

PART I CHARTER¹

PREAMBLE

To provide a new charter for the City of Lawrenceville; to provide for incorporation, boundaries, powers, and construction; to provide for a governing authority and its membership, elections, and terms; to provide for vacancies; to provide for inquiries and investigations; to provide for meetings and voting of the governing authority; to provide for powers of the mayor and city council; to provide for boards, commissions, and authorities; to provide for ordinances; to provide for a city manager, city clerk, and city attorney; to provide for employment matters; to provide for a municipal court, its judges, jurisdiction, and powers; to provide for certiorari and rules of the court; to provide for budgets; to provide for disposition of municipal property; to provide for taxes, fees, franchises, and other charges and assessments; to provide for bonds and short-term loans; to provide contract procedures; to provide for bonds for officials, prior ordinances, existing personnel and officers, pending matters, and construction; to provide for other matters relative to the foregoing; to provide a specific repealer; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I. CREATION, INCORPORATION, POWERS

Sec. 1.01. Name.

This city and the inhabitants thereof are constituted and declared a body politic and corporate under the name and style "City of Lawrenceville" and by that name shall have perpetual existence.

Sec. 1.02. Corporate boundaries.

- (a) The boundaries of the City of Lawrenceville 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 (or description) of the corporate limits of the City of Lawrenceville, Georgia." Photographic, typed, or other copies of such map or description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as 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.

¹Editor's note(s)—Printed herein is the Charter for the City of Lawrenceville as approved on May 4, 2017 (Act No. 155, House Bill 594). Prior to the approval of Act No. 155, the Charter was approved March 28, 1986, with amendments occurring on October 6, 2014; May 11, 2011 (Act No. 144); and April 11, 2012 (Act No. 528). Obvious misspellings have been corrected without notation. Additions made for clarity are indicated by brackets. Amendments are indicated by a history note immediately following the amended section.

Sec. 1.03. 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. The 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 the city.
- (c) The powers of the city shall include, but shall not be limited to, the following:
 - (1) *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 penalties for the violation of ordinances enacted hereunder;
 - (2) *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;
 - (3) *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;
 - (4) *Business regulation and taxation.* To levy and to provide for the collection of regulatory fees and taxes on privileges, occupations, trades, and professions as authorized by Title 48 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted; to permit and regulate the same; to provide for the manner and method of payment of such regulatory fees and taxes; and to revoke such permits after due process for failure to pay any city taxes or fees;
 - (5) *Condemnation.* To condemn property, inside or outside the corporate limits of the city, 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;
 - (6) *Contracts.* To enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations;
 - (7) *Emergencies.* To establish procedures for determining and proclaiming that an emergency situation exists inside or outside the city, 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 city;
 - (8) *Eminent domain.* The city council is empowered to acquire, construct, operate, and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities, and any other public improvements inside or outside the city, and to regulate the use thereof, and for such purposes, property may be condemned under procedures now or hereafter established under the general laws of this state;
 - (9) *Employee benefits.* To provide and maintain a retirement plan, insurance, and such other employee benefits for appointed officers and employees of the city as are determined by the city council;
 - (10) *Environmental protection.* To protect and preserve the natural resources, environment and vital areas of the city, the region, and the state through the preservation and improvement of air quality, the

restoration and maintenance of water resources, the control of erosion and sedimentation, the management of stormwater and establishment of a stormwater utility, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;

