

ARTICLE I. INCORPORATION AND POWERS

Section 1.10. Name.

This city and the inhabitants thereof, are hereby reincorporated by the enactment of this charter and are hereby constituted and declared a body politic and corporate under the name of the "City of Mansfield" and by that name shall have perpetual succession.

Section 1.11. Corporate Boundaries.

a. The boundaries of this city 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 city 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 City Clerk and to be designated, as the case may be: "Official Map of the corporate limits of the City of Mansfield, Georgia." Photographic, typed, or other copies of such map or description certified by the Mayor shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

b. The city 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 maps which it is designated to replace.

Section 1.12. Powers and Construction.

a. This city shall have all powers possible for a city 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 city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

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

Section 1.13. Examples of Powers.

a. 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 flow within the corporate limits of the city.

b. Animal Regulations. 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 hereunder.

c. Appropriations and Expenditures. To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this charter 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 city.

d. Building Regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes; and to regulate all housing, and building trades;

e. Business Regulation 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 licenses after due process for failure to pay any city taxes or fees.

- 59 f. Condemnation. To condemn property, inside or outside the corporate limits of the city, for present
60 or future use and for any corporate purpose deemed necessary by the governing authority, utilizing
61 procedures enumerated in Title 22 of the Official Code of Georgia Annotated, or such other applicable
62 laws as are or may hereafter be enacted.
- 63
- 64 g. Contracts. To enter into contracts and agreements with other governmental entities and with
65 private persons, firms and corporations.
- 66
- 67 h. Emergencies. To establish procedures for determining and proclaiming that an emergency
68 situation exists within or without the city, and to make and carry out all reasonable provisions deemed
69 necessary to deal with or meet such an emergency for the protection, safety, health or well-being of
70 the citizens of the city.
- 71
- 72 i. Environmental Protection. To protect and preserve the natural resources, environment and vital
73 areas of the city, the region, and the state through the preservation and improvement of air quality,
74 the restoration and maintenance of water resources, the control of erosion and sedimentation, the
75 management of stormwater and establishment of a stormwater utility, the management of solid and
76 hazardous waste, and other necessary actions for the protection of the environment;
- 77
- 78 l. Fire Regulations. To fix and establish fire limits and from time to time to extend, enlarge or restrict
79 the same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire
80 prevention and detection and to fire fighting; and to prescribe penalties and punishment for violations
81 thereof.
- 82
- 83 j. Garbage Fees. To levy, fix, assess, and collect a garbage, refuse and trash collection and
84 disposal, and other sanitary service charge, tax, or fee for such services as may be necessary in the
85 operation of the city from all individuals, firm, and corporations residing in or doing business therein
86 benefitting from such services; to enforce the payment of such charges, taxes or fees; and to provide
87 for the manner and method of collecting such service charges.
- 88
- 89 k. General Health, Safety and Welfare. To define, regulate and prohibit any act, practice, conduct
90 or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the
91 inhabitants of the city, and to provide for the enforcement of such standards.
- 92
- 93 l. Gifts. To accept or refuse gifts, donations, bequests or grants from any source for any purpose
94 related to powers and duties of the city and the general welfare of its citizens, on such terms and
95 conditions as the donor or granter may impose.
- 96
- 97 m. Health and Sanitation. To prescribe standards of health and sanitation and to provide for the
98 enforcement of such standards.
- 99
- 100 n. Jail Sentences. To provide that persons given jail sentences in the city court may work out such
101 sentences in any public works or on the streets, roads, drains and squares in the city, to provide for
102 commitment of such persons to any jail, or to provide for commitment of such persons to any county
103 work camp or county jail by agreement with the appropriate county officials.
- 104
- 105 o. Motor Vehicles. To regulate the operation of motor vehicles and exercise control over all traffic,
106 including parking upon or across the streets, roads, alleys and walkways of the city.
- 107
- 108 p. Municipal Agencies and Delegation of Power. To create, alter or abolish departments, boards,
109 offices, commissions and agencies of the city, and to confer upon such agencies the necessary and
110 appropriate authority for carrying out all the powers conferred upon or delegated to the same.
- 111
- 112 q. Municipal Debts. To appropriate and borrow money for the payment of debts of the city and to
113 issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized
114 by this charter or the laws of the State of Georgia.
- 115

- 116 r. Municipal Property Ownership. To acquire, dispose of, and hold in trust or otherwise, any real,
117 personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the
118 city.
- 119
- 120 s. Municipal Property Protection. To provide for the preservation and protection of property and
121 equipment of the city, and the administration and use of same by the public; and to prescribe penalties
122 and punishment for violations thereof.
- 123
- 124 t. Municipal Utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public
125 utilities, including but not limited to a system of waterworks, sewers and drains, sewage disposal, gas
126 works, electric light plants, transportation facilities, public airports, and any; other public utility; and to
127 fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties, and to provide for
128 the withdrawal of service for refusal or failure to pay the same; and to authorize the extension of water,
129 sewerage, and electrical distribution systems, and all necessary appurtenances by which said utilities
130 are distributed, inside and outside the corporate limits of the city; and to provide utility services to
131 persons, firms and corporations inside and outside the corporate limits of the city as provided by
132 ordinance.
- 133
- 134 u. Nuisance. To define a nuisance and provide for its abatement whether on public or private
135 property.
- 136
- 137 v. Penalties. To provide penalties for violation of any ordinances adopted pursuant to the authority
138 of this charter and the laws of the State of Georgia.
- 139
- 140 w. Planning and Zoning. To provide comprehensive city planning for development by zoning; and
141 to provide subdivision regulation and the like as the city council deems necessary and reasonable to
142 insure a safe, healthy, and aesthetically pleasing community.
- 143
- 144 x. Police and Fire Protection. To exercise the power of arrest through duly appointed policemen, and
145 to establish, operate, or contract for a police and a fire fighting agency.
- 146
- 147 y. Public Hazards: Removal. To provide for the destruction and removal of any building or other
148 structure which is or may become dangerous or detrimental to the public.
- 149
- 150 z. Public Improvements. To provide for the acquisition, construction, building, operation and
151 maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and
152 market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking
153 facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective,
154 detentional, penal and medical institutions, agencies and facilities; and to provide any other public
155 improvements, inside or outside the corporate limits of the city; and to regulate the use of public
156 improvements; and for such purposes, property may be acquired by condemnation under Title 22 of
157 the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be
158 enacted.
- 159
- 160 aa. Public Peace. To provide for the prevention and punishment of drunkenness, riots, and public
161 disturbances.
- 162
- 163 bb. Public Transportation. To organize and operate such public transportation systems as are
164 deemed beneficial.
- 165
- 166 cc. Public Utilities and Services. To grant franchises or make contracts for public utilities and public
167 services; and to prescribe the rates, fares, regulations and standards and conditions of service
168 applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict
169 with valid regulations of the Public Service Commission.
- 170
- 171 dd. Regulation of Roadside Areas. To prohibit or regulate and control the erection, removal, and
172 maintenance of signs, billboards, trees, shrubs, fences, buildings and any and all other structures or
173 obstructions upon or adjacent to the rights-of-way of streets and roads or within view thereof, within

174 or abutting the corporate limits of the city; and to prescribe penalties and punishment for violation of
175 such ordinances.

