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City Council

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CHAPTER 1

City Council

ARTICLE A

General Provisions

Sec. 2-1-1 Compensation.

- (a) The mayor shall be compensated for services to the city in the amount of four hundred (\$400.00) dollars per month.
- (b) Each council member shall be compensated for services as a council member in the amount of two hundred (\$200.00) dollars per month (as amended by Ord. of 1/8/1991)

Secs. 2-1-2 through 2-1-10 reserved.

ARTICLE B

Meetings

Sec. 2-1-11 Regular meetings.

The regular meeting of the Pembroke City Council will be held at City Hall or at such other place as may be designated, on the second Monday of each month at 7:00 p.m. (Ord. 2/8/2000; Effective 3/13/2000) (Ord. 2/8/2007; Effective 3/12/2007).

Sec. 2-1-12 Adjourned meetings.

If a quorum shall fail to attend any regular or special meeting of the city council or if for any reason any meeting shall fail to complete transaction of the business before the meeting, the meeting may be adjourned to any date prior to the next regular meeting agreed upon by a majority of the members present.

Sec. 2-1-13 Order of business.

- (a) At each meeting of the city council the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:
 - (1) call to order by the mayor;
 - (2) reading of minutes of the previous meeting by the city clerk for correction and approval;
 - (3) grievances or public comments from citizens
 - (4) communications from the mayor;
 - (5) old business;
 - (6) new business;
 - (7) reports from committees, members of the council and other officers
 - (8) adjournment.

- (b) If the city council directs any matter to be the special business of a future meeting, that matter shall have precedence over all other business at that future meeting.
- (c) No proposition shall be entertained by the city council until it has been seconded, and every proposition shall, when required by the mayor or any member, be reduced to writing.

Sec. 2-1-14 Rules of procedure.

Except as otherwise provided by ordinance, the procedures of the city council shall be governed by Robert's Rules of Order.

Sec. 2-1-15 Previous questions.

The previous questions may be called at any time by a majority of the members present. The ayes and nays may be called for by any member.

Sec. 2-1-16 Motions having precedence.

- (a) When a question is under consideration no motion shall be received except as follows:
 - (1) to lay on the table;
 - (2) to postpone to a time certain;
 - (3) to postpone indefinitely;
 - (4) to refer to a committee;
 - (5) to amend;
 - (6) to strike out or insert; or
 - (7) to divide.
- (b) Motions for any of these purposes shall have precedence in the order named.

Sec. 2-1-17 Motion to adjourn.

A motion to adjourn shall always be in order and shall be decided without debate.

Sec. 2-1-18 Disturbing meetings.

- (a) While the city council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the council nor disturb any member while speaking or refuse to obey the orders of the council or its presiding officer, except as otherwise herein provided.
- (b) Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the council shall be forthwith, by the presiding officer, barred from further audience before the council, unless permission to continue is granted by a majority vote thereof. (Code 1974, Sec. 2-105)

Secs. 2-1-19 through 2-1-30 reserved.

ARTICLE C

Ordinances and Resolutions

Sec. 2-1-31 Official copy; records.

- (a) A true copy of an ordinance which has been duly enacted by the city council, signed by the mayor, and attested to by the city clerk, shall be known as an official copy of any ordinance of the city.
- (b) After adoption of ordinances, the city clerk shall number ordinances consecutively, in the order of their final adoption, and shall copy them into a permanent record book used solely for this purpose. The city clerk shall do likewise for resolutions, using a separate series of numbers and a separate record book. The original copies of all ordinances, resolutions, and motions shall be filed and preserved by the city clerk.

Secs. 2-1-39 through 2-1-40 reserved.

ARTICLE D

Ethics Code

Sec. 2-1-41 Preamble.

The public judges its government by the way in which public officials and public employees conduct themselves in the post to which they have been elected and appointed.

All government, of right, originates with the people and is founded upon their will only; and is instituted solely for the good of the whole community. As noted in the Georgia Constitution, Article 1, Section 2, Paragraph 1, public officers are the trustees and servants of the people and as such are at all times answerable to them for their actions.

The people of this State have the inherent right of regulating their internal government. Government is instituted for the protection, security and benefit of the people; and, as noted in Georgia Constitution Article 1, Section 2, Paragraph 2, at all times they have the right to alter or reform the same whenever the public good may require it.

The people have a right to expect that every public official will conduct himself in a manner that will tend to preserve public confidence in and respect for the government he represents. Such confidence and respect can best be promoted if every public official, whether paid or unpaid, elected or appointed, will uniformly: (a) treat all citizens with courtesy, impartiality, fairness, and equality under the law; and (b) avoid conflicts between their private self-interest and the public interest.

ARTICLE I

PURPOSE

Sec. 2-1-42 Declaration of policy. It is the policy of the City of Pembroke that the proper operation of democratic government requires that public officials be independent, impartial and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a Code of Ethics for all City officials is adopted.

This code has the following purposes: (1) to encourage high ethical standards in official conduct by City officials; (2) to establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the best interest of the City; (3) to require disclosure by such officials of private financial or other interest in matters affecting the City; and (4) to serve as a basis for disciplining those who refuse to abide by its terms.

The provisions of this ordinance shall not apply to political contributions,

loans, expenditures, reports or regulation of political campaigns or the conduct of candidates in such campaigns.

ARTICLE II

SCOPE OF PERSONS COVERED

Sec. 2-1-43 Scope of persons covered. The provisions of this code of ethics shall be applicable to the Mayor all members of the city council, the planning and zoning commission, all advisory commissions and the members of all committees.