- (11) *Ethics*. To adopt ethics ordinances and regulations governing the conduct of municipal elected officials, appointed officials, and employees, establishing procedures for ethics complaints and setting forth penalties for violations of such rules and procedures;
- (12) *Garbage fees*. To levy, fix, assess, and collect a garbage, refuse and trash collection and disposal, and other sanitary service charge, fee, or, if authorized by general law, tax for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing or doing business therein benefitting 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;
- (13) *General health, safety, and welfare*. To define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city; and to provide for the enforcement of such standards;
- (14) *Gifts*. To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to powers and duties of the city and the general welfare of its citizens, on such reasonable terms and conditions as the donor or grantor may impose;
- (15) *Health and sanitation*. To prescribe standards of health and sanitation and to provide for the enforcement of such standards;
- (16) *Jail sentences*. To provide that persons given jail sentences in the municipal court may work out such sentences in any public works or on the streets, roads, drains, and other public property in the city; to provide for commitment of such persons to any jail; to provide for the use of pretrial diversion and any alternative sentencing allowed by law, or to provide for the commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;
- (17) *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 city;
- (18) *Municipal agencies and delegation of power*. To create, alter, or abolish departments, boards, offices, commissions, and agencies of the city, and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;
- (19) *Municipal debts*. To appropriate and borrow money for the payment of debts of the city 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;
- (20) *Municipal property ownership*. To acquire, hold, sell, exchange, rent, lease, or otherwise acquire or dispose of any real, personal, or mixed property, in fee simple or lesser interest, whether held by the city in its proprietary, governmental, or other capacity, inside or outside of the corporate boundaries of the city and wherever located;
- (21) *Municipal property protection*. To provide for the preservation and protection of property and equipment of the city, and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;
- (22) *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, stormwater management, gas works, electric works, cable television and other telecommunications, transportation facilities, public airports, and any other public utility; to fix the taxes if authorized by general law, charges, rates, fares, fees, assessments, regulations, and penalties; and to provide for the withdrawal of service for refusal or failure to pay the same;
- (23) *Nuisance*. To define a nuisance and provide for its abatement whether on public or private property;

- (24) *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;
- (25) *Planning and zoning.* To provide comprehensive city planning for development by zoning; and to provide subdivision regulation and the like as the city council deems necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community;
- (26) *Police and fire protection.* To exercise the power of arrest through duly appointed police officers, and to establish, operate, or contract for a police and a fire-fighting agency;
- (27) *Public hazards and 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;
- (28) *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, detentive, penal, and medical institutions, agencies, and facilities; to provide any other public improvements, inside or outside the corporate limits of the city; 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 hereafter be enacted;
- (29) *Public opinion questions.* The city council may place public opinion questions on the ballots of general and special elections and are authorized by this charter to expend public funds to conduct such nonbinding public opinion questions;
- (30) *Public peace.* To provide for the prevention and punishment of loitering, disorderly conduct, drunkenness, riots, and public disturbances;
- (31) *Public transportation.* To organize and operate such public transportation systems as are deemed beneficial;
- (32) *Public utilities and services.* To grant franchises or make contracts for, or impose taxes if authorized by general law on, public utilities and public service companies; 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 not in conflict with valid regulations of the Public Service Commission;
- (33) *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 city; and to prescribe penalties and punishment for violation of such ordinances;
- (34) *Roadways.* To lay out, open, extend, widen, narrow, establish, or change the grade of, abandon or close, construct, pave, curb, gutter, landscape with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; to grant franchises and rights-of-way throughout the streets and roads and over the bridges and viaducts for the use of public utilities; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands, and to impose penalties for failure to do so;
- (35) *Sewer fees.* To levy a fee, charge, or sewer tax, if authorized by general law, 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 sewerage 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;

- (36) *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 sale of such items;
- (37) *Special areas of public regulation.* To regulate junk dealers and pawn shops; to regulate or prohibit the manufacture, sale, or transportation of intoxicating liquors; to regulate the transportation, storage, and 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;
- (38) *Special assessments.* To levy and provide for the collection of special assessments to cover the costs for any public improvements;
- (39) *Taxes: ad valorem.* To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;
- (40) *Taxes: other.* To levy and collect such other taxes as may be allowed now or in the future by law;
- (41) *Taxicabs.* To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles;
- (42) *Urban redevelopment.* To organize and operate an urban development program;
- (43) *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 city and its inhabitants; to exercise all implied powers necessary or desirable to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated herein; 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.

