##### Franchises.

The town council shall have the power to grant franchises for the use of the town's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, cable television, gas companies, transportation companies, and other similar organizations. The town council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, that no franchise shall be granted unless the town receives just and adequate compensation therefor. The town council shall provide for the registration of all franchises with the town clerk in a registration book kept by the clerk. The town council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

#### SECTION 6.15.

##### Service charges.

The town council by ordinance shall have the power to access and collect fees, charges, and tolls for sewers, sanitary and health services, or any other services provided or made available inside or outside the corporate limits of the town for the total cost to the town or providing or making available such services. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

#### SECTION 6.16.

##### Special assessments.

The town council by ordinance shall have the power to assess and collect the cost of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property owners under such terms and conditions as are reasonable. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

#### CHARTER 6.17.

##### Construction; other taxes and fees.

This town shall be empowered to levy any other tax or fee allowed now or hereafter by law, and the specific mention of any right, power, or authority in this charter shall not be construed as limiting in any way the general powers of this town to govern its lead affairs.

#### SECTION 6.18.

##### Collection of delinquent taxes and fees.

The town council by ordinance may provide generally for the collection of delinquent taxes, fees, or other revenue due to the town under Sections 6.10 through 6.17 of this charter by whatever reasonable means as are not precluded by law. This shall include providing for the dates when the taxes or fees are due; late penalties of interest; issuance and execution of fi. fas.; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking town licenses for failure to pay any town taxes or fees; and providing for the assignment or transfer of tax executions.

SECTION 6.19.

General obligation bonds.

The town council shall have the power to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized under this charter or the laws of the state. Such bonding authority shall be exercised in accordance with the laws governing bond issuance by municipalities in effect at the time said issue is undertaken.

SECTION 6.20.

Revenue bonds.

Revenue bonds may be issued by the town council as state law now or hereinafter provides. Such bonds are to be paid out of revenue produced by the project, program, or venture for which they were issued.

SECTION 6.21.

Short-term loans.

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

SECTION 6.22.

Fiscal year.

The town council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, agency, and activity of the town government.

SECTION 6.23.

Preparation of budgets.

The town council shall provide an ordinance on the procedures and requirements for the preparation and execution on an annual operating budget, a capital improvement program, and a capital budget, including requirements as to the scope, content, and form of such budgets and programs.

SECTION 6.24.

### Submission of operating budget to town council.

On or before a date fixed by the town council, but not later than 45 days prior to the beginning of each fiscal year, the mayor shall submit to the town council's proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor containing a statement of the general fiscal policies of the town, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as the mayor may deem pertinent. The operating budget and the capital improvements budget, the budget message, and all supporting documents shall be filed in the office of the town clerk and shall be open to public inspection.

### SECTION 6.25.

#### Action by town council on budget.

(a) The town council may amend the operating budget proposed by the mayor, except that the budget as finally amended and adopted must provide for all expenditures required by state law or by other provisions of this charter and for all debt service requirements for the ensuing fiscal year. The total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.

(b) The town council by ordinance shall adopt the final operating budget for the ensuing fiscal year not later than the first day of April each year. If the town council fails to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing year on a month-to-month basis, with all items prorated accordingly until such time as the town council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.23 of this charter.

### SECTION 6.26.

#### Tax levies.

Following adoption of the operating budget, the town council shall levy by ordinance such taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that reasonable estimates of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriate for each of the several funds set forth in the annual operating budget defraying the expenses of the general government of this town.

### SECTION 6.27.

#### Changes in appropriations.

The town council by ordinance may make changes in the appropriations contained in the current operating budget at any regular meeting, special meeting, or emergency meeting called for such purpose, but any additional appropriations may be made only from an existing unexpended surplus.

SECTION 6.28.

Capital improvements budget.

(a) On or before the date fixed by the town council but no later than 45 days prior to the beginning of each fiscal year, the mayor shall submit to the town council a proposed capital improvements budget with his or her recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The town council shall have power to accept, with or without amendments, or reject the proposed program and proposed means of financing. The town council shall not authorize an expenditure for the construction of any building, structure, work, or improvement unless the appropriations for such project are included in the capital improvements budget, except to meet a public emergency as provided in Section 2.24.