ARTICLE III

DEFINITIONS

Sec. 2-1-44 Definitions. As used in this ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- (a) **City official or official**, unless otherwise expressly defined, means the Mayor, members of the City Council, municipal court judges (including substitute judges), the City Clerk, deputy city clerks, assistant city clerks, city planner and all other persons holding positions designated by the city charter, as it may be amended from time to time, whether such person is salaried, hired or elected. City official, unless otherwise expressly defined, includes individuals appointed by the Mayor and City Council to all city commissions, committees, boards, task forces or other city bodies unless specifically exempted from this ordinance by the City Council.
- (b) **Entity** means a sole proprietorship, partnership, limited partnership, firm, corporation, professional corporation, holding company, joint stock company, receivership, trust or any other entity recognized by law through which business may be conducted.
- (c) **Decision** means any ordinance, resolution, contract, franchise, formal action or other matter voted on by the City Council or other city board of commission, as well as the discussions or deliberations of the council, board or commission, which can or may lead to a vote or formal action by that body.
- (d) **Discretionary authority** means the power to exercise any judgement in a decision or action.
- (e) **Immediate family** means spouse, mother, father, brother, sister, son or daughter of any official.
- (f) **Remote interest** means an interest of a person or entity, including a city official who would be affected in the same way as the

general public. For example, the interest of a council member in the property tax rate ("Millage"), in general city fees, in city utility charges, or a comprehensive zoning ordinance or similar decisions incidental to the extent that the council member would be affected in common with the general public.

- (g) **Incidental interest** means an interest in a person, entity or property which is not a substantial interest and which has insignificant value.
- (h) **Substantial interest** means a known interest, either directly or through a member of the immediate family of the official, in another person or entity: (1) the interest is ownership of five percent or more of the voting stock, shares, equity of the entity, or ownership of \$3,000 or more of the equity or market value of the entity; or (2) funds received by the official from the other person or entity either during the previous 12 months or the previous calendar year equaling or exceeding \$3,000 in salary, bonuses, commissions, or professional fees or \$3,000 in payments for goods, products or nonprofessional services, or ten percent of the official's gross income during that period, whichever is less; (3) the official serves as a corporate officer or member of the board of directors or other governing board of the for-profit entity other than a corporate entity owned or created by the City Council; or (4) the official is a creditor, debtor, or guarantor of the other person or entity in an amount of \$3,000 or more. Substantial interest in real property means an interest in real property, which is an equitable or legal ownership with a market value of \$3,000 or more.

ARTICLE IV

STANDARDS OF CONDUCT

Sec. 2-1-45 Standards of Conduct

- (a) No official shall use his position to secure special privileges or exemptions for themselves or another person, or to secure confidential information for any purpose other than for official responsibilities.
- (b) No official shall fail to disclose for the common good and for the record any interest, which may constitute a substantial interest prior to any discussion or vote on any matter before the council, commission or board.
- (c) No official shall act as an agent or attorney for another in any matter before the council, board or commission on which the official serves.
- (d) No official shall directly or indirectly receive or agree to receive any compensation, gift, reward or gratuity in any matter or

- proceeding connected with or related to the duties of his office, except as provided by law.
- (e) No official shall enter into any contract with the city except as specifically authorized by state statutes. Any official who has a proprietary interest in an agency doing business with the city shall make known that interest in writing to the City Council and the City Clerk.
 - (f) All public funds shall be used for the general welfare of the people and not for the personal economic gain of any individual.
 - (g) Public property shall be disposed of in accordance with Georgia law.
 - (h) No official shall solicit or accept other employment to be performed or compensation to be received while still an official of the city, if the employment or compensation could reasonably be expected to impair the official's judgement or performance of his duties.
 - (i) If an official accepts or is soliciting a promise of future employment from any person or entity who has a substantial interest in a person, entity or property which would be affected by any decision upon which the official might reasonably be expected to act, investigate, advise or make a recommendation, the official shall disclose the fact to the council, board or commission on which he serves or to his supervisor and he shall take no further action on matters regarding the potential future employer.
 - (j) No official shall use city facilities, personnel, equipment or supplies for private purposes, except to such extent as such are lawfully available to the general public at large (such as public parks, food at public events, materials supplied as part of community recreation activities, etc.).
 - (k) No official shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the general public at large.

ARTICLE V

CONFLICT OF INTEREST

- Sec. 2-1-46 Prohibition of conflict of interest. An official may not participate in a vote, decision or discussion on a matter affecting a person, entity or property in which the official has a substantial interest; in addition, an official who serves as a corporate officer or member of the board of directors of a nonprofit entity may not participate in a vote, decision or discussion regarding funding of the entity by or through the city. Where the interest of an official or employee in the subject of a vote, discussion or decision is

remote or incidental, the official or employee of the city may participate in the vote, discussion or decision and need not specifically disclose the interest.

ARTICLE VI

EXEMPTIONS

Sec. 2-1-47 Exemptions. This code shall not be construed to require the filing of any information relating to any person's connection with or interest in any professional society or any charitable, religious, social, fraternal, educational, recreational, public service, civil or political organization, or any similar organization not conducted as a business enterprise or governmental agency, and which is not engaged in the ownership or conduct of a business enterprise or governmental agency.

ARTICLE VII

MISCELLANEOUS

Sec. 2-1-48 Severability. The provisions of this ordinance are severable. If any provision or this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or application.

ARTICLE VIII

PENALTIES

Sec. 2-1-49 Penalties. Any person violating any provision of this ordinance may be subject to:

- (a) Written and oral reprimand by the council, board, commission or committee of which said violator is a member.
- (b) A fine greater than \$100.00 but less than \$500.00 to be imposed by the council, commission, board or committee of which the violator is a member (said fine amount to be determined by the parliamentary procedures pertaining to said council, commission, board or committee).
- (c) Request for resignation from the council, board, committee or commission of which the violator is a member. If the violator is an employee of the city, the city may request the violator's resignation from his position.

Each council, board, commission or committee shall have authority to establish its own rules and regulations to impose said penalties and may adopt them as part of its bylaws.