Sec. 1.04. Exercise of powers.

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

ARTICLE II. GOVERNMENT STRUCTURE, ELECTIONS, LEGISLATIVE BRANCH

Sec. 2.01. City council creation; number; election.

- (a) The legislative authority of the government of the City of Lawrenceville, except as otherwise specifically provided in this charter, shall be vested in a city council.
- (b) The city council of Lawrenceville, Georgia, shall consist of a mayor and four councilmembers. The mayor shall be a voting member.
- (c) General municipal elections shall be held on the Tuesday after the first Monday in November of each odd-numbered year.

Sec. 2.02. Mayor and city councilmembers; terms and qualifications for office.

- (a) The mayor and city councilmembers shall serve terms of four years and their terms shall expire January 1 when the term of office of their successor begins in accordance with Section 2.09 of this charter.
- (b) No person elected in the general municipal election of 2012, or any election thereafter, shall serve as mayor or as city councilmember for more than 12 consecutive years. Years of service, whether by special election or appointment, prior to the first full term of four years shall not count toward the term limit set forth in this subsection.
- (c) Any person serving as mayor or councilmember shall be a qualified elector of the city. No person shall be eligible to serve as mayor or councilmember unless that person shall have been a resident of the City of Lawrenceville for a continuous period of at least 12 months immediately prior to the date of the election, shall continue to reside therein during that person's period of service, and shall continue to be registered and qualified to vote in municipal elections of the City of Lawrenceville.

Sec. 2.03. Vacancy; filling of vacancies; suspensions.

- (a) Except as authorized by law, elected officials shall not hold any other elected public office or hold any position of employment with the City of Lawrenceville during the term for which the officer was elected. The elective offices of the city's government shall become vacant upon the member's death, resignation, forfeiture of office, or removal from office in any manner authorized by this charter or by the general laws of the State of Georgia. The following shall result in an elected city official forfeiting his or her office:
 - (1) Violating the provisions of this charter;
 - (2) Being convicted of, or pleading guilty or "no contest" to, a felony or crime of moral turpitude; or
 - (3) Failing to attend one-third of the regular meetings of the council in a one-year period without being excused by the city council.
- (b) A vacancy in the office of mayor or city councilmember shall be filled for the remainder of the unexpired term by a special election if such vacancy occurs 12 months or more prior to the expiration of the term of that office. If such vacancy occurs less than 12 months prior to the expiration of the term of that office, the city council or those members remaining shall appoint a successor for the remainder of the term. This subsection shall also apply to a temporary vacancy created by the suspension from office of the mayor or any city councilmember.

Sec. 2.04. Nonpartisan elections.

Political parties shall not conduct primaries for city offices, and all names of candidates for city offices shall be listed without party designation.

Sec. 2.05. Election votes.

The candidates for mayor and city council who receive a majority of the votes cast of the qualified electors of the city at large voting at the elections of the city shall be elected to a term of office. In the event no candidate receives a majority of the votes cast in said election, a run-off election shall be held between the two candidates receiving the highest number of votes. Such run-off election shall be held at the time specified by state election law, unless such run-off date is postponed by court order.

Sec. 2.06. Applicability of general laws; qualifying; other provisions.

All elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as now or hereafter amended or otherwise provided by law.

Except as otherwise provided in this charter, the city council shall, by ordinance or resolution, prescribe such rules and regulations as it deems appropriate, including but not limited to the establishment of qualifying fees, to fulfill any options and duties under Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as now or hereafter amended or otherwise provided by law.

Sec. 2.07. Compensation and expenses.

The city council shall be authorized to fix the compensation of the mayor and councilmembers in accordance with the provisions of Code Section 36-35-4 of the Official Code of Georgia Annotated, as may be amended from time to time.

Sec. 2.08. Inquiries and investigations.