176

177 ee. Retirement. To provide and maintain a retirement plan for officers and employees of the city.

178

179 ff. Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of, abandon
180 or close, construct, pave, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
181 walkways within the corporate limits of the city; and to negotiate and execute leases over, through,
182 under or across any city property or the right-of-way of any street, road, alley, and walkway or portion
183 thereof within the corporate limits of the city, for bridges, passageways, or any other purpose or use
184 between buildings on opposite sides of the street and for other bridges, overpasses and underpasses
185 for private use at such location, and to charge a rental therefor in such manner as may be provided
186 by ordinance; and to authorize and control the construction of bridges, overpasses, and underpasses
187 within the corporate limits of the city; and to grant franchises and rights-of-way throughout the streets
188 and roads, and over the bridges and viaducts for the use of public utilities and for private use; and to
189 require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots
190 or lands, and to impose penalties for failure to do so.

191

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

198

199 hh. Solid Waste Disposal. To provide for the collection and disposal of garbage, rubbish and refuse,
200 and to regulate the collection and disposal of garbage, rubbish and refuse by others; and to provide
201 for the separate collection of glass, tin aluminum, cardboard, paper, and other recyclable materials,
202 and to provide for the sale of such items.

203

204 ii. Special Areas of Public Regulation. To regulate or prohibit junk dealers, pawn shops, the
205 manufacture, sale or transportation of intoxicating liquors, and the use and sale of firearms; to regulate
206 the transportation, storage and use of combustible, explosive and inflammable materials, the use of
207 lighting and heating equipment, and any other business or situation which may be dangerous to
208 persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical
209 performances, exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax,
210 regulate or prohibit professional fortune telling, palmistry, adult bookstores, and massage parlors.

211

212 jj. Special Assessments. To levy and provide for the collection of special assessments to cover the
213 costs for any public improvements.

214

215 kk. Taxes: Ad Valorem. To levy and provide for the assessment, valuation, revaluation, and
216 collection of taxes on all property subject to taxation.

217

218 ll. Taxes: Other. To levy and collect such other taxes as may be allowed now or in the future by law.

219

220 mm. Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the number of
221 such vehicles; to require the operators thereof to be licensed; to require public liability insurance on
222 such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such
223 vehicles.

224

225 nn. Urban Redevelopment. To organize and operate an urban redevelopment program.

226

227 oo. Other Powers. To exercise and enjoy all other powers, functions, rights, privileges and immunities
228 necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort,
229 convenience, or general welfare of the city and its inhabitants; and to exercise all implied powers
230 necessary to carry into execution all powers granted in this charter as fully and completely as if such
231 powers were fully stated herein; and to exercise all powers now or in the future authorized to be

232 exercised by other municipal governments under other laws of the State of Georgia; and no listing of
233 particular powers in this charter shall be held to be exclusive of others, nor restrictive of general words
234 and phrases granting powers, but shall be held to be exclusive of others, nor restrictive of general
235 words and phrases granting powers, but shall be held to be in addition to such powers unless
236 expressly prohibited to municipalities under the constitution or applicable laws of the State of Georgia.

237
238 Section 1.14. Exercise of Powers.

239
240 All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or employees
241 shall be carried into execution as provided by this charter. If this charter makes no provision, such
242 shall be carried into execution as provided by ordinance or as provided by pertinent laws of the State
243 of Georgia.

244
245

246 ARTICLE II. GOVERNMENT STRUCTURE

247
248 Section 2.10. City Council Creation; Number; Election.

249
250 The legislative authority of the government of this city, except as otherwise specifically provided in this
251 charter, shall be vested in a city council to be composed of a mayor and five council members. The
252 city council established shall in all respects be a successor to and continuation of the governing
253 authority under prior law. The mayor and council members shall be elected in the manner provided
254 by general law and this charter.

255
256 Section 2.11. City Council Terms and Qualifications for Office.

257
258 The members of the city council shall serve for terms of four years and until their respective
259 successors are elected and qualified. No person shall be eligible to serve as mayor or council member
260 unless he shall have been a resident of the city for 24 months prior to the date of election of the mayor
261 or members of the council; each shall continue to reside therein during that member's period of
262 service and to be registered and qualified to vote in municipal elections of this city.

263
264 Section 2.12. Vacancy; Filling of Vacancies; Suspensions.

265
266 a. Vacancies. The office of mayor or council member shall become vacant upon the occurrence of
267 the incumbent's death, resignation, forfeiture of office, or occurrence of any event specified by the
268 Constitution of the State of Georgia, Title 45 of the Official Code of Georgia Annotated, or such other
269 applicable laws as are or may hereafter be enacted.

270
271 b. Filing of Vacancies. A vacancy in the office of mayor or council member shall be filled for the
272 remainder of the unexpired term, if any, by appointment if less than 12 months remains in the
273 unexpired term, otherwise by an election, as provided for in Section 5.14 of this charter and in
274 accordance with Titles 21 and 45 of the Official Code of Georgia Annotated, or other such laws as are
275 or may hereafter be enacted

276
277 c. Upon the suspension from office of mayor or councilmember in any manner authorized by the
278 general laws of the State of Georgia, the city council or those remaining shall appoint a successor for
279 the duration of the suspension. If the suspension becomes permanent, then the office shall become
280 vacant and shall be filled as provided in Section 2.12.b of this section.

281
282 Section 2.13. Compensation and Expenses.

283
284 The mayor and council members shall receive compensation and expenses for their services as
285 provided by ordinance.

286
287 Section 2.14. Conflicts of Interest; Holding Other Offices.

288
289 a. Elected and appointed officers of the city are trustees and servants of the residents of the city and
290 shall act in a fiduciary capacity for the benefit of such residents.