(b) The town council shall adopt by ordinance the final capital improvements budget for the ensuing fiscal year not later than the first day of April of each year. No appropriation provided for in a prior capital improvement budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided, however, that the mayor shall submit amendments to the capital improvements budget at any time during the fiscal year, accompanied by his or her recommendations. Any such amendments to the capital improvements budget shall become effective only upon adoption by ordinance.

SECTION 6.29.

Independent audit.

There shall be an annual independent audit of all the town accounts, funds, and financial transactions by a certified public accountant selected by the town council. The audit shall be conducted according to generally accepted auditing principles. Any audit of any funds by the state or federal governments may be accepted as satisfying the requirements of this charter. Copies of all audit reports shall be available at printing costs to the public.

SECTION 6.30.

Contracting procedures.

No contract with the town shall be binding on the town unless:

- (1) It is in writing;
- (2) It is drawn by or submitted and reviewed by the town attorney and, as a matter of course, it is signed by the town attorney to indicate such drafting or review; and
- (3) It is made or authorized by the town council, and such approval is entered in the town journal of proceedings pursuant to Section 2.21 of this charter.

SECTION 6.31.

Centralizing purchasing.

The town council shall by ordinance prescribe procedures for a system of centralized purchasing for the town.

#### SECTION 6.32.

##### Sale of town property.

(a) The town council may sell and convey any real or personal property owned or held by the town for governmental or other purposes as now or hereafter provided by law.

(b) The town council may quitclaim any rights it may have in property not needed for public purposes upon report by the mayor and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the town has no readily ascertainable monetary value.

(c) Whenever in opening, extending, or widening any street, avenue, alley or public place of the town, a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the town, the town council may authorize the mayor to execute and deliver in the name of the town a deed conveying said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights-of-way of said street, avenue, alley, or public place when such swap is deemed to be in the best interest of the town. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the town has in such property; notwithstanding the fact that no public sale after advertised was or is hereafter made.

#### ARTICLE VII

##### General provisions.

#### SECTION 7.10.

##### Bonds for officials.

The officers and employees of this town, both elective and appointive, shall execute such survey or fidelity bonds in such amounts and upon such terms and conditions as the town council shall from time to time require by ordinance or as may be provided by law.

#### SECTION 7.11.

##### Prior ordinances.

All ordinances, resolutions, rules, and regulations now in force in the town not inconsistent with this charter are hereby declared valid and of full effect and force until amended or repealed by the town council.

#### SECTION 7.12.

##### First election under this charter.



The first municipal election under this charter shall be conducted on the Tuesday following the first Monday in November; 1999, at which a mayor and two councilmembers shall be elected for a term of four years.

SECTION 7.13.

Existing personnel and officers.

Except as specifically provided otherwise by this chapter, all personnel and officers of the town and their rights, privileges, and power shall continue beyond the time this charter takes effect for a period of 365 days before or during which the existing town council shall pass a transition ordinance detailing the changes in personnel and appointed officers required or desired and arranging such titles, rights, privileges, and powers as may be required or desired to allow a reasonable transition.

SECTION 7.14.

Pending matters.

Except as specifically provided otherwise by this charter, all rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue, and any such ongoing work or cases shall be completed by such town agencies, personnel, or offices may be provided by the town council.

SECTION 7.15.

Construction.

- (a) Section captions in this charter are informative only and are not to be considered as a part thereof.
- (b) The word “shall” is mandatory, and the word “may” is permissive.
- (c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.

SECTION 7.16.

Severability.

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

SECTION 7.17.

Specific repealer.

An Act incorporating the Town of Bogart in the County of Oconee, approved August 24, 1905 (Ga. L. 1905, p. 670), as amended, is repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety.

SECTION 7.18.

Effective date.

This charter shall become effective on July 1, 1998.

SECTION 7.19.

General repealer.