The city council may make inquiries and investigations into the affairs of the city and the conduct of any department, office, or agency thereof, 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 city council shall be punished as provided by ordinance.

Sec. 2.09. Meetings, oath of office, and mayor pro tempore.

- (a) The city council shall hold an organizational meeting on the third Wednesday in December of each election year for the purpose of swearing in elected officials whose term will begin January 1 of the following year. The meeting shall be called to order by the mayor-elect and the oath of office shall be administered to the newly elected mayor and councilmembers collectively by the city clerk or a judicial officer authorized to administer oaths. The oath shall, to the extent that it comports with federal and state law, be as follows: "I do solemnly swear or affirm that I will faithfully execute the office of [councilmember or mayor, as the case may be] of the City of Lawrenceville and that I will support and defend the Constitution of the United States, the Constitution of Georgia, and the charter, ordinances, and regulations of the City of Lawrenceville. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the Constitution and laws of Georgia. I have been a resident of the City of Lawrenceville for the time required by the Constitution and laws of this state and by the municipal charter. I will perform the duties of my office in the best interests of the City of Lawrenceville to the best of my ability without fear, favor, affection, reward, or expectation thereof."
- (b) Following the induction of the mayor and councilmembers, the city council, by a majority vote of the councilmembers, shall elect a councilmember to be mayor pro tempore, who shall serve for a term of one year and until a successor is elected and qualified. The number of successive terms an individual may hold a position as mayor pro tempore shall be unlimited.
- (c) The mayor pro tempore shall assume the duties and powers of the mayor during the mayor's temporary disability, suspension, or absence. If the mayor pro tempore is absent because of sickness or disqualification, any one of the remaining councilmembers, chosen by the councilmembers present, shall be clothed with all the rights and privileges of the mayor as described in this charter and shall perform the mayor's duties in the same manner as the mayor pro tempore.
- (d) The city council shall, at least once a month, hold regular meetings at such times and places as prescribed by ordinance. The city council may recess any regular meeting and continue such meeting to any day or hour it may fix and may transact any business at such continued meeting as may be transacted at any regular meeting.
- (e) Special meetings of the city council shall be held on the call of either the mayor and one councilmember or two councilmembers. Notice of such special meetings shall be delivered to all councilmembers, the mayor,

and the city manager personally, by registered mail, or by electronic means at least 24 hours in advance of the meeting. Such notice shall not be required if the mayor, all councilmembers, and the city manager are present when the special meeting is called. Such notice of any special meeting may be waived by the mayor, a councilmember, or the city manager in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice. The notice of such special meeting shall state what business is to be transacted at the special meeting. Only the business stated in the call shall be transacted at the special meeting.

Sec. 2.10. Quorum; voting.

- (a) Three councilmembers shall constitute a quorum and shall be authorized to transact business for the city council. The mayor shall be counted toward the making of a quorum. Voting on the adoption of ordinances shall be taken by voice vote and the yeas and nays shall be recorded in the minutes, but on the request of any member there shall be a roll-call vote. In order for any ordinance, resolution, motion, or other action of the city council to be adopted, the measure must receive at least three affirmative votes and must receive the affirmative votes of a majority of those voting. The mayor shall have one vote on all matters brought before the council.
- (b) The following types of actions require an ordinance in order to have the force of law:
 - (1) Adopt or amend an administrative code or establish, alter, or abolish a department, office, or agency not specified in this charter;
 - (2) Provide for a fine or other penalty;
 - (3) Levy taxes;
 - (4) Grant, renew, or extend a franchise;
 - (5) Regulate a rate for a public utility;
 - (6) Authorize the borrowing of money;
 - (7) Convey, lease, or encumber city land;
 - (8) Regulate land use and development; or
 - (9) Amend or repeal an ordinance already adopted.
- (c) The city council shall establish by ordinance procedures for convening emergency meetings. In an emergency, an ordinance may be passed without notice or a hearing if the city council passes the ordinance by majority vote; provided, however, that the city council cannot in an emergency meeting:
 - (1) Levy taxes;
 - (2) Grant, renew, or extend a franchise;
 - (3) Regulate a rate for a public utility; or
 - (4) Borrow money.

Sec. 2.11. General power and authority of the city council.

- (a) Except as otherwise provided by law or by this charter, the city council shall be vested with all the powers of government of the City of Lawrenceville as provided by Article I of this charter.
- (b) In addition to all other powers conferred upon it by law, the city council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with this charter and the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort,

convenience, prosperity, or well-being of the inhabitants of the City of Lawrenceville and may enforce such ordinances by imposing penalties for violation thereof.

Sec. 2.12. Powers and duties of mayor.

The mayor shall have the following powers and duties:

- (1) Preside at all meetings of the city council;
- (2) Serve as the ceremonial head of the city and as its official representative to federal, state, and local governmental bodies and officials and to be the official spokesperson for the city council and the chief advocate of city council policies;
- (3) Recommend to the councilmembers such measures relative to the affairs of the city, improvement of the government, and promotion of the welfare of its inhabitants as such officer may deem expedient;
- (4) Administer oaths and take affidavits;
- (5) Execute all contracts, deeds, and other obligations of the city within a level of authorization as established by the city council; and
- (6) Vote on matters before the city council to the extent provided in subsection (a) of Section 2.10 of this charter.

Sec. 2.13. Boards, commissions, and authorities.

- (a) The city council shall create by ordinance such boards, commissions, and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the city 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 city shall be appointed by the mayor and city councilmembers for such terms of office and in such 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 applicable state law.
- (c) The city 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 of any board, commission, or authority shall hold any elective office in the city.
- (e) Any vacancy on a board, commission, or authority of the city shall be filled for the unexpired term in the manner prescribed herein for original appointment, except as otherwise provided by this charter or any applicable law of the State of Georgia.
- (f) No member of a board, commission, or authority shall assume office until the member has executed and filed with the city clerk an oath obligating the member to faithfully and impartially perform the duties of the member's office, such oath to be prescribed by ordinance and administered by the mayor or a judicial officer authorized to administer oaths.
- (g) Any member of a board, commission, or authority may be removed from office with or without cause by a vote of three members of the city council.
- (h) Except as otherwise provided by this charter or by law, each board, commission, or authority of the city shall elect one of its members as chairperson and one member as vice chairperson for terms of one year and may elect as its secretary one of its own members or may appoint as secretary an employee of the city. Each board, commission, or authority of the city government may establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances of the city, or applicable state 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 city clerk.

Sec. 2.14. Ordinance form; procedures.

- (a) Every proposed ordinance and resolution shall be introduced in writing, and the city council shall have the authority to approve, disapprove, or amend the same. After the title of any proposed resolution or ordinance is read at a city council meeting, it may be approved and passed at such time by the city council.
- (b) The catchlines of sections of this charter or any ordinance printed in boldface type, italics, or otherwise are intended as mere catchwords to indicate the contents of the section and shall not be:
 - (1) Deemed or taken to be titles of such sections or as any part of the section; and
 - (2) So deemed when any of such sections, including the catchlines, are amended or reenacted unless expressly provided to the contrary.
- (c) Furthermore, the article and section headings contained in this charter shall not be deemed to govern, limit, or modify or in any manner affect the scope, meaning, or intent of the provisions of any article or section hereof.
- (d) The city council may, by ordinance or resolution, adopt rules and bylaws to govern the conduct of its business, including procedures and penalties for compelling the attendance of an absent mayor or councilmember. Such rules may include punishment for contemptuous behavior conducted in the presence of the city council.

Sec. 2.15. Submission of ordinances to the city clerk.

- (a) Every ordinance, resolution, and other action adopted by the city council shall be presented to the city clerk within 15 days of its adoption or approval. The city clerk shall record upon the ordinance the date of its delivery from the city council.
- (b) An ordinance or resolution that has been passed by the city council shall become effective on the date the ordinance is passed by the city council or on such other date as may be specified in the ordinance.

Sec. 2.16. Voting when financially interested; holding other office.

- (a) Elected and appointed officers of the City of Lawrenceville are trustees and servants of the residents of the City and shall act in a fiduciary capacity for the benefit of such residents.
- (b) Neither the mayor nor any councilmember shall vote upon, or sign, any ordinance, resolution, contract or other matter in which the officer is personally interested.
- (c) No former mayor and no former councilmember shall hold any appointive office or be employed by the City until one year after the expiration of the term for which the official was elected. Nothing in this provision shall prohibit the appointment of former elected officials to boards, authorities or commissions of the City.

(Ord. No. 2018-27, § (1), 11-5-2018)

ARTICLE III. EXECUTIVE BRANCH

Sec. 3.01. City manager.

- (a) The city council shall appoint an officer whose title shall be "city manager" and the city manager shall serve at the pleasure of the city council. The city manager shall not be subject to annual reappointments. The city

manager shall be appointed without regard to political beliefs and solely on the basis of his or her education and experience in the accepted competencies and practices of local government management.

- (b) The city manager shall be the chief executive and administrative officer of the city. The city manager shall be responsible to the city council for the administration of all city affairs placed in the manager's charge by or under this charter. As the chief executive and administrative officer, the city manager shall:
 - (1) Appoint all and, when he or she deems it necessary for the good of the city, suspend or remove any city employees and administrative officers he or she appoints, except as otherwise provided by law or personnel ordinances adopted pursuant to this charter. The city manager may authorize any administrative officer who is subject to the city manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;
 - (2) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law;
 - (3) Attend all city council meetings, except for closed meetings held for the purposes of deliberating on the appointment, discipline, or removal of the city manager, and have the right to take part in discussion but not vote;
 - (4) See that all laws, provisions of this charter, and acts of the city council, subject to enforcement by the city manager or by officers subject to the city manager's direction and supervision, are faithfully executed;
 - (5) Prepare and submit the annual budget to the city council;
 - (6) Submit to the city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
 - (7) Make such other reports as the city council may require concerning the operations of city departments, offices, and agencies subject to the manager's direction and supervision;
 - (8) Keep the city council fully advised as to the financial condition and future needs of the city and make such recommendations to the city council concerning the affairs of the city as the manager deems desirable; and
 - (9) Perform such other duties as are specified in this charter or as may be required by the city council.
- (c) Except for the purpose of inquiries and investigations under Section 2.08 of this charter, the city council or its members shall deal with city officers and employees who are subject to the direction or supervision of the city manager solely through the city manager, and neither the city council nor its members shall give orders or supervisory direction to any such officer or employee, either publicly or privately.
- (d) The city manager shall not continue in such position upon qualifying as a candidate for nomination or election to any public office.

Sec. 3.02. City clerk.

The city council shall appoint a city clerk. The city clerk shall be responsible to the mayor and city council for the administration of all city affairs placed in the clerk's charge. The city clerk shall keep a journal of the proceedings of the city council, maintain in a safe place all records and documents pertaining to the affairs of the city, and perform such duties as may be required by law or ordinance or as the city council or city manager may direct. The city clerk shall not be subject to annual reappointments. The city clerk shall not continue in such position upon qualifying as a candidate for nomination or election to any public office.

Sec. 3.03. City attorney.

The city council shall appoint a city attorney together with such assistant city attorneys as may be deemed appropriate who shall serve at the pleasure of the city council. The city council shall provide for the payment of such attorney or attorneys 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 the prosecuting officer in the municipal court; shall attend the meetings of the city 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 by virtue of his or her position as city attorney.