ARTICLE IX

ADMINISTRATION

Sec. 2-1-50 Ethics Committee

The ethics committee shall consist of three persons: one appointed by the mayor; one appointed by the city council; and one appointed by the two above named appointees subject to the approval of a majority vote of the city council. All members of the Ethics Committee shall be residents of the City of Pembroke and shall serve a two-year term, renewable once; members of the Ethics Committee may serve a maximum of four years consecutively. (Amended December 11, 2003)

Sec. 2-1-51 Receipt of complaints

- a) All complaints against city officials shall be filed with the ethics committee through the office of the City Clerk. The ethics committee may require that oral complaints and complaints illegibly or informally drawn, be reduced to a memorandum of complaint in such form as may be prescribed by the Pembroke City Council.
- b) Upon receipt of a complaint in proper form, the Ethics Committee shall review the complaint to determine whether the complaint is unjustified, frivolous, unfounded or fails to state facts sufficient to invoke the disciplinary jurisdiction of the Pembroke City Council. The Ethics Committee shall be empowered to collect evidence and information concerning any complaint and to add their findings and the results of their investigations to the file containing such complaint.
- c) Upon completion of its investigation of a complaint, the Ethics Committee shall be empowered to dismiss those complaints which it deems unjustified, frivolous, unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction of the Pembroke City Council; provided, however, that a rejection of a complaint by the Ethics Committee shall not deprive the complaining party of any action he might otherwise have at law, under ordinance, or in equity against the respondent city official.
- d) Upon completion of its investigation of a complaint, and finding that the complaint is justified, well-founded, or containing facts sufficient to warrant it, the Ethics Committee shall hand up the complaint in the next open session of the Pembroke City Council for official acceptance by the council for further action.
- e) The Ethics Committee shall be empowered to conduct probable cause investigations, to take evidence and to hold hearings where provided for in the rules.
- f) The Ethics Committee shall be empowered to adopt forms for

formal complaints, subpoenas,, notices, applications for reinstatement and any other written instruments necessary or desirable under these rules.

Sec. 2-1-52 Additional Ethics Regulations. This Code of Ethics shall be cumulative and in addition to all other applicable Ethics regulations in state law and local ordinances and in city personnel policy. Specifically, this section is in addition to the Code of Ethics section of the Pembroke Code of Ordinances.

Sec. 2-1-53 Right to Appeal
Any final decision by the Pembroke City Council made pursuant to this Code of Ethics for city officials may be appealed to the Superior Court of Bryan County.

CHAPTER 2

Elections

State Law Reference: Georgia municipal elections, O.C.G.A., Title 21, Ch. 2.

§ 2-2-1 Election officials.

§ 2-2-2 Voter registration deadline.

§ 2-2-3 Notice of candidacy; filing dates.

§ 2-2-4 Qualification fees.

§ 2-2-5 Polling place.

Sec. 2-2-1 Election officials.

The city council shall appoint a municipal election superintendent, election managers, registrars, absentee ballot clerk and any other officials as are necessary, all of whom shall exercise those powers and duties set forth in the Georgia Municipal Election Code (O.C.G.A., Title 21, Ch. 2), as now or hereafter amended.

State Law Reference: Municipal powers, etc., O.C.G.A., Sec. 21-2-2.

Sec. 2-2-2 Voter registration deadline.

The deadline for registration of voters in city elections shall be as determined by state law.

State Law Reference: Registration, O.C.G.A., Sec. 21-2-215.

Sec. 2-2-3 Notice of candidacy; filing dates.

Notices of candidacy shall be filed by candidates for offices of the governing authority as noted in the GA Municipal Election Code, OCGA 2-2-5. Notices of candidacy shall be filed in the office of the municipal election superintendent during normal business hours.

State Law Reference: Filing notice of candidacy, O.C.G.A., Sec. 21-2-5.

Sec. 2-2-4 Qualification fees.

The qualification fee for filing a notice of candidacy in any general or special election shall be as provided for in GA Municipal Election Code, Qualification fees, O.C.G.A., Sec. 21-2-131.

State Law Reference: Qualification fees, O.C.G.A., Sec. 21-2-131.

Sec.2-2-5 Polling place.

The polling place shall be as fixed from time to time by resolution of the city council. State Law Reference: Polling places, O.C.G.A., Sec. 21-2-264.

CHAPTER 3

Municipal Court

- § 2-3-1 Accusations.
- § 2-3-2 Acceptance of pleas.
- § 2-3-3 Indigent defendants.
- § 2-3-4 Plea.
- § 2-3-5 Disposition of cases.
- § 2-3-6 Continuance of cases.
- § 2-3-7 Appearance of complaining witnesses.
- § 2-3-8 Rules of evidence.
- § 2-3-9 Dismissals.
- § 2-3-10 Judgment and sentences.

Sec. 2-3-1 Accusations.

Any person having knowledge of the commission of an ordinance violation may file a written verified accusation with the clerk of the court. When such an accusation is filed, the clerk shall cause a summons to be issued and delivered over to the chief of police to be personally served upon the accused.

The summons shall require the defendant to appear at the next term of the court and at that time the court shall conduct an inquiry to determine whether or not there are reasonable grounds to believe that the accused has committed a violation of said ordinance. If the court finds that grounds exist to continue the prosecution the court may then proceed to trial, but either the prosecutor or the defendant shall be entitled to have the case continued until the next term of court to allow time to prepare for the trial of the case. (Code 1974, Sec. 6-201)

State Law Reference: Contents of affidavits or warrants, O.C.G.A., Sec. 17-4-41.

Sec. 2-3-2 Acceptance of pleas.

- (a) Before accepting a plea to an offense charged, the court shall in all cases, in language which the defendant can understand, inform him of the nature of the charge against him and the penalty which may be imposed upon conviction, and shall inform the defendant of his fundamental constitutional rights. The fundamental rights should include, but not be limited to the following:
 - (1) that he is not required to make any statement and that anything said by him may be used against him;
 - (2) that he may have a lawyer;
 - (3) that he may have his case delayed to give him sufficient

- time to be advised by a lawyer;
- (4) that he may have a lawyer present during any questioning and proceeding;
 - (5) that if he is without means to employ a lawyer, one will be appointed by the court to represent him;
 - (6) that he may or may not testify in his own behalf;
 - (7) that he may appeal any final decision rendered by the court;
 - (8) that a record of any conviction will become a part of his permanent record;
 - (9) that he may be admitted to bail in appropriate cases;
 - (10) that he may have a trial by jury (if applicable);
 - (11) that he is innocent until proven guilty;
 - (12) that he may have the complaining or material witness present and the right to cross-examine;
 - (13) that he may bring witnesses in his own behalf. (Code 1974, Sec. 6-204)

Sec. 2-3-3 Indigent defendants.