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

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BOGART, GEORGIA REQUESTING LOCAL LEGISLATION TO ENACT A NEW MUNICIPAL CHARTER FOR THE CITY OF BOGART TO SUPERSEDE THE EXISTING CHARTER AND TO REPEAL ALL LOCAL LAWS INCONSISTENT WITH THE NEW CHARTER.

BE IT HEREBY RESOLVED AND ORDAINED by the Mayor and Council of the City of Bogart, Georgia at their regular meeting October 6, 1997 at seven o'clock p.m. in the City Hall of Bogart:

That Representative Frank E. Stancil is hereby requested to introduce at the January 1998 session of the General Assembly of Georgia local legislation to enact a new municipal charter for the City of Bogart to supersede its existing charter and to repeal any and all local laws inconsistent with the new charter;

That the City Clerk transmit to Representative Frank E. Stancil the proposed charter hereby requested to be enacted as the new municipal chart for the City of Bogart and a certified copy of the resolution;

That the City Clerk cause to be published the appended NOTICE OF INTENT TO INTRODUCE LOCAL LEGISLATION AFFECTING THE CITY OF BOGART, GEORGIA in the newspapers in which the Sheriff's advertisements for Clarke County, Georgia and Oconee County, Georgia to appear one time before the bill is introduced not earlier than sixty days prior to the convening date of the session as provided in O.C.G.A. Sec. 28-1-14(a), and the City Clerk is authorized to defray from City funds the costs thereof;

IN WITNESS WHEREOF the undersigned have set their hands this 6<sup>th</sup> day of October, 1997.

s/ Roy F. Norris  
Mayor City of Bogart, Georgia  
s/ Robin Hogan  
Councilman  
s/ F.L. Furman

Councilman  
s/ T.A. Peavey  
Councilman

I, the undersigned City Clerk for the City of Bogart, Georgia hereby certify that the foregoing Resolution was duly enacted October 6, 1997 at seven o'clock p.m. in the city Hall of Bogart, Georgia by the Mayor and Council of Bogart, Georgia at its regular meeting and in open session. The mayor and a legal quorum of the Council were present and voting.

WITNESS my hand and the seal of the city this October 6, 1997.

s/ Teresa D.M. Craft  
City Clerk, City of Bogart, Georgia

I, TERESA D.M. CRAFT, DO HEREBY CERTIFIED THIS DOCUMENT TO BE A TRUE AND CORRECT COPY OF A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BOGART, GA. REQUESTING LOCAL LEGISLATION TO ENACT A NEW MUNICIPAL CHARTER FOR THE CITY OF BOGART, GA.

THIS 22 DAY OF DECEMBER, 1997

s/ Teresa D.M. Craft, CITY CLERK, BOGART, GEORGIA.

PUBLIC NOTICE  
NOTICE OF INTENT TO INTRODUCE  
LOCAL LEGISLATION AFFECTING THE  
TOWN OF BOGART, GEORGIA

Notice is hereby given that there will be introduced at the January 1998 session of the General Assembly of Georgia a bill enacting for the Town of Bogart, a Georgia Municipal Corporation situate in Clarke and Oconee Counties, Georgia, a new municipal charter to superseded the existing charter and to repeal any and all local laws inconsistent with the new charter. This legislation will be introduced at the request of the Mayor and Council of Bogart, Georgia.

This 12<sup>th</sup> day of December, 1997.

Teresa D.M. Craft, Clerk  
Town of Bogart, Georgia

GEORGIA, FULTON COUNTY

Personally appeared before me, the undersigned authority, duly authorized to administer oaths, Frank Stancil, who on oath deposes and says that he is the Representative from the 91<sup>st</sup> District and further deposes and says as follows:

(1) That the attached Notice of Intention to Introduce Local Legislation was published in the Oconee County on the following date: December 18, 1997.

(2) That the laws requiring notice of local legislation were further compiled with in the manner checked below:

     A copy of the notice of intention was mailed, transmitted by facsimile, or otherwise provided to the governing authority of any county, municipality, or consolidated government whose charter or enabling Act is amended, as required by subsection (b) of Code Section 28-1-14.