291
292 b. Conflict of Interest - No elected official, appointed officer, or employee of the city of any agency or
293 political entity to which this charter applies shall knowingly:

294
295 1. Engage in any business or transaction, or have a financial or other personal interest, direct
296 or indirect, which is incompatible with the proper discharge of his official duties or which would
297 tend to impair the independence of his judgment or action in the performance of his official
298 duties;

299
300 2. Engage in or accept private employment, or render services for private interests when such
301 employment or service is incompatible with the proper discharge of his official duties or would
302 tend to impair the independence of his judgment or action in the performance of his official
303 duties;

304 3. Disclose confidential information, including information obtained at meetings which are
305 closed pursuant to Title 50, Chapter 14 of the Official Code of Georgia Annotated, concerning
306 the property, government, or affairs of the governmental body by which the official is engaged
307 without proper legal authorization; or use such information to advance the financial or other
308 private interest of himself or others;

309
310 4. Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any
311 person, firm or corporation which the official's knowledge is interested, directly or indirectly, in
312 any manner whatsoever, in business dealings with the governmental body by which the official
313 is engaged; provided, however, that an elected official who is a candidate for public office may
314 accept campaign contributions and services in connection with any such campaign;

315
316 5. Represent other private interests in any action or proceeding against this city or any portion
317 of its government; and

318
319 6. Vote or otherwise participate in the negotiation or in the making of any contract with any
320 business or entity in which the official has financial interest.

321
322 c. Disclosure. Any elected official, appointed officer, or employee who shall have any private
323 financial interest, directly or indirectly, in any contract or matter pending before or within any
324 department of the city shall disclose such private interest to the city council. The mayor or any council
325 member who has a private interest in the matter pending before the city council shall disclose such
326 private interest and such disclosure shall be entered on the records of the city council, and the official
327 shall disqualify himself/herself from participating in any decision or vote relating thereto. Any elected
328 official, appointed officer, or employee of any agency or political entity to which this charter applies
329 who shall have any private financial interest, directly or indirectly, in any contract or matter pending
330 before or within such entity shall disclose such private interest to the governing body of such agency
331 or entity.

332
333 d. Use of Public Property. No elected official, appointed officer, or employee of the city or any
334 agency or entity to which this charter applies shall use property owned by such governmental entity
335 for personal benefit, convenience, or profit except in accordance with policies promulgated by the city
336 council or the governing body of such agency or entity.

337
338 e. Contracts Voidable and Rescindable. Any violation of this section which occurs with the
339 knowledge, express or implied, of a party to a contract or sale shall render said contract or sale
340 voidable at the option of the city council.

341
342 f. Ineligibility of Elected Official. Except where authorized by law, neither the mayor nor any council
343 member shall hold any other elective or compensated appointive office in the city or otherwise be
344 employed by said government or any agency thereof during the term for which the official was elected.

345
346 g. Political Activities of Certain Officers and Employees. No appointive officer and no employee of
347 the city shall continue in such employment upon qualifying as a candidate for nomination or election
348 to any public office.

349
350 h. Penalties for Violation.

351
352 1. Any city officer or employee who knowingly conceals such financial interest or knowingly
353 violates any of the requirements of this section shall be guilty of malfeasance in office or position
354 and shall be deemed to have forfeited his office or position.

355
356 2. Any officer or employee of the city who shall forfeit an office or position as described in
357 paragraph (1) above, shall be ineligible for appointment or election to or employment in a
358 position in the city government for a period of three years thereafter.

359
360 Section 2.15. Inquiries and Investigations.
361

362 Following the adoption of an authorizing resolution, the city council may make inquiries and
363 investigations into the affairs of the city and the conduct of any department, office or agency thereof,
364 and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the
365 production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise
366 of these powers by the city council shall be punished as provided by ordinance.

367
368 Section 2.16. General Power and Authority of the City Council.

369
370 Except as otherwise provided by the charter, the city council shall be vested with all the powers of
371 government of this city.

372
373 Section 2.17. Eminent Domain.

374
375 The city council is hereby empowered to acquire, construct, operate and maintain public ways, parks,
376 public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains,
377 sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals, and charitable,
378 educational, recreational, sport, curative, corrective, detentional, penal and medical institutions,
379 agencies and facilities, and any other public improvements inside or outside the city, and to regulate
380 the use thereof, and for such purposes, property may be condemned under procedures established
381 under general law applicable now or as provided in the future.

382
383 Section 2.18. Organizational Meeting.

384
385 The city council shall hold an organizational meeting following the adjournment of the regular council
386 meeting in December following an election. The meeting shall be called to order by the city clerk and
387 the oath of office shall be administered to the newly elected members as follows:

388 "I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor) (council
389 member) of this city and that I will support and defend the charter thereof as well as the
390 constitution and laws of the State of Georgia and of the United States of America."

391
392 Newly elected members term shall not begin until January 1 following the organizational meeting
393 and they shall hold office until the thirty-first day of December of the year in which their successors
394 are elected.

395
396 Section 2.19. Regular and Special Meetings.

397
398 a. The city council shall hold regular meetings at such times and places as prescribed by ordinance.

399
400 b. Special meetings of the city council may be held on call of the mayor or three members of the city
401 council. Notice of such special meetings shall be served on all other members personally, or by
402 telephone personally, at least 48 hours in advance of the meeting. Such notice to council members
403 shall not be required if the mayor and all council members are present when the special meeting is
404 called. Such notice of any special meeting may be waived by a council member in writing before or
405 after such a meeting, and attendance at the meeting shall also constitute a waiver of notice on any
406 business transacted in such council member's presence. Only the business stated in the call may
407 be transacted at the special meeting.

408
409 c. All meetings of the city council shall be public to the extent required by law and notice to the public
410 of special meetings shall be made fully as is reasonably possible as provided by section 50-14-1 of
411 the Official Code of Georgia Annotated, or other such applicable laws as are or may hereafter be
412 enacted.

413
414 Section 2.20. Rules of Procedure.

415
416 a. The city council shall adopt its rules of procedure and order of business consistent with the
417 provisions of this charter and shall provide for keeping a journal of its proceedings, which shall be a
418 public record.

419

420 b. All committees and committee chairmen and officers of the city council shall be appointed by the
421 mayor, with the advice and consent of the council, and shall serve at his/her pleasure. The mayor
422 shall have the power to appoint new members to any committee at any time, with the advice and
423 consent of the council.

424
425 Section 2.21. Quorum: Voting.

426
427 a. Three council members shall constitute a quorum and shall be authorized to transact business
428 of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be
429 recorded in the journal, but any member of the city council shall have the right to request a roll call
430 vote and such vote shall be recorded in the journal. Except as otherwise provided in this charter, the
431 affirmative vote of a majority of council members present shall be required for the adoption of any
432 ordinance, resolution, or motion. An abstention shall be counted as a negative vote.

433
434 b. No member of the city council shall abstain from voting on any matter properly brought before
435 the council for official action except when such councilmember has a conflict of interest which is
436 disclosed in writing prior to or at the meeting and made a part of the minutes. Any member of the city
437 council present and eligible to vote on a matter and refusing to do so for any reason other than a
438 properly disclosed and recorded conflict of interest shall be deemed to have acquiesced or
439 concurred with the members of the majority who did vote on the question involved.