The defendant may, at any time, request the court to appoint an attorney. In such case, the judge shall determine whether the defendant is able to afford an attorney. In making this determination, the judge has the authority to put the defendant under oath and require him to testify as to his employment, his family, the net worth of his possessions and other such matters. If the judge determines that the defendant is indigent, he shall proceed to appoint an attorney for him. (Code 1974, Sec. 6-205)

Sec. 2-3-4 Plea.

- (a) The defendant shall enter one of the following pleas:
- (1) guilty;
 - (2) not guilty;
 - (3) nolo contendere; or
 - (4) a former judgment of conviction or acquittal of the offense charged.
- (b) If the defendant refuses to enter a plea, the court shall enter a plea of not guilty for him and set the case down for trial. (Code 1974, Sec. 6-206)

Sec. 2-3-5 Disposition of cases.

Except as otherwise provided by law or ordinance, all prosecutions docketed at a designated session of court shall be disposed of during that particular session. (Code 1974, Sec. 6-207)

Sec. 2-3-6 Continuance of cases.

Only the judge or other officer presiding shall have the authority to continue the case. No continuance shall be allowed except for good cause

shown. (Code 1974, Sec. 6-208)

Sec. 2-3-7 Appearance of complaining witnesses.

A material or complaining witness in any contested prosecution shall appear at the session at which the prosecution is docketed. The prosecution may be dismissed if the material witness fails to appear. (Code 1974, Sec. 6-209)

Sec. 2-3-8 Rules of evidence.

The general rules of evidence shall be applicable in the trial of all cases. (Code 1974, Sec. 6-210)

Sec. 2-3-9 Dismissals.

Except as otherwise provided by law, by section 2-3-7 or by other ordinance, no prosecution shall be dismissed except upon motion, granted by the judge or other officer presiding. The reason for every dismissal shall be set forth in the order, which must be entered upon the court record. (Code 1974, Sec. 6-211)

Sec. 2-3-10 Judgment and sentences.

- (a) Upon a verdict or plea of guilty and after announcing the judgment, the court shall impose sentence. The court may:
- (1) impose a fine, with or without a commitment for confinement;
 - (2) commit such person for confinement;
 - (3) suspend the execution of the sentence in whole or in part;
 - (4) defer the execution of the sentence or any portion or portions thereof to one or more fixed dates in the future.
- (Code 1974, Sec. 6-212)

CHAPTER 4
Administration

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General Provisions

- § 2-4-1 City clerk-treasurer; duties.
- § 2-4-2 City attorney; duties.
- § 2-4-3 City administrator; duties.
- § 2-4-4 Departments established.
- § 2-4-5 Responsibility of department heads.
- § 2-4-6 Bonds.
- § 2-4-7 Business dealings.
- § 2-4-8 Acceptance of gratuities.
- § 2-4-9 Outside employment.
- § 2-4-10 Use of municipal time, facilities, etc.
- § 2-4-11 Unethical use of position.
- § 2-4-12 Strikes and unions.
- § 2-4-13 Part-time employees; definition.
- § 2-4-14 Personnel Policies and Procedures
- § 2-4-15 through 2-4-30 reserved.

ARTICLE B
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DIVISION 1 Retirement Plan

- § 2-4-31 Master retirement plan adopted.
- § 2-4-32 Designation of trustee.
- § 2-4-33 Mayor given authority to execute agreements.
- § 2-4-34 Normal retirement benefit.
- §§2-4-35 through 2-4-40 reserved.

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- § 2-4-41 Social security participation.
- § 2-4-42 Employees' coverage.
- § 2-4-43 Withholdings.
- § 2-4-44 City contributions.
- § 2-4-45 Reports and records.
- § 2-4-46 Ineligible employees.

ARTICLE A

General Provisions

Sec. 2-4-1 City clerk-treasurer; duties.

- (a) In addition to the duties of the city clerk under the city charter, the city clerk-treasurer shall perform the following duties:
- (1) be the custodian of the city seal and affix its impression on documents whenever required;
 - (2) preserve the codes, records and documents belonging to the city and maintain a proper index to all records and documents;
 - (3) receive all money due the city, including taxes, licenses and fees, and payout the same only upon orders of the city council; and
 - (4) perform any other duties as may be required by the city council.

Sec. 2-4-2 City attorney; duties.

- (a) The city attorney shall be the legal advisor and representative of the city and in that capacity shall:
- (1) prepare ordinances when so requested by the city council;
 - (2) prepare for execution all contracts and instruments to which the city is a party when so requested and approve, as to form, all ordinances, bonds and city contracts; and
 - (3) render any other legal services as may be required by the city council.

Sec. 2-4-3 City Administrator.

- (a) By authority of the City Charter to make and enter into contracts and agreements, as it may deem necessary for the welfare of the city or its citizens, and upon authority of the City Charter to fix and determine the compensation, terms of office, and salary to be received by all city employees, the Mayor and City Council hereby establish the position of City Administrator. The Mayor and City Council may select and appoint a City Administrator and, if so, shall enter into a contract which shall detail the City Administrator's salary, compensation and other related benefits and terms of employment. The City Administrator will serve at the pleasure of the Mayor and City Council for an indefinite term.
- (b) The City Administrator shall be the chief administrative officer of the city government. The City Administrator shall be chosen on the basis of qualifications. During the City Administrator's absence or disability, the Mayor and City Council may designate some qualified person to execute and perform the functions and duties of the office. In the case of a vacancy in the office of City Administrator, the Mayor and Council may