Sec. 3.04. Position classification and pay plans; employment at will.

The city manager shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the city council for approval. Said plan shall apply to all employees of the City of Lawrenceville and any of its departments, agencies, and offices. When such a pay plan has been adopted, the salary range applicable to any position may not be changed except by amendment of such pay plan. For purposes of this section, all elected city officials are not city employees. Except as otherwise provided in this charter, all employees of the city shall be subject to removal or discharge, with or without cause, at any time.

ARTICLE IV. MUNICIPAL COURT

Sec. 4.01. Creation.

There is established a court to be known as the Municipal Court of the City of Lawrenceville, which shall have jurisdiction and authority to try offenses against the laws and ordinances of the state, as permitted by law, and said city and to punish for a violation of the same. Such court shall have the power to enforce its judgments by the imposition of such penalties as may be provided by law, including ordinances of the city; to impose bench warrant and failure to appear fees; to hold contempt proceedings and to punish any person found in contempt; to punish witnesses for nonattendance and to punish also any person who may counsel, advise, aid, encourage, or persuade another whose testimony is desired or material in any proceeding before said court to go or move beyond the reach of the process of the court; to try all offenses within the territorial limits of the city constituting traffic cases and other misdemeanor cases which, under the laws of Georgia, are placed within the jurisdiction of municipal courts to the extent of, and in accordance with, the provisions of such laws and all laws subsequently enacted amendatory thereof. Said court shall be presided over by the judge of said court. In the absence or disqualification of the judge, the associate judge shall preside and shall exercise the same powers and duties as the judge when so acting.

Sec. 4.02. 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 for by ordinance.
- (b) No person shall be qualified or eligible to serve as a judge of the municipal court unless he or she meets the requirements provided for by general law. The judges shall be appointed by the mayor and city council in conformance with general law.
- (c) Compensation of the judges shall be fixed by ordinance.
- (d) Before entering on the duties of his or her office, the judge shall take an oath before the mayor or an officer duly authorized to administer oaths in this state declaring that he or she will truly, honestly, and faithfully discharge the duties of his or her office to the best of his or her ability without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council.

- (e) The judge shall serve for a term of two years and may be removed from the position as provided by general law.

Sec. 4.03. Convening.

The municipal court shall be convened at such times as designated by ordinance or at such times as deemed necessary by the judge to keep current the dockets thereof.

Sec. 4.04. Jurisdiction; powers.

- (a) The municipal court shall try and punish for crimes against the State of Georgia, as permitted by law, the City of Lawrenceville, and for violation of said city ordinances. The municipal court may fix punishment for offenses within its jurisdiction to the fullest extent allowed by state law.
- (b) The municipal court shall have authority to recommend to the city council for approval a schedule of fees to defray the costs of operation.
- (c) The municipal court shall have authority to establish bail and recognizances 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 security for appearances of persons charged with violations. Whenever any person shall give bail for his or her appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited to the judge presiding at such time and an execution issued thereon by serving the defendant and his or her 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 City of Lawrenceville, or the property so deposited shall have a lien against it for the value forfeited.
- (d) The municipal court shall have the authority to bind prisoners over to the appropriate court when it appears, by probable cause, that a state law has been violated.
- (e) The municipal court shall have the authority to administer oaths and to perform all other acts necessary or proper to the conduct of said court.
- (f) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summons, subpoenas, and warrants which may be served as executed by any officer as authorized by this charter or by state law.
- (g) The municipal court is specifically vested with all of the judicial jurisdiction and judicial powers throughout the entire area of the City of Lawrenceville granted by state laws generally to municipal courts, and particularly by such laws as authorize the abatement of nuisances.
- (h) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$500.00 or 20 days in jail.
- (i) The municipal court shall have authority to impose bench warrant and failure to appear fees.

Sec. 4.05. Certiorari.

The right of certiorari from the decision and judgment 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 Gwinnett County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

Sec. 4.06. Rules for court.