440
441 Section 2.22. Ordinance Form; Procedures.

442
443 a. Every proposed ordinance should be introduced in writing and in the form required for final
444 adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting
445 clause shall be "The Council of the City of Mansfield hereby ordains . . ." and every ordinance shall
446 so begin.

447
448 b. An ordinance may be introduced by any council member and be read at a regular or special
449 meeting of the city council. Ordinances shall be considered and adopted or rejected by the city
450 council in accordance with the rules which it shall establish. Upon introduction of any ordinance, the
451 clerk shall as soon as possible distribute a copy to the mayor and to each council member and shall
452 file a reasonable number of copies in the office of the clerk and at such other public places as the city
453 council may designate.

454
455 Section 2.23. Action Requiring An Ordinance.

456
457 Acts of the city council which have the force and effect of law shall be enacted by ordinance.

458
459 Section 2.24. Emergencies.

460
461 a. To meet a public emergency affecting life, health, property or public peace, the city council may
462 convene on call of the mayor or three council members and promptly adopt an emergency ordinance,
463 but such ordinance may not levy taxes; grant, renew or extend a franchise; regulate the rate charged
464 by any public utility for its services; or authorize the borrowing of money except for loans to be repaid
465 within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances
466 generally, except that it shall be plainly designated as an emergency ordinance and shall contain,
467 after the enacting clause, a declaration stating that an emergency exists, and describing the
468 emergency in clear and specific terms. An emergency ordinance may be adopted, with or without
469 amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least
470 three council members shall be required for adoption. It shall become effective upon adoption or at
471 such later time as it may specify. Every emergency ordinance shall automatically stand repealed 30
472 days following the date upon which it was adopted, but this shall not prevent reenactment of the
473 ordinance in the manner specified in this section if the emergency still exists. An emergency
474 ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified
475 in this section for adoption of emergency ordinances.

477 b. Such meetings shall be open to the public to the extent required by law and notice to the public of
478 emergency meetings shall be made as fully as is reasonably possible in accordance with section 50-
479 14-1 of Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter
480 be enacted.
481

482
483 Section 2.25. Codes of Technical Regulations.
484

485 a. The city council may adopt any standard code of technical regulations by reference thereto in an
486 adopting ordinance. The procedure and requirements governing such adopting ordinance shall be
487 as prescribed for ordinances generally except that: (1) the requirements of Section 2.22(b) for
488 distribution and filing of copies of the ordinance shall be construed to include copies of any code of
489 technical regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of
490 technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the
491 clerk pursuant to Section 2.26.
492

493 b. Copies of any adopted code of technical regulations shall be made available by the clerk for
494 inspection by the public.
495

496 Section 2.26. Signing; Authenticating; Recording; Codification; Printing.
497

498 a. The clerk shall authenticate by the clerk's signature and record in full in a properly indexed book
499 kept for that purpose, all ordinances adopted by the council.
500

501 b. The city council shall provide for the preparation of a general codification of all the ordinances of
502 the city having the force and effect of law. The general codification shall be adopted by the city
503 council by ordinance and shall be published promptly, together with all amendments thereto and such
504 codes of technical regulations and other rules and regulations as the city council may specify. This
505 compilation shall be known and cited officially as "The Code of the City of Mansfield, Georgia."
506 Copies of the code shall be furnished to all officers, departments and agencies of the city, and made
507 available for purchase by the public at a reasonable price as fixed by the city council.
508

509 c. The city council shall cause each ordinance and each amendment to this charter to be printed
510 promptly following its adoption, and the printed ordinances and charter amendments shall be made
511 available for purchase by the public at reasonable prices to be fixed by the city council. Following
512 publication of the first code under this charter and at all times thereafter, the ordinances and charter
513 amendments shall be printed in substantially the same style as the code currently in effect and shall
514 be suitable in form for incorporation therein. The city council shall make such further arrangements
515 as deemed desirable with the reproduction and distribution of any current changes in or additions to
516 codes of technical regulations and other rules and regulations included in the code.
517

518 Section 2.27. Election of Mayor; Forfeiture; Compensation.
519

520 The mayor shall be elected and serve for a term of four years and until his/her successor is elected
521 and qualified. The mayor shall be a qualified elector of this city and shall have been a resident of the
522 city for 24 months immediately preceding his/her election. The mayor shall continue to reside in this
523 city during the period of his/her service. The mayor shall forfeit his/her office on the same grounds
524 and under the same procedure as for council members. The compensation of the mayor shall be
525 established in the same manner as for council members.
526

527
528 Section 2.28. Chief Executive Officer.
529

530 The mayor shall be the executive of this city. The Mayor shall possess all of the executive and
531 administrative power granted to the city under the constitution and laws of the State of Georgia, and
532 all the executive and administrative powers contained in this charter.
533

534 Section 2.29. Powers and Duties of Mayor.

535 As the chief executive of this city, the mayor shall:

536

537 a. See that all laws and ordinances of the city are faithfully executed;

538

539 b. Appoint and remove, for cause, with confirmation of appointment or removal by the council, all
540 officers, department heads, and employees for the city except as otherwise provided in this charter;

541

542 c. Exercise supervision over all executive and administrative work of the city and provide for the
543 coordination of administrative activities;

544

545 d. Prepare and submit to the council a recommended annual operating budget and recommended
546 capital budget;

547

548 e. Submit to the council at least once a year a statement covering the financial conditions of the city
549 and from time to time such other information as the city council may request;

550

551 f. Preside over all meetings of the city council;

552

553 g. Call special meetings of the city council as provided for in Section 2.19;

554

555 h. Participate in the discussion of all matters brought before the city council and vote on such matters
556 only in the case of a tie vote;

557

558 i. Recommend to the city council such measures relative to the affairs of the city improvement of the
559 government, and promotion of the welfare of its inhabitants as he may deem expedient;

560

561 j. Approve or disapprove ordinances as provided in Section 2.31;

562

563 k. Require any department or agency of the city to submit written reports whenever he/she deems
564 it expedient;

565

566 l. Sign as a matter of course all written contracts, ordinances, and other instruments executed by the
567 city which by law are required to be in writing; and

568

569 m. Perform such other duties as may be required by general state law, this charter, or ordinance.

570

571

572 Section 2.31. Submission of Ordinances to the Mayor; Veto Power.

573

574 a. Every ordinance adopted by the city council shall be presented by the City Clerk to the Mayor
575 within three days after its adoption.