- appoint a successor.
- (c) The City Administrator shall have the power and it shall be his or her duty to:
- (1) See that all laws and ordinances are enforced.
 - (2) Appoint, and when necessary, suspend and remove all officers and employees of the city, except as otherwise provided by the Charter or by law; and provided that the City Administrator may authorize the head of a department or office to appoint, suspend or remove subordinates in such department or office; and provided further that such appointments, suspensions or removals shall be subject to the personnel policies adopted by the Mayor and Council. The appointment, suspension or removal of the City Clerk, the police chief, or any department head shall be subject to the approval of the Mayor and Council.
 - (3) Recommend to the Mayor and Council the rate or amount of salaries and compensation of city employees for council approval.
 - (4) Supervise and direct the official conduct of all appointed city officers and employees.
 - (5) Prepare a budget annually and submit it to the Mayor and Council and to be responsible for the administration of such budget after adoption.
 - (6) Keep the Mayor and Council advised as to the financial condition and needs of the city and to make such recommendations as deemed desirable.
 - (7) Attend all meetings of the Mayor and Council.
 - (8) Consolidate or combine offices, positions, departments or units under jurisdiction with the approval of the Mayor and Council.
 - (9) Supervise the purchase of all materials, supplies and equipment for which funds are provided in the budget, all in accordance with the City's purchasing policy.
 - (10) Recommend to the Mayor and Council from time to time adoptions of such measures as deemed necessary or expedient for the health, safety and welfare of the City or for the improvement of administrative services.
 - (11) Perform such other duties as may be required by ordinance or resolution of the Mayor or Council.

Sec. 2-4-3 Departments established.

(a) The following departments of the city are hereby established:

- (1) maintenance;
- (2) police;
- (3) fire;
- (4) cemetery;
- (5) recreation;
- (6) street/sanitation;
- (7) utility;
- (8) community development; and
- (9) planning & zoning

Sec. 2-4-4 Responsibility of department heads.

Every department head is immediately responsible to the city administrator for the effective administration of his/her respective department. (Code 1974, Sec. 3-104)

Sec. 2-4-5 Bonds.

Except as otherwise provided by law, the city council may require any department head, city official and/or employee, before entering upon discharge of his duties, to give good and sufficient bond in amounts decided by the council. Said bond shall be payable to the city for the faithful performance of the respective duties of that person and to secure against corruption, malfeasance, misappropriations or unlawful expenditures. Surety bonds shall be obtained from a surety company licensed to do business in the State of Georgia and approved by the city council, with the premiums thereon to be paid by the city. (Code 1974, Sec. 3-102)

Sec. 2-4-6 Business dealings.

Except for the receipt of some compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the municipality unless in conformity with O.C.G.A., section 16-10-6 and any other applicable general law. (Code 1974, Sec. 3-217)

Editorial Note: Under the provisions of O.C.G.A., section 16-10-6, there is no criminal penalty for such dealings in the case of sales of less than \$200 per calendar quarter, sales made pursuant to sealed competitive bids, or sales of certain real property.

Sec. 2-4-7 Acceptance of gratuities.

No municipal officer or employee shall accept any money or other

consideration or favor from any person other than the city for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to city business. (Code 1974, Sec. 3-218)

Sec. 2-4-8 Outside employment.

No full-time officer or employee of the city shall accept any outside employment without a written authorization from the mayor. The mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his municipal employment, or is likely to cast discredit upon or create embarrassment for the municipality. (Code 1974, Sec. 3-219)

Sec. 2-4-9 Use of municipal time, facilities, etc.

No municipal officer or employee shall use or authorize the use of municipal time, facilities, equipment or supplies for private gain or advantage of himself or any other private person or group. Provided, however, that this prohibition shall not apply where the city council or city clerk has authorized the use of such time, facilities, equipment or supplies, and the city is paid at such rates as are normally charged by private sources for comparable services. (Code 1974, Sec. 3-221)

Sec. 2-4-10 Unethical use of position.

No municipal officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the city, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (Code 1974, Sec. 3-222)

Sec. 2-4-11 Strikes and unions.

No municipal officer or employee shall participate in any strike against the city, nor shall he join, be a member of, or solicit any other municipal officer or employee to join any labor union which approves or promotes the use of strikes by government employees. (Code 1974, Sec. 3-223)

Sec. 2-4-12 Part-time employees; definition.

Part-time employees are those employees who work less than 30 hours per week.

Sec. 2-4-13 Personnel Policies and Procedures.

For the purposes of establishing a system for the city to manage employees, there is hereby adopted the Personnel Policies and Procedures Manual, as such plan exists as of November 10, 1998, which is published

in book form, which is referred to, incorporated herein and made a part hereof for all purposes, a copy of which is filed of record in the office of the city clerk.

Sec 2-4-14 through 2-4-30 reserved.

ARTICLE B

Retirement

DIVISION I Retirement Plan

- Sec. 2-4-31 Master retirement plan adopted.
For the purpose of establishing a system for the city to provide retirement and pension benefits to its employees, there is hereby adopted by the city council that plan formulated by the Georgia Municipal Employees' Benefit System pursuant to the authority vested in that system by Georgia Laws 1965, pp. 421 et seq., as amended, which plan is commonly known as the Master Retirement Plan, as such plan exists as of July 1, 1973 and as amended April 1, 2005. Said plan is incorporated herein by reference as fully as if the same were here set forth at length, and the same shall be known as the "Georgia Municipal Employees' Benefit System," (hereinafter referred to as the "retirement plan"). (Code 1974, Sec. 3-203; Ord. 12/11/1990; 3/13/2000)
- Sec. 2-4-32 Designation of trustee.
The board of trustees of the Georgia Municipal Employees' Benefit System, a public corporation established by Georgia Laws 1965, pp. 421 et seq., as amended, is hereby designated as trustee of the trust fund established in accordance with the retirement plan adopted above. The trustee shall have such authority as shall be granted to it in the trust agreement entered into as described in section 2-4-33. (Code 1974, Sec. 3-204; Ord. 12/11/1990)
- Sec. 2-4-33 Mayor given authority to execute agreements.
The mayor is hereby vested with power and authority to sign and execute a trust agreement setting out the powers of the trustee under the retirement plan, and to sign and execute a contract subscribing the city to membership in the Georgia Municipal Employees' Benefit System and binding the city to the terms and conditions set forth in such agreement, to the fullest extent allowed by Georgia law. (Code 1974, Sec. 3-205; Ord. 12/11/1990)
- Sec. 2-4-34 Normal retirement benefit.
The normal retirement benefit shall be the product of two percent (2%) of the participant's final average earnings (as defined in the Master Retirement Plan) multiplied by the participant's year of credited service (as defined in the Master Retirement Plan). (Code 1974, Sec. 3-206)
- Secs. 2-4-35 through 2-4-40 reserved.