     The notice requirement of subsection (b) of Code Section 28-1-14 does not apply because the bill was requested by resolution or other written notification of the governing authority of the affected county, municipality, or consolidated government and a copy of such resolution or other written notification is attached hereto.

  √   The notice requirement of subsection (b) of Code Section 28-1-14 does not apply because the bill does not amend the charter of a municipality or the enabling Act of a county or consolidated government or the bill affects a local school system.

     The notice requirement of subsection (b) of Code of Section 28-1-14 does not apply because the bill is an annexation bill and a copy of the bill was provided to the county governing authority within which the area proposed to be annexed is located at the time the notice was published, as required by Code Section 28-1-14.1.

s/ FRANK E. STANCIL  
Representative, 91<sup>st</sup> District

Sworn to and subscribed before me,  
this 9<sup>th</sup> day of January, 1998.

s/ TERESA ADKINS  
Notary Public, Clayton County, Georgia  
My Commission Expires Jan. 5, 2001  
(SEAL)

NOTICE OF INTENT TO INTRODUCE  
LOCAL LEGISLATION  
AFFECTING THE TOWN OF  
BOGART, GEORGIA

Notice is hereby given that there will be introduced at the January 1998 session of the General Assembly of Georgia a bill enacting for the Town of Bogart, a Georgia Municipal Corporation situate in Clarke and Oconee Counties, Georgia, a new municipal charter to supersede the existing charter and to repeal any and all local laws inconsistent with the new charter. This legislation will be introduced at the request of the Mayor and Council of Bogart, Georgia.

This 12<sup>th</sup> day of December, 1997.

Teresa D.M. Craft, Clerk  
Town of Bogart, Georgia

GEORGIA, FULTON COUNTY

Personally appeared before me, the undersigned authority, duly authorized to administer oath, Frank Stancil, who on oath deposed and says that he is the Representative from the 91<sup>st</sup> District and further deposes and says as follows:

(1) That the attached Notice of Intention to Introduce Local Legislation was published in the Athens Observer which is the official organ of Clarke County on the following date: December 18, 1997.

(2) That the laws requiring notice of local legislation were further compiled with in the manner checked below:

     A copy of the notice of intention was mailed, transmitted by facsimile, or otherwise provided to the governing authority of any county, municipality, or consolidated government whose charter or enabling Act is amended, as required by subsection (b) of Code Section 28-1-14.

  √   The notice requirement of subsection (b) of Code Section 28-1-14 does not apply because the bill was requested by resolution or other written notification of the governing authority of the affected county, municipality, or consolidated government and a copy of such resolution or other written notification is attached hereto.

     The notice requirement of subsection (b) of Code Section 28-1-14 does not apply because the bill does not amend the charter of a municipality or the enabling Act of a county or consolidated government or the bill affects a local school system.

     The notice requirement of subsection (b) of Code Section 28-1-14 does not apply because the bill is an annexation bill and a copy of the bill was provided to the county governing authority within which the area proposed to be annexed is located at the time the notice was published, as required by Code Section 28-1-14.1.

s/ FRANK E. STANCIL  
Representative, 91<sup>st</sup> District

Sworn to and subscribed before me,  
this 9<sup>th</sup> day of January, 1998.

s/ TERESA ADKINS  
Notary Public, Clayton County, Georgia  
My Commission Expires Jan. 5, 2001  
(SEAL)

Approved April 29, 1998.

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CITY OF ATLANTA – URBAN ENTERPRISE ZONES; DESIGNATION;  
TAX EXEMPTIONS; EFFECTIVE DATES.

No. 924 (House Bill No. 1629).

AN ACT

To amend the “Atlanta Urban Enterprise Zone Act,” approved March 24, 1988 (Ga. L. 1988, p. 4164), as amended, so as to change the criteria for designation of enterprise zones and adding land to such zones; to change the provisions relating to the amount and duration of tax exemptions and property eligible for such exemptions; to change the provisions relating to the effective date for zone creations and exemptions from taxation; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA: