

**CHARTER**  
**OF**  
**THE CITY OF SKY VALLEY, GEORGIA**

ADOPTED MARCH 17, 1978 H.B. NO. 2008  
APPROVED MARCH 24, 1978, GA. LAWS 1978, P. 4292

1. As amended March 15, 1984 by H.B. No 1466, GA. Laws 1984, Vol. II p. 4310 et seq.
2. As amended March 28, 1990 by H.B. No. 2010, GA. Laws 199, Vol II p. 4762 et seq.
3. As amended April 13, 1992, Vol. II p. 5778 et sq.
4. As amended pursuant to GA. Municipal Home Rule Act of 1965 by Ordinance 97-12, Adopted October 6, 1997, filed in Office of Secretary of State of Georgia November 10, 1997.
5. As amended pursuant to GA. Municipal Home Rule Act of 1965 by Ordinance 98-1, adopted June 1, 1998, filed in Office of Secretary of State of Georgia June 9, 1998.

**AN ACT**

To incorporate the City of Sky Valley in the County of Rabun: to create a charter for said city: to provide for the name, powers and corporate limits of said city: to provide for the government of said city: to provide for the legislative branch: to provide for the executive branch: to provide for financial and fiscal matters: to provide for municipal services and regulatory functions: to provide for other matters relative to the foregoing: to repeal conflicting laws: and for other purposes.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA**

**ARTICLE I**

**INCORPORATION**

**Section 1.10. Incorporation.** This Act shall constitute the whole charter of the City of Sky Valley. The City of Sky Valley, Georgia, in the County of Rabun and the inhabitant thereof are hereby constituted and declared a body politic and corporate under the name and style of the "City of Sky Valley, Georgia", and by that name shall have perpetual succession, may sue and be sued, plead and be pleaded in all the courts of law and equity and in all actions whatsoever and may have and use a common seal and change it at pleasure.

**Section 1.11. Corporate Boundaries.**

(a) The boundaries of the City of Sky Valley 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 current boundaries of the City of Sky Valley are and at all times shall be shown on a map now in existence and designated: "Official Map of the Corporate Limits of the City of Sky Valley, Georgia", and which shall be retained permanently in the office of the city clerk. Alterations in these boundaries shall be indicated by appropriate entries upon or additions to such map. Such entries or additions shall be made by and under the direction of the mayor. Photographic, typed or other copies of such map certified by the mayor shall be admitted in evidence in all courts and shall have the same force and effect as with the original map.

(b) The city council may provide for the redrawing of any such map. A redrawn map shall supersede for all purposes the earlier map or maps which it is designated to replace.

**Section 1.12. Specific Powers.** The corporate powers of the government of the City of Sky Valley, to be exercised by the governing authority, may include the following:

- (1) to levy and to provide for the assessment, valuation, revaluation and collection of taxes on all property subject to taxation or as may be allowed now or in the future by State law;
- (2) to levy and to provide for the collection of license fees and taxes on privileges, occupations, trades and professions: to license and regulate such privileges, occupations, trades and professions: and to provide for the manner and method of payment of such licenses and taxes;
- (3) 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;
- (4) to appropriate and borrow money for the payment of debts of the city, and to issue bonds to raise revenue to carry out any project, program or venture authorized by this charter or the laws of the State of Georgia;
- (5) to acquire, dispose of and hold in trust or otherwise any real, personal or mixed property in fee simple or lesser interest inside or outside the property limits of the city;
- (6) to accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the city and the general welfare of its citizens on such terms and conditions as the donor or grantor may impose;
- (7) 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 under Section 36-202 of the Code of Georgia, 1933, or under other applicable Public Acts as are or may be enacted;
- (8) to acquire, lease, construct, operate, maintain, sell and dispose of public utilities, including but not limited to a system of waterworks, sewers and drains, sewage disposal, gas works, electric light plants, transportation facilities, public airports and other public utilities: to fix the taxes, charges, rates, fees, fares, assessments, regulations, penalties and withdrawal of service for refusal or failure to pay same; and to fix the manner in which such remedies shall be enforced;
- (9) to grant franchises or make contracts for public utilities and public services; 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;

(10) to lay out, open, extend, widen, narrow, establish, change the grade of, abandon, close, construct, pave, curb, gutter, adorn with shade trees or otherwise improve, maintain, repair, clean, prevent erosion of and light roads, alleys and walkways within the corporate limits of the city;

(11) to grant franchises and rights-of-way throughout the streets, alleys and roads and over the bridges and viaducts for the use of public utilities;

(12) to provide for the acquisition, construction, building, operation and maintenance of public ways, parks and playgrounds, public buildings, recreational facilities, cemeteries, markets and market houses, libraries, sewers, drains, sewerage treatment, airports, hospitals and charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal and medical institution agencies and facilities and any other public improvements inside or outside the corporate limits of the city; and to regulate the use thereof, and for such purposes, property may be acquired by condemnation under Section 36-202 of the Code of Georgia, 1933, or other applicable Public Acts as are or may be enacted;

(13) to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands; and to enact ordinances establishing the terms and conditions under which such repairs and maintenance shall be effected, including the penalties to be imposed for failure to do so;

(14) to regulate the erection and construction of buildings and all other structures; to adopt housing, building, plumbing, electrical, gas and heating and air-conditioning codes; to regulate all housing, building or building trades: to license all building trades: and to license the construction and erection of buildings and all other structures;

(15) to provide for the prevention and punishment of riots and public disturbances;

(16) to regulate or prohibit junk dealers, pawnshops, the manufacture, sale or transportation of intoxicating liquors and liquids, the use and sale of firearms, the transportation, storage and use of combustible, explosive and inflammable materials, the use of lighting and heating equipment and any other business or situation which may be dangerous to persons or property;

(17) to regulate and control the conduct of peddlers, itinerant trades, theatrical performances, exhibitions and shows of any kind by taxation or otherwise;

(18) to license, tax, regulate or prohibit professional fortune telling or palmistry;

(19) 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 obstruction 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 of Sky Valley: and to prescribe penalties and punishment for violation of such ordinances;

(20) to prescribe standards of health and sanitation and to provide for the enforcement of such standards;

(21) 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;

(22) to fix and establish fire limits and from time to time to extend, enlarge or restrict same; to prescribe fire safety regulations not inconsistent with general law relating to both fire prevention and detection and to fire fighting; and to prescribe penalties and punishment for violation thereof;

(23) to provide for the destruction and removal of any building or other structure which may or might become dangerous or detrimental to the public;

(24) to provide for the collection and disposal of garbage, rubbish and refuse; 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 the resale of such items;

(25) to levy , fix, assess and collect a garbage, refuse and trash collection and disposal and other sanitary service charge, tax or fee for such services as may be necessary in the operation of the city from all individuals, firms and corporations residing in or doing business in the City of Sky Valley and 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;

(26) to levy a fee or charge or sewer tax as necessary to assure the acquiring , constructing, equipping, operating, maintaining and extending of a sewage disposal plant and sewerage system; to levy on the users of sewers and the sewerage system a sewer service charge or fee or sewer tax for the use of the sewers; and to provide for the manner and method of collecting such service charges and for enforcing payment of same;

(27) to charge, impose and collect a sewer connection fee or fees and to change the same from time to time, such fees to be levied on the users connecting with the sewerage system;

(28) to define, regulate and prohibit any act, conduct, practice or use of property which is detrimental or likely to be detrimental to the health, sanitation, cleanliness, welfare and safety of the inhabitants of the City of Sky Valley; and to provide for the enforcement of such standards;

(29) to define a nuisance and provide for its abatement whether on public or private property;

(30) 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;

(31) to establish minimum standards for and to regulate building construction and repair, electrical wiring and equipment, gas installation and equipment, plumbing and housing for the health, sanitation, cleanliness, welfare and safety of inhabitants of the City of Sky Valley; and to provide for the enforcement of such standards;

(32) to provide that persons given jail sentences in the municipal court may work out such sentence in any public works or on the streets, roads, drains and squares in the city or to provide for the commitment of such persons to any county work camp or jail by agreement with the appropriate county officials;

(33) to adopt ordinances and regulations for the prevention of loitering, disorderly conduct and disturbing the peace in the corporate limits of the City of Sky Valley;

(34) to regulate and license or prohibit the keeping or running at large of animals and fowl; to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for their disposition by sale, gift or humane destruction when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted hereunder;

(35) 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.

(36) 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 and rent parking spaces in public ways for the use of such vehicles;

(37) to provide and maintain a system of pensions and retirement for officers and employees of the city;

(38) to levy and provide for the collection of special assessments to cover the costs of any public improvements;

(39) to enter into contracts and agreements with other governmental entities and with private persons, firms and corporations providing for services to be furnished and payments to be made therefore;

(40) to create, alter or abolish departments, boards, offices, commissions and agencies of the city; and to confer upon such agencies the necessary authority for carrying out all the powers conferred upon or delegated to same;

(41) to make, ordain and establish such bylaws, ordinances, rules and regulations as shall appear necessary or appropriate for the security, welfare, convenience and interest of the city and the inhabitants, thereof and for preserving the health, peace, order and good government of the city;

(42) to provide penalties for violations of any ordinance adopted pursuant to the authority of this charter and the laws of the State of Georgia;

(43) to exercise the power of arrest through duly appointed policemen and to organize and operate a fire fighting agency;

(44) to establish procedures for determining and proclaiming that an emergency situation exists within or without 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;

(45) to provide such comprehensive city planning for development by zoning, subdivision regulation and the like as the city council deems necessary and reasonable to insure a safe, healthy and esthetically pleasing community; and to organize and operate an urban redevelopment program;

(46) to organize and operate such public transportation systems as are deemed beneficial;

(47) 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 to carry into execution all powers granted in the charter as fully and completely as if such powers were fully enumerated herein; and 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. No enumeration of particular powers in this charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

**Section 1.13. General Powers.** In addition to all other powers herein granted, the city shall be vested with any and all powers which municipal corporations are or may hereafter be authorized or required to exercise under the Constitution and laws of the State of Georgia, as fully and completely as though such powers were specifically enumerated herein.

**Section 1.14. Construction.** The powers of the city shall be construed liberally and in favor of the city. The specific mention or failure to mention particular powers in this charter shall not be construed as limiting in any way the general power of the city as stated in this charter. It is the intention hereof to grant the city full power and right to exercise all governmental authority necessary for the effective operation and conduct of the city and all of its affairs.

**Section 1.15. 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 powers, functions, rights, privileges and immunities shall be carried into execution as provided by ordinance of the governing authority and as provided by pertinent laws of the State of Georgia.

**ARTICLE II**

**LEGISLATIVE BRANCH**

**CHAPTER 1 GOVERNING BODY**

**Section 2.10. City Council Creation: Composition: Number: Election.**

Until January 1, 1985, the legislative authority of the government of the City of Sky Valley, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of three councilmen who shall be elected in the manner provided by Article V of this charter. Subsequent to January 1, 1985, the legislative authority of the government of the City of Sky Valley, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of five council members who shall be elected in the manner provided by Article V of this charter.

**Section 2.11. Terms and Qualifications of Office.**

The members of the council shall serve for terms of two (2) years and until their respective successors are elected, and qualified. No person shall be eligible to serve as councilman unless said person shall have been a resident of the city not less than six (6) months continuously prior to the date of the election to said office; shall continue to reside therein during said person's period of service; and shall be registered and qualified to vote in municipal elections of the City of Sky Valley.

**Section 2.12. Vacancy: Forfeiture of Office; Filling of Vacancies.**

(a) Vacancies - the office of councilman shall become vacant upon the incumbent's death, resignation, forfeiture of office or removal from office in any manner authorized by this charter or the laws of the State of Georgia.

(b) Forfeiture of Office - any councilman shall forfeit said office if said person:

(1) lacks at any time during said person's term of office any qualifications of the office as prescribed by this charter or the laws of the State of Georgia;

(2) willfully and knowingly violates any express prohibition of this charter;

(3) is convicted of a crime involving moral turpitude; or

(4) abandons said office or neglects to perform the duties thereof.

(c) Filling of Vacancies - A vacancy in the office of councilman shall be filled for the remainder of the unexpired term, if any, as provided for in Article V of this charter.

**Section 2.13. Compensation and Expenses.**

The councilmen shall be entitled to receive their actual and necessary expenses incurred in the performance of their duties of office and may fix by ordinance compensation for subsequent holders of those offices as authorized by general law.

**Section 2.14. Prohibitions.**

(a) Holding Other Office - Except as authorized by law, no member of the council shall hold any other elective City office or city employment during the term for which said person is elected.

(b) Voting When Personally Interested - No member of the council shall vote upon any question in which said person is personally interested financially.

**Section 2.15. Inquires and Investigations.**

The 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 council shall be punished as provided by ordinance.

**Section 2.16. General Power and Authority of the Council.**

(a) Except as otherwise provided by law or by this charter, the council shall be vested with all the powers of government of the City of Sky Valley as provided by Article 1.

(b) In addition to all other powers conferred upon it by law, the council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules and regulations not inconsistent with this charter, 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 Sky Valley and may enforce such ordinances by imposing penalties for violation thereof.

(c) The council may by ordinance create, change, alter, abolish or consolidate offices, agencies and departments of the city and may assign additional functions to any of the offices, agencies and departments expressly provided for by this charter.

## **CHAPTER 2. ORGANIZATIONS AND PROCEDURES**

### **Section 2.20. Organization.**

(a) At the first regular meeting of the Mayor and City Council after January 1st, the oath of office shall be administered by the City Clerk to those elected officials beginning a new term of office as follows:

"I do solemnly swear (or affirm) that I will well and truly perform the duties of (mayor or councilman, as the case may be) of the City of Sky Valley and that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America."

(b) The council, by majority vote of all the members thereof, shall elect one of their number to be president of the council, who shall serve for a term of one (1) year and until his successor is elected and qualified. The president of the council shall assume the duties and powers of the mayor upon the mayor's disability or absence or upon the event of a vacancy in that office.

(c) After January 1st and before its first regular meeting the City Council shall meet informally for organization.

### **Section 2.21. Regular and Special Meetings.**

(a) The council shall hold regular meetings at such times and places as prescribed by ordinance. The council may recess any regular meeting and continue such meeting on any weekday and at any hour it may fix, and may transact any business at such continued meeting that may be transacted at any regular meeting.

(b) Special meetings of the council may be held on call of the mayor or three (3) members of the council. Notice of such special meetings shall be served on all other members as provided by ordinance. Such notice shall not be required if the mayor and all councilmen are present when the special meeting is called. Notice of any special meeting may be waived in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilman's presence. Only the business stated in the notice may be transacted at the special meeting, unless all council members are present and consent. With such consent, any business which may be transacted in a regular meeting may be conducted at the special meeting.

(c) All meetings of the council shall be public, except where otherwise provided by law and notice to the general public of special meetings shall be made as fully as is reasonably possible prior to such special meeting.

### **Section 2.22. Rules of Procedure.**

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

### **Section 2.23. Quorum; Voting.**

Any three members of the city council shall constitute a quorum and shall be authorized to transact business of the council. Voting on the adopting of ordinances shall be taken by voice vote and the ayes and nays shall be recorded in the journal; but any member of the council shall have the right to request a roll-call vote. A majority vote of the quorum shall be required for the adoption of any ordinance, resolution or motion.

### **Section 2.24. Action Requiring an Ordinance.**

(a) Except as herein provided, every official action of the council which is to become law, shall be by ordinance. Each proposed ordinance or resolution shall be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "The Council of the City of Sky Valley hereby ordains...." and every ordinance shall so begin.

(b) An ordinance may be introduced by any member of the council and read at a regular or special meeting of the council. Ordinances shall be considered and adopted or rejected by the council in accordance with the rules which it shall establish under Section 2.22 of this charter; provided, however, an ordinance, except emergency ordinances, shall not be adopted the same day it is introduced except ordinances may be adopted at the first meeting where they are originally introduced upon the affirmative vote of all members present. Upon introduction of any ordinance, the clerk shall distribute a copy to each member of the council and to the mayor and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

### **Section 2.25. Emergency Ordinances.**

To meet a public emergency affecting life, health, property, or public peace, the council may adopt one or more emergency ordinances but such ordinances may not levy taxes; grant, renew or extend a franchise; regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided by law. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting in which it is introduced, but the affirmative vote of at least three members of the council shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed thirty (30) days following the date upon which it was adopted, but this shall not prevent reenactment of the

ordinance in the manner specified in this Section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this Section for adoption of emergency ordinances.

**Section 2.26. Codes of Technical Regulations.**

(a) The council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.27.

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

**Section 2.27. Signing, Authenticating, Recording, codification, printing.**

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

(b) The council may by ordinance provide for the preparation of a general codification of all of the ordinances of the city having the force and effect of law.

**Section 2.28. Veto Power of Mayor.**

(a) Every ordinance adopted by the council shall be presented promptly by the clerk to the mayor.

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

(c) Beginning January 1, 1985, ordinances vetoed by the mayor shall be presented by the clerk to the council at its next regular meeting, and should the council then or at its next regular meeting adopt the ordinance by an affirmative vote of four of its members, it shall become law. Until January 1, 1985, ordinances vetoed by the mayor shall be presented by the clerk to the council at its next regular meeting and should the council then or at its next regular meeting adopt the ordinance by an affirmative vote of three of its members, it shall become law.

(d) The mayor may disapprove or reduce any item or items of appropriation in any ordinance. The approved part or parts of any ordinance making appropriations shall become law, and the part or parts disapproved shall not become law unless subsequently pass by the city council over

the mayor's veto as provided by this Section.

### **ARTICLE III**

#### **EXECUTIVE BRANCH**

##### **Chapter 1. Mayor**

###### **Section 3.10. Chief Executive Officer.**

The mayor shall be the chief executive of the City of Sky Valley. He shall possess, have, and exercise all of the executive and administrative powers granted to the city under the constitution and laws of the State of Georgia, and all the executive and administrative powers contained in this charter.

###### **Section 3.11. Election: Forfeiture: Oath: Compensation: Holding Other Offices: Personal Interests.**

The mayor shall be elected in the manner provided in article V of this charter and serve for a term of two (2) years and until his successor is elected and qualified. He shall have the same qualifications, be administered the oath of office and forfeit his office on the same grounds and under the same procedures as for council members. The manner of fixing compensation, and the limitations on holding other offices and dealing in matters in which he is personally interested shall be the same for the mayor as is established for council members.

###### **Section 3.12. Powers and Duties.**

Amended by striking in its entirety subsection (a) of Section 3.21 and inserting in lieu thereof a new subsection (a) to read as follows (H.B. No. 1898):

(a) As the chief executive of the City of Sky Valley, the mayor shall:

- (1) See that all laws and ordinances of the city are faithfully executed;
- (2) Appoint and remove all officers, department heads, and employees of the city, except as otherwise provided in this charter and subject to approval or disapproval by the majority of the council;
- (3) Exercise supervision over all the executive and administrative work of the city and provide for the coordination of administrative activities;
- (4) Prepare and submit to the council a recommended annual operating budget and recommend a capital budget;

(5) Submit to the council at least once a year a statement covering the financial and general conditions of the city and from time to time such other information as the council may request;

(6) Recommend to the council such measures relative to the affairs of the city, improvement of the government, and promotion of the welfare of its inhabitants as may be deemed expedient;

(7) Call special meetings of the council as provided for in Section 2.21;

(8) Approve or disapprove ordinances as provided in Section 2.28;

(9) Examine and audit all accounts of the city before payment;

(10) Require any department, agency, or officer of the city to submit written reports on the duties thereof whenever it is deemed expedient;

(11) Be the official head of the city for the service of process and for ceremonial purposes;

(12) See that all funds of the city are properly accounted for and that all revenues are properly and promptly collected;

(13) Inspect or cause to be inspected the records and books of account of the officers of the city and see that they are properly and correctly kept;

(14) See that order is maintained in the city and that its property and effects are preserved;

(15) Perform such other duties as may be required by law, this charter, or ordinance;

(16) Preside at all meetings of the city council.

(b) The said mayor shall have authority to:

(1) Bind the city by signing any contract, obligation or other matter entered into and authorized by ordinance or resolution of the council, properly passed in accordance with the provisions of this charter;

(2) Do acts and things as may be proper and necessary in the proper conduct of the affairs of the city and as may be hereinafter authorized.

**Section 3.13. President of the Council.**

During the absence or disability of the mayor for any cause, the president of the council, appointed by the council, or in his absence or disability for any reason, any councilman chosen

by the council, shall be clothed with all the rights and privileges of the mayor and shall perform the duties of the office of the mayor so long as such absence or disability shall continue.

## **Chapter 2. Organization and General Provisions**

### **Section 3.20. Administration and Service Departments.**

(a) The council may establish, abolish, merge or consolidate offices, positions of employment, departments and agencies of the city, as they shall deem necessary for the proper administration of the affairs and government of the city. The council shall prescribe the functions and duties of any departments, offices and agencies hereafter created or established; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the function or duties of offices, positions of employment, departments and agencies of the city.

(b) The operations and responsibilities of each department established in the city shall be distributed among such divisions or bureaus as may be provided by the council. Each department shall consist of such officers, employees, and positions as may be provided by this charter or by ordinance consistent with this charter and shall be subject to the general supervision and guidance of the mayor and city council. The department heads shall report directly to the mayor.

(c) Except as otherwise provided by this charter, the directors of departments and other appointed officers of the city shall serve at the pleasure of the appointing authority. Vacancies occurring in an appointive office shall be filled in the same manner as prescribed by this charter for an original appointment.

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

(e) All appointive officers and directors of departments shall receive such compensation as prescribed by the city council.

### **Section 3.21. Boards, Commissions and Authorities.**

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

(b) Any vacancy in office of any member of 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 of any applicable State law.

(c) No member of any board, commission or authority shall assume office until said member shall have executed and filed with the clerk of the city an oath obligating himself to perform faithfully and impartially the duties of such office, such oath to be administered by the mayor.

(d) Any member of a board, commission or authority may be removed from office for cause by a vote of three (3) members of the council.

(e) Members of boards, commissions and authorities may receive expenses in the performance of their official duties as approved by the council.

(f) The qualifications required of member of boards, commissions, and authorities shall be as prescribed by ordinance.

(g) Except as otherwise provided by this charter or by applicable State law, each board, commission and authority of the city government shall elect one of its members as chairman and one member as vice chairman for terms of one (1) 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 conduct of its affairs, copies of which shall be filed with the city clerk.

### **Section 3.22. City Attorney.**

The council shall appoint a city attorney together with such assistant city attorneys as may be authorized 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; shall attend the meetings of the council as directed; shall advise the 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 by virtue of his position as city attorney.

### **Section 3.23. City Clerk.**

The council shall appoint a city clerk to keep a journal of the proceedings of the city council and to maintain in a safe place all records and documents pertaining to the affairs of the city and to perform such other duties as may be required by law or as the council may direct.

### **Section 3.24. Tax Collector.**

The council shall appoint a tax collector to collect all taxes, licenses, fees and other monies belonging to the city subject to the provisions of this charter and the ordinances of the city, and the tax collector shall diligently comply with and enforce all general laws of Georgia relating to

the collection, sale or foreclosure of taxes by municipalities.

**Section 3.25. Consolidation of Functions.**

The Council may consolidate any two or more of the positions of city clerk and city tax collector, or any other positions and may assign the functions of any one or more of such positions to the holder or holders of any other positions.

**Chapter 3. Personnel Administration**

**Section 3.30. Personnel Policies.**

The council shall adopt rules and regulation consistent with the charter concerning personnel policies as may be necessary to provide for adequate and systematic handling of the personnel affairs of the City of Sky Valley.

**ARTICLE IV**

**MUNICIPAL COURT**

**Section 4.10. Creation: Name.**

There shall be a court to be known as the Municipal Court of the City of Sky Valley.

**Section 4.11. Chief Judge; Associate Judge.**

- (a) The municipal court shall be presided over by a chief judge and such part-time, full-time or standby associate judges as shall be provided by ordinance.
- (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless he shall have attained the age of 21 years. All judges shall be appointed by the city council.
- (c) Compensation of the judges shall be fixed by ordinance.
- (d) Judges may be removed for cause by a vote of three (3) members of the city council.
- (e) Before entering on the duties of his office, each judge shall take an oath given by the mayor that he will honestly and faithfully discharge the duties of his office to the best of his ability without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council journal.

**Section 4.12. Convening.**

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

**Section 4.13. Jurisdiction: Powers.**

- (a) The municipal court shall try and punish violations of all city ordinances.

(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$50.00 or 10 days in jail.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$500 or imprisonment for 90 days or both, or to sentence any offender upon conviction to labor in a city work gang or on the streets, sidewalks, squares, or other public works for a period not exceeding 90 days.

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

(e) The municipal court shall have authority to establish bail and recognizance to insure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for his appearance and shall fail to appear at the time fixed for trial, his bond shall be forfeited by the judge presiding at such time, and an execution issued thereon by serving the defendant and his sureties with a rule nisi, at least two (2) 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, or the property so deposited shall have a lien against it for the value forfeited, which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

(f) 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.

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

(h) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summons, subpoena and warrants which may be served or executed by any officer as authorized by this charter or by general State law.

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

#### **Section 4.14. Appeal.**

The right of appeal and any bond as may be required to secure the costs on appeal to the Superior Court of Rabun County from the municipal court shall lie in the same manner and

under the same procedure as generally prescribed for appeals and appeal bonds from the probate court; provided, that any person who fails to file his appeal within 10 days of the date of his conviction shall be deemed to have waived any such right. In appeal to the superior court shall be a de novo proceeding.

**Section 4.15. 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; provided, however, that the city council may adopt in part or in to the rules and regulations for procedure in the superior court under the general laws of the State of Georgia. The rules and regulations made or adopted shall be filed with the city clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 8 hours prior to said proceedings.

**ARTICLE V**  
**ELECTIONS**

**Section 5.10. Applicability of General Laws.**

The procedure and requirements for election of all elected officials of the City of Sky Valley as to primary, special or general elections shall be in conformity with the provisions of the Georgia Municipal Election Code, approved April 4, 1968 (Ga. Laws 1968, p.885), as now or hereafter amended.

**Section 5.11. Qualifying; Nomination and Election of Candidates; Absentee Ballots.**

The council may, by ordinance, prescribe rules and regulations consistent with law governing qualifying fees, nomination of candidates, absentee ballots, write-in votes, challenge of votes, purging of registration lists, and such other rules and regulations as may be necessary or appropriate to fulfill any options or duties of a municipality under the Georgia Municipal Election Code for the conduct of elections in the City of Sky Valley. The candidate for mayor receiving the highest number of votes shall be deemed elected mayor, and the candidates receiving the highest number of votes for councilmen shall be deemed elected councilmen.

**Section 5.12. Appointed Mayor and Council.**

There is hereby designated and appointed Lawrence McClure, Jr., as mayor of the city and James Mason, Robert L. Parish, and John O. Robertson, Jr., as councilmen of the city who shall immediately take office upon the approval of this charter as hereinafter provided upon taking the oath of office specified in Section 2.20 of this charter before any officer authorized by law to administer oaths. The mayor and councilmen appointed herein shall hold their respective offices until their successors are elected and qualified at an election held in said city as provided in Section 5.13 of this charter or until a vacancy shall occur as provided in Section 5.14.

**Section 5.13. Regular Elections; Time for Holding; Oath.**

Amended by striking Section 5.13 in its entirety and inserting in lieu thereof a new Section 5.13 to read as follows (H.B. No. 1466 and H.B. No. 2010):

(a) Regular election; time for holding; oath. For the purposes of electing members to the city council of Sky Valley, Georgia, positions on the council shall be numbered as Posts 1 through 5, respectively. Candidates for council member shall designate the post for which they are offering for election. Successors to the two council members whose terms expire December 31, 1990 shall be elected to Posts 1 and 2 on the Tuesday next following the first Monday in November and biennially thereafter and shall serve for terms of office of two years and until their successors are elected and qualified. Successors to the mayor and three council members whose terms expire December 31, 1991 shall be elected to Posts 3 through 5 on the Tuesday next following the first Monday in November and biennially thereafter and shall serve for terms of office of two years and until their successors are elected and qualified.

(b) The candidates for each post on the council and for the office of mayor receiving the highest number of votes shall be elected for terms of two years.

#### **Section 5.14. Vacancies.**

In the event that the office of mayor shall become vacant for any cause whatsoever, the president of the council shall act as mayor until the next general election with all the powers and duties of the mayor. In the event that the office of councilman shall become vacant for any cause whatsoever, such vacancy shall be filled by appointment of the city council. The tenure of office for a councilman so appointed shall continue only until the next general election.

#### **Section 5.15. Registration of Electors.**

(a) The council may elect either to maintain its own registration or provide for the registration of electors by resolution or other appropriate measure, stating that any person who is a resident of the city and who is registered as an elector with the board of registrars of the county, and meets the municipal residency requirements, shall be eligible to vote in an election.

(b) In the event the council does not elect to maintain its own registration, it may nevertheless appoint registrars as provided by law whose duties shall include the purging of the city's list of electors under the provisions of the Georgia Municipal Election Code.

(c) No person shall vote in any City of Sky Valley election unless said person shall be a registered voter, qualified as required by law to vote in municipal elections in the City of Sky Valley.

## **ARTICLE VI**

### **FINANCE AND FISCAL**

#### **Section 6.10. Property Taxes.**

All property subject to taxation for State or county purposes, assessed as of January 1 of each year, may be subject to a property tax levied by the City of Sky Valley. The council shall use the county assessment for the year in which the city taxes are to be levied and shall request the county to furnish appropriate information for such purpose.

#### **Section 6.11. Tax Levy.**

The council shall be authorized to levy an ad valorem tax on all taxable real and personal property within the corporate limits of the city for the purpose of raising revenues to defray the costs of operating the city government, providing governmental services, and for any other public purposes as determined by the council in its discretion. The council is also authorized to provide for the sufficient levy to pay principal and interest on general obligations.

#### **Section 6.12. Tax Due Dates and Tax Bills.**

The council shall provide by ordinance when the taxes of the city shall fall due and in what length of time said taxes may be paid and shall provide by ordinance for the payment of taxes due to the city in installments, or in one lump sum, and when and how and upon what terms such taxes shall be due and payable, as well as to authorize the voluntary payment of taxes prior to the time when due.

#### **Section 6.13. Collection of Delinquent Taxes.**

The council may provide by ordinance for the collection of delinquent taxes by fi. fa. issued by the city clerk or tax collector and executed by any police officer of the city under the same

procedure provided by law governing execution of such process from the superior court, or by the use of any other available legal processes and remedies. A lien shall exist against all property upon which city property taxes are levied, as of the assessment date of each year, which lien shall be superior to all other liens, except that it shall have equal dignity with those of federal, State or county taxes. In cases of hardship, the council shall have discretionary authority to waive any and all penalties imposed by this charter on delinquent taxes, fees, assessments, or on other amounts due to the city.

#### **Section 6.14. Licenses; Occupation Taxes; Excise Taxes.**

The council by ordinance shall have full power to levy such specific or occupation taxes upon the residents of the City of Sky Valley, both individual and corporate, and upon all those who transact or offer to transact business therein, or who practice or offer to practice any profession or calling therein, as the council may deem expedient for the public health, safety, benefit, convenience or advantage of the city: to classify businesses, occupations, professions or callings for the purpose of licensing and taxation in any way which may be lawful; to require such persons to purchase licenses; to compel the payment of such licenses and taxes by execution or any other lawful manner; and to enact ordinances and regulations necessary or proper to carry out the powers thereof. The council shall have full power and authority to levy an excise tax not prohibited by general law.

#### **Section 6.15. Service Charges.**

The council by ordinance shall have the right, power and authority to assess and collect fees, charges, and tolls for sewer, sanitary, health services or any other services rendered both within and without the corporate limits of the City of Sky Valley for the total cost to the city for providing such services. If unpaid, such charges shall be collected as provided in Section 6.18 of this article.

#### **Section 6.16. Special Assessments.**

The council shall have power and authority to assess all or part of the cost of constructing, reconstructing, widening, paving or otherwise improving any public way, street, sidewalk, curbing, gutters, sewers, other utility mains and appurtenances, or other public improvements against the abutting property owners, under such terms and conditions as may be prescribed by ordinance. If unpaid, such charges shall be collected as provided in Section 6.18 of this Article.

#### **Section 6.17. Construction; Other Taxes.**

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

#### **Section 6.18. Collection of Development Taxes and Fees; Transfer of Executions.**

The city council by ordinance may provide generally for the collection of delinquent taxes, fees

or other revenue due the city by whatever reasonable means as are not precluded by general State law. The city clerk shall be authorized to assign or transfer any fi. fa. or execution issued for any tax or for any street, sewer, or other assessment in the same manner and to the same extent as provided by Georgia law regarding sales and transfers of tax fi. fas. Such transfer or assignment, when made, shall vest the purchaser or transferee with all right, title and interest as provided by Georgia law governing sales and transfers of tax fi. fas; provided that, upon levy of execution and sale of property pursuant to such tax fi. fas., whether assigned, transferred, or executed by the city, the owner of such property, in fee simple or lesser interest, shall not lose his right to redeem the property in accord with the requirements of redemption of property sold under State or county ad valorem tax fi. fas., as said requirements now exist or as may be hereafter provided by law.

## **CHAPTER 2. Indebtedness**

### **Section 6.20. General Obligation Bonds.**

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

### **Section 6.21. Revenue Bonds.**

Revenue bonds may be issued by the council as State law now or hereafter provides.

### **Section 6.22. Short-term Notes.**

Pursuant to applicable State law, the city may obtain and must repay temporary loans between January 1 and December 31 of each year or as is otherwise provided by present or future State law.

## **CHAPTER 3. Accounting and Budgeting**

### **Section 6.30. Fiscal Year.**

The council shall set the fiscal year by ordinance. Said fiscal year shall constitute the budget year and the year for financial accounting and reporting of each office, department or institution, agency and activity of the city government, unless otherwise provided by State or federal law.

### **Section 6.31. Submission of Operating Budget to City Council.**

On or before a date fixed by the council but not later than thirty (30) days prior to the beginning

of each fiscal year, the mayor shall submit to the council a proposed operating budget for the ensuing fiscal year. The operating budget hereinafter provided for and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

**Section 6.32. Action by Council on Budget.**

(a) The council may amend the operating budget proposed by the mayor, except that the budget as finally amended and adopted must provide for all expenditures required by law or by other provisions of this charter and for all debt service requirements for the ensuing fiscal year.

(b) The council shall adopt the final operating budget for the ensuing fiscal year not later than seven (7) days prior to the beginning thereof. If the council fails to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly until such time as the council adopts a budget for the ensuing fiscal year.

**Section 6.33. Property Tax Levies.**

As the next order of business following adoption of the operating budget, the council shall levy by ordinance an annual tax on all taxable real and personal property within the City of Sky Valley. The tax rate set by such ordinance shall be such that reasonable estimates of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual operating budget for defraying the expenses of the general government of the City of Sky Valley.

**Section 6.34. Additional Appropriations.**

The council may make appropriations in addition to those contained in the current operating budget, at any regular or special meeting called for such purpose. Any such additional appropriations may be made from an existing unappropriated surplus in any fund or on a revised estimate of revenues.

**Section 6.35. Capital Improvements Budget.**

The council may by ordinance provide for the preparation by the mayor and submission to the council of a capital improvements budget.

**CHAPTER 4. Procurement and Property Management.**

**Section 6.40. Contracting Procedures.**

All contracts shall be made or authorized by the council, and no contracts shall bind the city unless reduced to writing and approved by the council.

**Section 6.41. Centralized Purchasing.**

(a) The council shall by ordinance prescribe procedures for a system of centralized purchasing for the City of Sky Valley.

(b) Except as otherwise provided by law, the council may sell and convey any real or personal property owned or held by the City of Sky Valley for governmental or other purposes, at a public or private sale, with or without advertisement, for such consideration as it shall deem equitable and just for the city.

**ARTICLE VII**

**MUNICIPAL SERVICES AND REGULATORY FUNCTIONS**

**Section 7.10. Streets.**

The council is hereby vested with the power to lay out, open, widen, change, straighten, alter, improve, vacate, abandon and otherwise to exercise complete control over the public streets, alleys, squares and sidewalks of the City of Sky Valley. The council shall provide for the removal of any and all obstacles and nuisances in regard to the streets, alleys or sidewalks or other public places within the city and shall adopt appropriate ordinances to accomplish this purpose.

**Section 7.11. Municipal Utilities.**

The council shall have the power and authority to acquire, own, hold, build, maintain and operate a system of waterworks, electric lights, sewerage and gas distribution; to establish rates and charge fees for services rendered in any said systems; to finance any of said systems through appropriate bond issue in accordance with the laws of Georgia; to exercise the power of eminent domain in regard to and of said systems, both within and without the corporate limits; and to contract to furnish the services of any of said systems to consumers outside the corporate limits of the City of Sky Valley.

### **Section 7.12. Sewers and Drains.**

The council shall have the power and authority to provide for the establishment, extension and maintenance of a system of sewers and rains, together with a sewerage disposal system. This power includes the authority to extend said system beyond the corporate limits. For these purposes, the city is granted the power of eminent domain both within and without its corporate limits. The council may provide by ordinance for reasonable connection fees for tapping on to the water and sewer lines of said city and may compel citizens to tap into the same when such service is made available. They may cause said connection to be made when the owners refuse and issue executions to be made for the amount so expended, which execution shall create a lien on the property connected with said water and sewage systems from the date of the order or connection.

### **Section 7.13. Right-of-way.**

The city shall have the right, easement and franchise of laying the necessary mains, pipes, conduits and drains for waterworks and sewerage system purposes along the highways in Rabun County without cost; it shall have full power and authority to enact and enforce such rules, regulations and ordinances as may be necessary to protect the water basin and watershed from which the water supply is taken from contamination and to protect said waterworks and sewerage system, including the mains pipes and conduits, whether the same be situated within or without the corporate limits of said city.

### **Section 7.14. Power to Regulate and License.**

The council shall have the power and authority to provide by ordinance for the registration and licensing of any trade, business, occupation, vocation, profession or any and every other undertaking pursued for the purpose of personal gain or profit of whatever nature engaged in or carried on within the limits of the City of Sky Valley, regardless of whether or not the subject has an office or establishment within said city. The council shall be authorized to fix the amount, terms and manner of issuing and revoking licenses, provided that this authority is subject to the Constitutions and laws of the United States and the State of Georgia. This power is conferred for the purpose of regulation under the police powers of the city and for the purpose of raising revenue for the operation of the city government through the imposition of a tax or fee on the privilege of operating within the city. This authority extends over individuals, partnerships, associations, corporations and their agents, and any other legal entity capable of transacting business.

### **Section 7.15. Franchises.**

The council shall have authority to exercise control over the use of the public streets of the City of Sky Valley. The power is hereby conferred upon the council to grant franchises for the use of said city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, gas companies and transportation companies. this franchise right extends to, but is not limited to, the erection of poles, stringing of wires, laying of pipes, lines or conduits both above and below the ground surface, The council shall determine the duration, provisions,

terms, whether the same shall be exclusive or nonexclusive, and the consideration of such franchises; provided, however, that no franchise shall be granted unless the city receives just and adequate compensation therefore. The council shall provide for the registration of all franchises with the clerk of council in the registration book to be kept him. The council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

**Section 7.16. Building, Housing, Electrical and Plumbing Regulations.**

The council shall have the power and authority to enact such reasonable rules and regulations as it may deem necessary or expedient regarding the construction and maintenance of buildings, remodeling of buildings, plumbing, and electrical wiring and equipping of buildings, in order to promote the safety and welfare of its citizens and to guard against fire or other property damage. This power may, in the discretion of the council, be exercised by adoption of any such standard building, housing, gas, heating and air conditioning, electrical, plumbing and such other codes as may be deemed appropriate. The council shall be empowered to engage the necessary personnel to enforce such rules and regulations as adopted and to charge reasonable fees for inspections and permits; and may require the obtaining of a permit as a condition precedent to any construction, building, electrical work or plumbing work. The council may enact all ordinances necessary to enforce such rules and regulations.

**ARTICLE VIII**

**MISCELLANEOUS**

**Section 8.10. Official Bonds.**

The officer and employees of the City of Sky Valley, both elective and appointive, shall execute such official bonds in such amounts and upon such terms and conditions as the city council may from time to time require.

**Section 8.11. Construction.**

The captions to the several Sections of this Charter are informative only and are not to be considered as a part thereof. The singular shall include the plural and the masculine the feminine and vice versa.

**Section 8.12. Penalties.**

The violation of any provision of this charter for which no penalty is specifically provided for herein is hereby declared to be a misdemeanor and shall be punishable by a fine of not more than \$500.00 or by imprisonment not to exceed 90 days or both such fine and imprisonment.

**Section 8.13. Severability.**

If any Article, Section, subsection, paragraph, sentence, or part thereof of this charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this charter, unless it clearly appears that such other parts are wholly and necessarily dependent upon the part or parts held to be invalid or unconstitutional, it being the legislative intent in enacting this charter that all Articles, Sections, subsections, paragraphs, sentences or parts thereof be enacted separately and independently of one another.

**Section 8.14. Repealer.**

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