DIVISION 2 Social Security

- Sec. 2-4-41 Social security participation.
It is hereby declared to be the policy and purpose of the city to extend at the earliest date possible under the agreement entered into by the State of Georgia and the Federal Social Security Administration, to the employees and officials thereof, and its instrumentalities, not excluded by law or by this division, the benefits of the System of Old Age and Survivors' Insurance as authorized by the Federal Social Security Act, the state enabling act, and amendments thereto. In pursuance of that policy, and for that purpose, the city shall take such action as may be required by applicable state or federal laws or regulations. (Code 1974, Sec. 3-207)
- Sec. 2-4-42 Employees' coverage.
The mayor or other chief executive officer of the city is hereby authorized and directed to execute all necessary agreements and amendments thereto with the Employees' Retirement System of Georgia for coverage of city employees and officials as provided for in the preceding section, to include any employees that are in positions covered by a public retirement system, in the manner by law provided. (Code 1974, Sec. 3-208)
- Sec. 2-4-43 Withholdings.
Withholdings from salaries or wages of employees and officials for the purpose provided for in section 2-4-42 hereof are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state agency. (Code 1974, Sec. 3-209)
- Sec. 2-4-44 City contributions.
There shall be appropriated from general funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, administrative expenses, and such funds shall be paid over to the Employees' Retirement System of Georgia in accordance with regulations established by that agency. (Code 1974, Sec. 3-210)
- Sec. 2-4-45 Reports and records.
The city shall keep such records and make such reports as may be required by applicable state or federal laws or regulations. (Code 1974, Sec. 3-211)
- Sec. 2-4-46 Ineligible employees.
There is hereby excluded from this division any authority to make any agreement with respect to any position, or any employee or official not authorized to be covered by applicable state or federal laws or regulations. (Code 1974, Sec. 3-212)

CHAPTER 5

Finance and Taxation

ARTICLE A

General Provisions

- § 2-5-1 Fiscal year.
- § 2-5-2 Proposed budget.
- § 2-5-3 Action on budget.
- § 2-5-4 Capital improvements budget.
- § 2-5-5 Annual report; periodic reports.
- § 2-5-6 Financial statement.
- § 2-5-7 Contracts; bonds.
- § 2-5-8 Temporary loans.
- § 2-5-9 Purchasing.
- § 2-5-10 Reserved.

ARTICLE B

Property Taxes

- § 2-5-11 Tax rate.
- § 2-5-12 Tax due and payable.
- § 2-5-13 Collection of delinquent taxes, fees or other revenue; interest.
- §§ 2-5-14 through 2-5-20 reserved.

ARTICLE C

Occupation, Profession and Business Taxes

- § 2-5-21 Definitions.
- § 2-5-22 Occupation tax levied
- § 2-5-23 Occupation tax limitations.
- § 2-5-24 Registration of line of business.
- § 2-5-25 Multiple Locations
- § 2-5-26 Taxation of professionals
- § 2-5-27 Duration of Fee
- § 2-5-28 Occupation tax certificate.
- § 2-5-29 Exemptions.
- § 2-5-30 Change of address
- § 2-5-31 Change of ownership
- § 2-5-32 Special provision for insurance companies.
- § 2-5-33 Tax on public utilities.

- § 2-5-34 Confidentiality
- § 2-5-35 Evidence of State Registration; other qualifications (Amended 4-8-13)
- § 2-5-36 Liability of Officers and Agents; registration required; failure to obtain.
- § 2-5-37 Due Date, court penalty and interest.
- § 2-5-38 Criminal penalty for violation of this chapter.
- § 2-5-39 Inspection of Records.
- § 2-5-40 Revocation.
- § 2-5-41 Execution, Liens.
- § 2-5-42 Application to prior delinquencies.
- § 2-5-43 Public Hearing before future tax increases.

ARTICLE D

Malt Beverage Excise Taxes

- § 2-5-44 Imposition; rate; collection.

ARTICLE A

General Provisions

Sec. 2-5-1 Fiscal year.

The fiscal year of the city government shall begin on January 1 and shall end on December 31 of each year. The fiscal year shall constitute the budget year and the year for fiscal accounting and reporting of every office, department, agency and activity of the city government, unless otherwise prohibited by law. (Code 1974, Sec. 3-501; Ord. of 4/12/83)

Sec. 2-5-2 Proposed budget.

- (a) The various department heads shall, on or before September 1 of each year, submit to the administrator a budget request for their respective departments for the following fiscal year. On or before October 15 of each year the administrator shall submit to the mayor a proposed budget for the following fiscal year.
- (b) On or before November 15 of each year, the mayor shall submit to the city council a proposed operating budget for the next fiscal year, showing separately for the general funds, each utility, and each other fund for the following year: (i) the revenue and expenditure during the preceding fiscal year, (ii) appropriations and estimated revenue and recommended expenditures for the next fiscal year, (iii) a comparative statement of the assets, liabilities, reserves and surplus at the end of the current fiscal year, and (iv) such other information and data, as may be considered necessary by the city council. (Code 1974, Sec. 3-502)

Sec. 2-5-3 Action on budget.