With the approval of the city 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.

ARTICLE V. FINANCE**Sec. 5.01. Preparation of budgets.**

The city council shall provide by ordinance the procedures and requirements for the preparation and execution of an annual budget, including requirements as to the scope, content, and form of such budgets and programs.

Sec. 5.02. Sale and lease of city property.

The city council may acquire, hold, sell, exchange, rent, lease, or otherwise acquire or dispose of any real, personal, or mixed property, in fee simple or lesser interest, whether held by the city in its proprietary, governmental, or other capacity, inside or outside of the corporate boundaries of the city and wherever located.

Sec. 5.03. Property tax.

The city council may assess, levy, and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and Gwinnett County. Said ad valorem tax is for the purpose of raising revenues to defray the costs of operating the city 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 city council in its discretion.

Sec. 5.04. Millage rate; due date; payment method.

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

Sec. 5.05. Occupation and business taxes.

The city council by ordinance shall have the power to levy such occupation or business taxes as are not denied by law. The city 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 5.11 of this charter.

Sec. 5.06. Regulatory fees; permits.

The city council by ordinance shall have the power to require businesses or practitioners doing business within the city to obtain a permit for such activity from the city and pay a reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected as provided in Section 5.11 of this charter.

Sec. 5.07. Franchises.

The city council, except as otherwise provided by general law, shall have the power to grant franchises for the use of the city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies, and other similar organizations. The city 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 for a period in excess of 35 years and no franchise shall be granted unless the city receives just and adequate compensation therefor. The city council shall provide for the registration of all franchises with the city clerk in a registration book kept by the clerk. The city council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

Sec. 5.08. Service charges.

The city council by ordinance shall have the power to assess and collect fees, charges, assessments, and tolls for sewers, sanitary and health services, or any other services provided or made available inside and outside the corporate limits of the city for the total cost to the city of providing or making available such services. If unpaid, such charges shall be collected as provided in Section 5.11 of this charter.

Sec. 5.09. Special assessments.

The city 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, gutter, sewer, or other utility main and appurtenance from the abutting property owners under such terms and conditions as are reasonable. If unpaid, such charges shall be collected as provided in Section 5.11 of this charter.

Sec. 5.10. Construction; other taxes and fees.

The city 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 the city to govern its local affairs.

Sec. 5.11. Collection of delinquent taxes and fees.

The City Council by ordinance may provide generally for the collection of delinquent taxes, fees, or other revenue due the City under Sections 5.03 through 5.10 by whatever reasonable means as are not precluded by law. Such means shall include providing for the dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi. fa.'s.; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking City permits for failure to pay any City taxes or fees; and providing for the assignment or transfer of tax executions; or any other means permitted by law.

(Ord. No. 2018-27, § (2), 11-5-2018)

Sec. 5.12. Bonds.

The city 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.

Sec. 5.13. Short-term loans.

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

Sec. 5.14. Contracting procedures.

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

- (1) It is in writing; and
- (2) It is drawn by or submitted to and reviewed by the city attorney and, as a matter of course, is signed by the city attorney to indicate such drafting or review.

ARTICLE VI. GENERAL PROVISIONS

Sec. 6.01. Bonds for officials.

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

Sec. 6.02. Prior ordinances.

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

Sec. 6.03. Existing personnel and officers.

Except as specifically provided otherwise by this charter, all personnel and officers of the city and their rights, privileges, and powers shall continue beyond the time this charter takes effect for a period of 180 days before or during which the existing city 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.

Sec. 6.04. 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 city agencies, personnel, or offices as may be provided by the city council.

Sec. 6.05. 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.

Sec. 6.06. Specific repealer.

An Act to provide a new charter for the City of Lawrenceville, approved March 28, 1986 (Ga. L. 1986, p. 4961), as amended, is hereby repealed.

Sec. 6.07. General repealer.

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