576

577 b. The mayor shall, within ten (10) calendar days of receipt of an ordinance, return it to the clerk with
578 or without the his/her approval, or with his/her disapproval. If the ordinance has been approved by
579 the mayor, it shall become law upon its return to the clerk; if the ordinance is neither approved nor
580 disapproved, it shall become law at twelve o'clock noon on the tenth calendar day after its adoption;
581 if the ordinance is disapproved, the mayor shall submit to the city council through the clerk a written
582 statement of his reasons for his/her veto. The clerk shall record upon the ordinance the date of its
583 delivery to and receipt from the mayor.

584

585 c. Ordinances vetoed by the mayor shall be presented by the clerk to the city council at its next
586 meeting. If the city council then or at its next general meeting adopts the ordinance by an affirmative
587 vote of the entire council members, it shall become law.

588

589 d. The mayor may disapprove or reduce any item or items of appropriation in any ordinance. The
590 approved part or parts of any ordinance making appropriations shall become law, and the part or
591 parts disapproved shall not become law unless subsequently passed by the city council over the
592 mayor's veto as provided herein. The reduced part or parts shall be presented to the city council as

593 though disapproved and shall become law unless overridden by the council as provided in subsection
594 c. above.

595
596 Section 2.32. Mayor Pro Tem; Selection; Duties.
597

598 By a majority vote, the city council shall elect a council member to serve as mayor pro tem. The
599 mayor pro tem shall preside at all meetings of the city council and shall assume the duties and
600 powers of the mayor upon mayor's disability or absence. The city council by a majority vote shall
601 elect a new presiding officer from among its members for any period in which the mayor pro tem is
602 disabled, absent or acting as mayor. Any such absence or disability shall be declared by majority
603 vote of all council members. When serving as mayor, the mayor pro tem shall not also vote as a
604 member of the council.

605 ARTICLE III. ADMINISTRATIVE AFFAIRS

606
607 Section 3.10. Administrative and Service Departments.
608

609 a. Except as otherwise provided in this charter, the city council, by ordinance, shall prescribe the
610 functions or duties, and establish, abolish or alter all nonelective offices, positions of employment,
611 departments, and agencies of the city, as necessary for the proper administration of the affairs and
612 government of this city.
613

614 b. Except as otherwise provided by this charter or by law, the directors of departments and other
615 appointed officers of the city shall be appointed solely on the basis of their respective administrative
616 and professional qualifications.
617

618 c. All appointive officers and directors of departments shall receive such compensation as
619 prescribed by ordinance.
620

621 d. There shall be a director of each department or agency who shall be its principal officer. Each
622 director shall, subject to the direction and supervision of the mayor, be responsible for the
623 administration and direction of the affairs and operations of his department or agency.
624

625 e. All appointive officers and directors under the supervision of the mayor shall be nominated by the
626 mayor with confirmation of appointment by the city council. All appointive officers and directors shall
627 be employees at-will and subject to removal or suspension at any time by the mayor unless otherwise
628 provided by law.
629

630 Section 3.11. Boards, Commissions and Authorities.
631

632 a. The city council shall create by ordinance such boards, commissions and authorities to fulfill any
633 investigative, quasi-judicial or quasi-legislative function the city council deems necessary, and shall
634 by ordinance establish the composition, period of existence, duties and powers thereof.
635

636 b. All members of boards, commissions and authorities of the city shall be appointed by the city
637 council for such terms of office and in such manner as shall be provided by ordinance, except where
638 other appointing authority, terms of office, or manner of appointment is prescribed by this charter or
639 by law.
640

641 c. The city council, by ordinance, may provide for the compensation and reimbursement for actual
642 and necessary expenses of the members of any board, commission or authority.
643

644 d. Except as otherwise provided by charter or by law, no member of any board, commission or
645 authority shall hold any elective office in the city.
646

647 e. Any vacancy on a board, commission or authority of the city shall be filled for the unexpired term
648 in the manner prescribed herein for original appointment, except as otherwise provided by this charter
649 or by law.
650

651 f. No member of a board, commission or authority shall assume office until he/she has executed and
652 filed with the clerk of the city an oath obligating himself to faithfully and impartially perform the duties
653 of his office, such oath to be prescribed by ordinance and administered by the mayor.
654

655 g. All board members serve at-will and may be removed at any time by a vote of three members of
656 the city council unless otherwise provided by law.
657

658 h. Except as otherwise provided by this charter or by law, each board, commission or authority of
659 the city shall elect one of its members as chairman and one member as vice-chairman, and may elect
660 as its secretary one of its own members or may appoint as secretary an employee of the city. Each
661 board, commission or authority of the city government may establish bylaws, rules and regulations,
662 not inconsistent with this charter, ordinances of the city, 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 city.

Section 3.12. City Attorney.

The city council shall appoint a city attorney who shall be a member of the State Bar of Georgia and shall provide for the payment of such attorney for services rendered to the city. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party; may be prosecuting officer in the municipal court; shall attend the meetings of the council as directed; shall advise the city council, mayor, and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required of him/her by virtue of his/her position as city attorney.

The city attorney is not a public official of the city and does not take an oath of office. The city attorney shall at all times be an independent contractor.

Section 3.13. City Clerk.

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

Section 3.14 City Treasurer

The city council shall appoint and City Treasurer, who shall not be a council member, who shall collect all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of this charter and the ordinances of the city and to enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes to the city. The city treasurer shall also be responsible for the general duties of a treasurer and fiscal officer.

Section 3.15. Personnel Policies.

All employees serve at-will and may be removed from office at any time unless otherwise provided by ordinance.

The city council shall adopt policies or ordinances to provide for:

- a. the method of employee selection, promotion and transfer;
- b. hours of work, vacation, sick leave, and other leaves of absence, and overtime pay; and
- c. other personnel policies.

705 ARTICLE IV. JUDICIAL BRANCH

706
707 Section 4.10. Creation; Name.

708
709 There shall be a court to be known as the Municipal Court of the City of Mansfield.

710
711 Section 4.11. Chief Judge; Associate Judge.

712
713 a. The municipal court shall be presided over by a chief judge and such part-time, full-time, or
714 stand-by judges as shall be provided by ordinance.

715
716 b. No person shall be qualified or eligible to serve as a judge on the municipal court unless he shall
717 have attained the age of 21 years, shall be an active member in good standing of the State Bar of
718 Georgia and shall possess all qualifications required by law. All judges shall be appointed by the city
719 council and shall serve until a successor is appointed and qualified.

720
721 c. Compensation of the judges shall be fixed by ordinance.

722
723 d. Judges serve at-will and may be removed from office at any time by the city council unless
724 otherwise provided by ordinance.

725
726 e. Before assuming office, each judge shall take an oath, given by the mayor, that he/she will
727 honestly and faithfully discharge the duties of his/her office to the best of his/her ability and without
728 fear, favor or partiality. The oath shall be entered upon the minutes of the city council journal required
729 in Section 2.20.