Before the beginning of the ensuing fiscal year, the city council shall adopt an appropriate ordinance, based on the mayor's budget, with such modifications as the city council considers necessary or desirable. Appropriations need not be in more detail than a lump sum for each department, office, and agency unless otherwise directed by the council. The city council shall not make any appropriations in excess of estimated revenue, except to provide for an actual emergency threatening the health, property, or lives, safety or general welfare of the inhabitants of the city.

State Law Reference: Public hearing and inspection, O.C. G.A., Sec. 36-81-5.

Sec. 2-5-4 Capital improvements budget.

On or before November 15 of each year, the mayor shall submit to the city council a proposed capital improvements budget with his/her recommendations as to the means of financing such improvements. The

city council shall accept with or without amendments or reject the proposed program and proposed means of financing. The city council shall not authorize an expenditure for the construction of any building, structure, work or improvement, unless the appropriations for such projects are included in the capital improvements budget, except to meet a public emergency threatening the lives, health or property of inhabitants, and passed by a majority vote of the council. Such capital improvements budget may be revised and extended each year with regard to the capital improvements still pending or in the process of construction or acquisition. Before the beginning of the ensuing fiscal year, the council shall adopt an appropriate ordinance based on the proposed capital improvements budget, with such modifications as the council considers necessary or desirable. No appropriation provided for in the capital improvements budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided, the mayor may submit amendments to the capital improvements budget at any time during the fiscal year. Any such amendments to the capital improvements budget shall become effective only upon adoption by a majority vote of the city council. (Code 1974, Sec. 3-504)

Sec. 2-5-5

Annual report; periodic reports.

- (a) Within 30 days after the close of each fiscal year, the mayor shall obtain a report from the city administrator for the various city departments for the previous year and shall recommend such adjustments to the city council as s/he may see fit.
- (b) The city council shall have the power to require reports from all officers and employees of the city as it may deem necessary to carry out its responsibilities.

Sec. 2-5-6

Financial statement.

The city council shall cause to be published within six (6) months after the close of each fiscal year in accordance with state law a general balance sheet and statement of revenues and expenditures showing all municipal accounts as of the close of such preceding fiscal year. (Code 1974, Sec. 3-506)

State Law Reference: Audit requirements, O.C.G.A., Sec. 36-81-7; annual independent audit, Charter, Sec. 11.

Sec. 2-5-7

Contracts; bonds.

The mayor shall sign contracts and bonds for the city. (Code 1974, Sec. 2-402)

Sec. 2-5-8

Temporary loans.

The mayor may obtain short-term loans in the name of the city when

approved by council. Any such indebtedness shall be payable solely from the proceeds of a duly authorized bond issue or from a specific designated source, unless there is a prior appropriation out of which such indebtedness could be paid. (Code 1974, Sec. 2-403)

Sec. 2-5-9 Purchasing.

- (a) The clerk-treasurer shall be the purchasing agent of the city, and shall:
- (1) arrange and negotiate the purchase or contract for all equipment, supplies and contractual services for the city, and sell or otherwise dispose of all surplus city equipment and supplies; and
 - (2) maintain an inventory of all materials, supplies or equipment owned by the city.

Sec. 2-5-10 Reserved.

ARTICLE B

Property Taxes

Sec. 2-5-11 Tax rate.

An annual ad valorem tax upon all real and personal property within the city is hereby levied. The millage rate therefor shall be established each year by resolution of the city council.

Sec. 2-5-12 Tax due and payable.

- (a) All ad valorem taxes due the city shall be billed and paid in one (1) payment.
- (b) Ad valorem tax bills, as adjusted to conform to the tax digest of the county shall be payable on or before December 20, but in the event of adjustment by the state revenue commissioner, the city shall, within a reasonable time thereafter as may be determined by resolution of the mayor and council, after receipt from the county of the adjustment information, refund any overpayments or bill for any underpayments.
- (c) All sums due the City including, but not limited to, ad valorem, occupation taxes, fine, forfeitures, penalties, license fees, permit fees and registration fees, may be paid by the use of credit cards. The City Clerk shall establish the procedures for acceptance of credit card payment for amount due the City. The City Clerk is authorized to enter into agreement with credit card issuers to facilitate the acceptance of credit card payments by the city.
- (d) A credit card agreement may provide for the acceptance of the credit card payments from the credit card company at a discount from the face amount of the payment or for the withholding of administrative fees from the face amount of the payment. Such discounted fee is granted in exchange for the improved governmental cash flow, reduction of administrative expenses and increased public convenience as a result of credit card payments.
- (e) A surcharge equal to the administrative fees charged by the credit card issuer to the City shall be imposed upon any person making a payment by credit card, when such surcharges are permitted by the operating rules and regulations of the credit card issuer.
- (f) Any agreement with a credit card issuer for the acceptance or payment via credit shall contain a provision that the agreement may be canceled at any time by the City.
- (g) No person making payment by credit card to the City is relieved from liability for the underlying obligation except to the extent that the city actually receives final payment of the obligation in cash or its equivalent. If final payment is not made by the credit card issuer or other guarantor of payment in the credit card transaction, the

underlying obligation for the money due is not extinguished. All applicable penalties, interest and collection fees on the unpaid amount shall be due from the person making the payment by credit card. Such penalties, interest and fees on an unpaid amount shall accrue from the date the unpaid obligation was first due under the applicable statute or ordinance. The City shall follow the collection procedures for the unpaid amount that would have otherwise been applicable had the credit card payment not been attempted. (Ord 7/9/1996)

State Law Reference: Installments, O.C.G.A., Sec. 48-5-23.

Sec. 2-5-13 Collection of delinquent taxes, fees or other revenue; Interest.