730
731 Section 4.12. Convening.

732
733 The municipal court shall be convened at regular intervals as provided by ordinance.

734
735 Section 4.13. Jurisdiction; Powers.

736
737 a. The municipal court shall try and punish violations of this charter, all city ordinances, and such
738 other violations as provided by law.

739
740 b. The municipal court shall have authority to punish those in its presence for contempt, provided
741 that such punishment shall not exceed two hundred dollars (\$200.00) or ten (10) days in jail.

742
743 c. The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine
744 of \$1,000.00 dollars or imprisonment for ninety days or both such fine and imprisonment or may fix
745 punishment by fine, imprisonment or alternative sentencing as now, or hereafter provided by law.

746
747 d. The municipal court shall have authority to establish a schedule of fees to defray the cost of
748 operation, and shall be entitled to reimbursement of the cost of meals, transportation, and care taking
749 of prisoners bound over to superior courts for violations of state law.

750
751 e. The municipal court shall have authority to establish bail and recognizances to ensure the
752 presence of those charged with violations before said court, and shall have discretionary authority
753 to accept cash or personal or real property as surety for the appearance of persons charged with
754 violations. Whenever any person shall give bail for his appearance and shall fail to appear at the time
755 fixed for trial, his bond shall be forfeited by the judge presiding at such time, and an execution issued
756 thereon by serving the defendant and his sureties with a rule nisi, at least two (2) days before a
757 hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for
758 the appearance of a defendant at trial, and if such defendant fails to appear at the time and place
759 fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the
760 property so deposited shall have a lien against it for the value forfeited which lien shall be enforceable
761 in the same manner and to the same extent as a lien for city property taxes.

763 f. The municipal court shall have the same authority as superior courts to compel the production of
764 evidence in the possession of any party; to enforce obedience to its orders, judgments and
765 sentences; and to administer such oaths as are necessary.
766

767 g. The municipal court may compel the presence of all parties necessary to a proper disposal of
768 each case by the issuance of summonses, subpoenas, and warrants which may be served as
769 executed by any officer as authorized by this charter or by law.
770

771 h. Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons
772 charged with offenses against any ordinance of the city, and each judge of the municipal court shall
773 have the same authority as a magistrate of the state to issue warrants for offenses against state laws
774 committed within the city.
775

776 Section 4.14. Certiorari.

777

778 The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal
779 cases and ordinance violations cases, and such certiorari shall be obtained under the sanction of a
780 judge of the Superior Court of Newton County under the laws of the State of Georgia regulating the
781 granting and issuance of writs of certiorari.
782

783 Section 4.15. Rules for Court.

784

785 With the approval of the city council, the judge shall have full power and authority to make reasonable
786 rules and regulations necessary and proper to secure the efficient and successful administration of
787 the municipal court; provided, however, that the city council may adopt in part or in toto the rules and
788 regulations applicable to municipal courts. The rules and regulations made or adopted shall be filed
789 with the city clerk, shall be available for public inspection, and, upon request, a copy shall be
790 furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.
791

792 ARTICLE V. ELECTIONS AND REMOVAL

793
794 Section 5.10. Applicability of General Law.

795
796 All primaries and elections shall be held and conducted in accordance with the Georgia Municipal
797 Election Code (Title 21, Chapter 3 of the Official Code of Georgia Annotated) as now or hereafter
798 amended.

799
800 Section 5.12 Election Districts

801
802 The City of Mansfield shall consist of one election district with five numbered posts. Each person
803 seeking election as a council member shall designate the post for which he/she seeks election.

804
805 Section 5.11. Election of the Mayor and City Council.

806
807 a. There shall be a municipal general election biennially in the odd years on the Tuesday next
808 following the first Monday in November.

809
810 b. There shall be elected the mayor and councilmembers for posts 1 and 2 at one biennial election
811 and councilmembers for posts 3, 4, and 5 at the next biennial election. The purpose of this section
812 is to provide a rotation system for the office of mayor and councilmembers so that a continuing body
813 is created. Terms shall be for four years and shall commence on January 1 following the November
814 election.

815
816 Section 5.12. Non-Partisan Elections.

817
818 Political parties shall not conduct primaries for city offices and all names of candidates for city offices
819 shall be listed without party designations.

820
821 Section 5.13. Election by Plurality.

822
823 The person receiving a plurality of the votes cast for any city office shall be elected. In the event of
824 a tie, a run-off election shall be held and the candidate who receives the highest number of votes cast
825 in the run-off election shall be elected.

826
827 Section 5.14. Special Elections; Vacancies.

828
829 In the event that the office of mayor or councilmember shall become vacant as provided in Section
830 2.12 of this charter, the city council or those remaining shall order a special election to fill the balance
831 of the unexpired term of such official; provided, however, if such vacancy occurs within 12 months
832 of the expiration of the term of that office, the city council or those remaining shall appoint a
833 successor for the remainder of the term. In all other respects, the special election shall be held and
834 conducted in accordance with the Georgia Municipal Election Code, Chapter 3 of Title 21 of the
835 Official Code of Georgia Annotated, as now or hereafter amended.

836
837 Section 5.15. Other Provisions.

838
839 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules
840 and regulations it deems appropriate to fulfill any options and duties under the Georgia Municipal
841 Election Code.

842
843 Section 5.16. Removal of Officers.

844
845 a. The mayor, councilmembers, or other appointed officers provided for in this charter shall be
846 removed from office for any one or more of the causes provided in Title 45 of the Official Code of
847 Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

848

849 b. Removal of an officer pursuant to subsection (a) of this section shall be accomplished one of the
850 following methods:

851
852 1. By a vote of three councilmembers after an investigative hearing. In the event an elected
853 officer is sought to be removed by the action of the city council, such officer shall be entitled to
854 a written notice specifying the ground or grounds for removal and to a public hearing which shall
855 be held not less than ten days after the service of such written notice. Any elected officer
856 sought to be removed from office as herein provided shall have the right of appeal from the
857 decision of the city council to the Superior Court of Newton County. Such appeal shall be
858 governed by the same rules as govern appeals to the superior court from the probate court.

859
860 2. By an order of the Superior Court of Newton County following a hearing on a complaint
861 seeking such removal brought by any resident of the City of Mansfield.

862
863

864 ARTICLE VI. FINANCE

865
866 Section 6.10. Property Tax.

867
868 The city council may assess, levy and collect an ad valorem tax on all real and personal property
869 within the corporate limits of the city that is subject to such taxation by the state and county. This tax
870 is for the purpose of raising revenues to defray the costs of operating the city government, of
871 providing governmental services, for the repayment of principal and interest on general obligations,
872 and for any other public purpose as determined by the city council in its discretion.

873
874 Section 6.11. Millage Rate; Due Dates; Payment Methods.

875
876 The city council, by ordinance, shall establish a millage rate for the city property tax, a due date, and
877 the time period within which these taxes must be paid. The city council, by ordinance, may provide
878 for the payment of these taxes by installments or in one lump sum, as well as authorize the voluntary
879 payment of taxes prior to the time when due.

880
881 Section 6.12. Occupation and Business Taxes.

882
883 The city council by ordinance shall have the power to levy such occupation or business taxes as are
884 not denied by law. The city council may classify businesses, occupations, professions or callings for
885 the purpose of such taxation in any way which may be lawful and may compel the payment of such
886 taxes as provided in Section 6.18.

887
888 Section 6.13. Regulatory Fees; Permits.

889
890 The city council by ordinance shall have the power to require businesses or practitioners doing
891 business within this city to obtain a permit for such activity from the city and pay a reasonable
892 regulatory fee for such permit as provided by general law. Such fees shall reflect the total cost to the
893 city of regulating the activity, and if unpaid, shall be collected as provided in Section 6.18.

894
895 Section 6.14. Franchises.

896
897 a. The city council shall have the power to grant franchises for the use of this city's streets and alleys
898 for the purposes of railroads, street railways, telephone companies, electric companies, cable
899 television, gas companies, transportation companies and other similar organizations. The city council
900 shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the
901 consideration for such franchises; provided, however, no franchise shall be granted unless the city
902 receives just and adequate compensation therefor. The city council shall provide for the registration
903 of all franchises with the city clerk in a registration book kept by him. The city council may provide
904 by ordinance for the registration within a reasonable time of all franchises previously granted.

905
906 b. If no franchise agreement is in effect, the city council has the authority to impose a tax on gross
907 receipts from the use of this city's streets and alleys for the purposes of railroads, street railways,
908 telephone companies, electric companies, electric membership corporations, cable television and
909 other telecommunications companies, gas companies, transportation companies and other similar
910 organizations.

911
912 Section 6.15. Service Charges.

913
914 The city council by ordinance shall have the power to assess and collect fees, charges, and tolls for
915 sewers, sanitary and health services, or any other services provided or made available within and
916 without the corporate limits of the city for the total cost to the city of providing or making available
917 such services. If unpaid, such charges shall be collected as provided in Section 6.18.

918
919 Section 6.16. Special Assessments.

921 The city council by ordinance shall have the power to assess and collect the cost of constructing,
922 reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or
923 other utility mains and appurtenances from the abutting property owners under such terms and
924 conditions as are reasonable. If unpaid, such charges shall be collected as provided in Section 6.18.
925

926 Section 6.17. Construction; Other Taxes.
927

928 This city shall be empowered to levy any other tax allowed now or hereafter by law, and the specific
929 mention of any right, power or authority in this article shall not be construed as limiting in any way the
930 general powers of this city to govern its local affairs.
931

932 Section 6.18. Collection of Delinquent Taxes and Fees.
933

934 The city council, by ordinance, may provide generally for the collection of delinquent taxes, fees, or
935 other revenue due the city under Sections 6.10 through 6.17 by whatever reasonable means as are
936 not precluded by law. This shall include providing for the dates when the taxes or fees are due; late
937 penalties or interest; issuance and execution of fi.fa.'s; creation and priority of liens; making
938 delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed;
939 revoking city licenses for failure to pay any city taxes or fees; and providing for the assignment or
940 transfer of tax executions.
941

942 Section 6.19. General Obligation Bonds.
943

944 The city council shall have the power to issue bonds for the purpose of raising revenue to carry out
945 any project, program or venture authorized under this charter or the laws of the state. Such bonding
946 authority shall be exercised in accordance with the laws governing bond issuance by municipalities
947 in effect at the time said issue is undertaken.
948

949 Section 6.20. Revenue Bonds.
950

951 Revenue bonds may be issued by the city council as state law now or hereafter provides. Such
952 bonds are to be paid out of any revenue produced by the project, program or venture for which they
953 were issued.
954

955 Section 6.21. Short-Term Loans.
956

957 The city may obtain short-term loans and must repay such loans not later than December 31 of each
958 year, unless otherwise provided by law.
959

960 Section 6.22. Lease-Purchase Contracts
961

962 The city may enter into multi year lease, purchase or lease purchase contracts for the acquisition of
963 goods, materials, real and personal property, services, and supplies provided the contract terminates
964 without further obligation on the part of the municipality at the close of the calendar year in which it
965 was executed and at the close of each succeeding calendar year for which it may be renewed.
966 Contracts must be executed in accordance with the requirements of section 36-60-13 of the Official
967 Code of Georgia Annotated, or other such applicable laws as are or may hereafter be enacted.
968

969 Section 6.23. Fiscal Year.
970

971 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year
972 and the year for financial accounting and reporting of each and every office, department, agency and
973 activity of the city government.
974

975 Section 6.24. Preparation of Budgets.
976

977 The city council shall provide an ordinance on the procedures and requirements for the preparation
978 and execution of an annual operating budget, a capital improvement program and a capital budget,
979 including requirements as to the scope, content and form of such budgets and programs.
980

981 Section 6.25. Submission of Operating Budget to City Council.
982

983 On or before a date fixed by the city council but not later than sixty days prior to the beginning of each
984 fiscal year, the mayor shall submit to the city council a proposed operating budget for the ensuing
985 fiscal year. The budget shall be accompanied by a message from the mayor containing a statement
986 of the general fiscal policies of the city, the important features of the budget, explanations of major
987 changes recommended for the next fiscal year, a general summary of the budget, and such other
988 comments and information as he may deem pertinent. The operating budget and the capital
989 improvements budget hereinafter provided for, the budget message, and all supporting documents
990 shall be filed in the office of the city clerk and shall be open to public inspection.
991

992 Section 6.25. Action by City Council on Budget.
993

994 a. The city council may amend the operating budget proposed by the mayor, except, that the budget
995 as finally amended and adopted must provide for all expenditures required by state law or by other
996 provisions of this charter and for all debt service requirements for the ensuing fiscal year, and the
997 total appropriations from any fund shall not exceed the estimated fund balance, reserves, and
998 revenues.
999

1000 b. The city council by ordinance shall adopt the final operating budget for the ensuing fiscal year not
1001 later than December of each year. If the city council fails to adopt the budget by this date, the
1002 amounts appropriated for operation for the current fiscal year shall be deemed adopted for the
1003 ensuing fiscal year on a month-to-month basis, with all items prorated accordingly until such time as
1004 the city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the
1005 form of an appropriations ordinance setting out the estimated revenues in detail by sources and
1006 making appropriations according to fund and by organizational unit, purpose, or activity as set out in
1007 the budget preparation ordinance adopted pursuant to Section 6.24.
1008

1009 c. The amount set out in the adopted operating budget for each organizational unit shall constitute
1010 the annual appropriation for such, and no expenditure shall be made or encumbrance created in
1011 excess of the otherwise encumbered balance of the appropriates or allotment thereof, to which it is
1012 chargeable.
1013

1014 Section 6.27. Tax Levies.
1015

1016 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates set
1017 by such ordinance shall be such that reasonable estimates of revenues from such levy shall at least
1018 be sufficient, together with other anticipated revenues, fund balances and applicable reserves, to
1019 equal the total amount appropriate for each of the several funds set forth in the annual operating
1020 budget for defraying the expenses of the general government of this city.
1021

1022 Section 6.28. Changes in Appropriations.
1023

1024 The city council by ordinance may make changes in the appropriations contained in the current
1025 operating budget, at any regular meeting, special or emergency meeting called for such purpose, but
1026 any additional appropriations may be made only from an existing unexpended surplus.
1027

1028 Section 6.29. Capital Improvements Budget.
1029

1030 a. On or before the date fixed by the city council but no later than sixty days prior to the beginning
1031 of each fiscal year, the mayor shall submit to the city council a proposed capital improvements budget
1032 with his/her recommendations as to the means of financing the improvements proposed for the
1033 ensuing fiscal year. The city council shall have power to accept, with or without amendments, or reject
1034 the proposed program and proposed means of financing. The city council shall not authorize an

1035 expenditure for the constructing of any building, structure, work or improvement, unless the
1036 appropriations for such project are included in the capital improvements budget, except to meet a
1037 public emergency as provided in Section 2.24.
1038

1039 b. The city council shall adopt by ordinance the final capital improvements budget for the ensuing
1040 fiscal year not later than December of each year. No appropriation provided for in a prior capital
1041 improvement budget shall lapse until the purpose for which the appropriation was made shall have
1042 been accomplished or abandoned; provided, however, the mayor may submit amendments to the
1043 capital improvements budget at any time during the fiscal year, accompanied by his/her
1044 recommendations. Any such amendments to the capital improvements budget shall become effective
1045 only upon adoption by ordinance.
1046

1047 Section 6.30. Independent Audit.
1048

1049 There shall be an annual independent audit of all city accounts, funds and financial transactions by
1050 a certified public accountant selected by the city council. The audit shall be conducted according to
1051 generally accepted accounting principles. Any audit of any funds by the state or federal governments
1052 may be accepted as satisfying the requirements of this charter. Copies of all audit reports shall be
1053 available at printing costs to the public.
1054

1055 Section 6.31. Contracting Procedures.
1056

1057 No contract with the city shall be binding on the city unless:
1058

1059 a. it is in writing;
1060

1061 b. it is drawn by or submitted and reviewed by the city attorney, and as a matter of course, it is
1062 signed by him/her to indicate such drafting or review; and
1063

1064 c. it is made or authorized by the city council and such approval is entered in the city journal of
1065 proceedings pursuant to Section 2.21.
1066

1067 Section 6.32. Centralized Purchasing.
1068

1069 The city council shall by ordinance prescribe procedures for a system of centralized purchasing for
1070 the city.
1071

1072 Section 6.33. Sale of City Property.
1073

1074 a. The city council may sell and convey any real or personal property owned or held by the city for
1075 governmental or other purposes as now or hereafter provided by law.
1076

1077 b. The city council may quitclaim any rights it may have in property not needed for public purposes
1078 upon report by the mayor and adoption of a resolution, both finding that the property is not needed
1079 for public or other purposes and that the interest of the city has no readily ascertainable monetary
1080 value.
1081

1082 c. Whenever in opening, extending or widening any street, avenue, alley or public place of the city,
1083 a small parcel or tract of land is cut-off or separated by such work from a larger tract or boundary of
1084 land owned by the city, the city council may authorize the mayor to sell or convey said cut-off or
1085 separated parcel or tract of land to an abutting or adjoining property owner or owners where such sale
1086 and conveyance facilitates the enjoyment of the abutting owner's property. Included in the sales
1087 contract shall be a provision for the rights-of-way of said street, avenue, alley or public place. Each
1088 abutting property owner shall be notified of the availability of the property and given the opportunity
1089 to purchase said property under such terms and conditions as set out by ordinance. All deeds and
1090 conveyances heretofore and hereafter so executed and delivered shall convey all title and interest
1091 the city has in such property, notwithstanding the fact that no public sale after advertisement was or
1092 is hereafter made.

1093 ARTICLE VII. GENERAL PROVISIONS

1094
1095 Section 7.10. Bonds for Officials.

1096
1097 The officers and employees of this city, both elective and appointive, shall execute such surety or
1098 fidelity bonds in such amounts and upon such terms and conditions as the city council shall from time
1099 to time require by ordinance or as may be provided by law.

1100
1101 Section 7.11. Prior Ordinances.

1102
1103 All ordinances, resolutions, rules and regulations now in force in the city not inconsistent with this
1104 charter are hereby declared valid and of full effect and force until amended or repealed by the city
1105 council.

1106
1107 Section 7.12. Pending Matters.

1108
1109 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders, contracts
1110 and legal or administrative proceedings shall continue and any such ongoing work or cases shall be
1111 completed by such city agencies, personnel or offices as may be provided by the city council.

1112
1113 Section 7.14. Construction.

1114
1115 a. Section captions in this charter are informative only and are not to be considered as a part
1116 thereof.

1117
1118 b. The word "shall" is mandatory and the word "may" is permissive.

1119
1120 c. The singular shall include the plural, the masculine shall include the feminine, and vice versa.

1121
1122 Section 7.15. Severability.

1123
1124 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be held
1125 to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other
1126 parts of this charter unless it clearly appears that such other parts are wholly and necessarily
1127 dependent upon the part held to be invalid or unconstitutional, it being the legislative intent in
1128 enacting this charter that each article, section, subsection, paragraph, sentence or part thereof be
1129 enacted separately and independent of each other.

1130
1131 Section 7.16. Repealer.

1132
1133 An Act to establish a new charter for the Town of Mansfield, approved March 24, 1988 incorporating
1134 the City of Mansfield (Ga. L. 1988, p. 4240), is hereby repealed in its entirety and all amendatory acts
1135 thereto are likewise repealed in their entirety. All other laws and parts of laws in conflict with this
1136 charter are hereby repealed.

1137
1138 Section 7.17. Effective Date.

1139
1140 This charter shall become effective July 1, 2012.

1141