- (a) For the collection of delinquent taxes, a fi. fa. shall be issued by the city clerk-treasurer and executed by the chief of police under the procedure provided by the laws of the State of Georgia governing execution of process from the superior court, or by use of any other available process and remedies.
- (b) A lien shall exist against all property on which city property taxes are levied, as of the assessment day of January 1 of each year, which shall be superior to all other liens except that it shall have equal dignity with those for federal, state or county taxes.
- (c) The amount due on all delinquent fi. fas. issued under subsection (a) hereof as well as any interest or penalty thereon shall be listed as apart of and in addition to the annual ad valorem tax bill.
- (d) Any license, privilege or permit granted by the city shall be revoked by the city clerk for the failure to pay any money due the city for taxes, fees, penalties, interests, fines or other revenue, within three (3) calendar months and 10 days after any payment is due; provided, that any person aggrieved by the order may, within 10 days thereof, appeal to the city council, who, after a hearing thereon, may approve or modify the order or restore the license privilege or permit by adopting a motion to that effect but only upon finding that the clerk- treasurer's action was not factually or legally correct.
- (e) Unless otherwise provided in this code, all fi. fas. issued hereunder shall earn interest at the maximum rate allowed by state law and no penalty shall be charged except in lieu of interest.

State Law Reference: Interest on past due taxes, O.C.G.A., Sec. 48-2-40; executions, O.C.G.A., Title 9, Ch. 13 and Title 48, Ch. 3; tax sales, O.C.G.A., Title 48, Ch. 4.

Secs. 2-5-14 through 2-5-20 reserved.

ARTICLE C

Occupation, Profession and Business Taxes

Cross Reference: Business and occupation licenses, Sec. 7- 1-1 et seq.

Sec. 2-5-21 Definitions. As used in this Chapter the term:

- (a) "Dominant Line" means the type of business within a multiple service or product business from which the greatest amount of revenue is derived.
- (b) "Location or office" means a fixed place located in the City of Pembroke from which a person conducts business, but shall not include a worksite in the City for less than four months in any calendar year for the purpose of serving a single customer or project.
- (c) "Occupation Tax" means a tax levied on persons, partnerships, corporations or other entities for engaging in an occupation, profession or business for revenue purposes.
- (d) "Occupation Tax Certificate" means a document issued by the City of Pembroke acknowledging payment of the occupation tax.
- (e) "Person" shall include sole proprietors, corporations, partnerships, or any other form of organization.
- (f) "Practitioners of professions" are:
 - (1) Lawyers;
 - (2) Physicians licensed under Chapter 34 of Title 43;
 - (3) Osteopaths licensed under Chapter 34 of Title 43;
 - (4) Chiropractors;
 - (5) Podiatrists;
 - (6) Dentists;
 - (7) Optometrists;
 - (8) Psychologists;
 - (9) Veterinarians;
 - (10) Landscape architects,
 - (11) Land surveyors;
 - (12) Practitioners of physiotherapy;
 - (13) Public accountants;
 - (14) Embalmers;
 - (15) Funeral directors;
 - (16) Civil, mechanical, hydraulic, or electrical engineers;
 - (17) Architects; and
 - (18) Marriage and family therapists, social workers, and professional counselors. Such term shall not include a practitioner who is an employee of a business, if the business pays an occupation tax.
- (g) "Profitability Class" shall mean the category into which an

occupation is placed for occupation tax purposes in accordance with Section 2-5-22(b) of this Code.

- (h) "Regulatory Fee" means the payment required by the City as an exercise of its police power as part of or as an aid to regulation of an occupation, profession or business, the amount of which shall approximate the reasonable cost of the actual regulatory activity performed by the city.
- (i) "Regulatory Fee Certificate" means a document issued by the City of Pembroke acknowledging payment of regulatory fee.
- (j) "Standard Industrial Classification" shall mean categories of occupations and industries established by and promulgated by the Office of Management and Budget of the United States of America and found in the Standard Industrial Classification Manual of 1987.

Sec. 2-5-22 Occupation tax levied.

- (a) An occupation tax is levied upon those persons with one or more locations or offices within the corporate limits of the City and, pursuant to O.C.G.A. § 48-13-7, upon out-of-state persons with no location or office in Georgia in accordance with the following occupation tax schedule:

Tax Class	Occupation Tax
1	\$125
2	\$150
3	\$175
4	\$225
5	\$250
6	\$300

(1) Business classifications by Profitability Ratios

SIC Code	Business Description	Tax Class by six classes
01	Agricultural production – Crops	4
02	Agricultural production – Livestock	4
07	Agricultural Services	3
08	Forestry	3
09	Fishing, Hunting and Trapping	3
10	Metal Mining	5
11	Anthracite Mining	2
12	Bituminous Coal and Lignite Mining	2
13	Oil and Gas Extraction	5
14	Mining and Quarrying of Nonmetallic minerals, except fuels	4

15	Building Construction - General Contractors	1
16	Heavy Construction Other than Building Contractors	2
17	Construction - Special Trade Contractors	2
20	Manufacturing – Food and Kindred Products	3
22	Manufacturing –Textile Mill Products	2
23	Manufacturing –Apparel and other finished Textile Products	3
24	Manufacturing –Lumber and Wood Products, except furniture	2
25	Manufacturing – Furniture and Fixtures	2
26	Manufacturing – Paper and allied products	4
27	Manufacturing – Printing, Publishing and Allied Industries	4
28	Manufacturing – Chemical and Allied Products	5
29	Manufacturing – Petroleum and Related Products	4
30	Manufacturing – Rubber and Miscellaneous Plastic Products	3
31	Manufacturing – Leather and Leather Products	3
32	Manufacturing – Stone, clay, glass and concrete products	4
33	Manufacturing – Primary metal industries	2
34	Manufacturing – Fabricated metal products, except machinery and transportation equipment	3
35	Manufacturing – Machinery, except electrical	5
36	Manufacturing – Electronic and other electrical machinery, equipment and supplies, except computer equipment	4
37	Manufacturing – Transportation equipment	1
38	Manufacturing – Measuring, analyzing and controlling instruments; photographic, medical and optical goods; watches and clocks	5
39	Manufacturing – Miscellaneous manufacturing industries	4
40	Railroad transportation	3
41	Local and suburban transit and interurban highway passenger transportation	1
42	Motor freight transportation and warehousing	1
45	Transportation by air	1
46	Pipe lines, except natural gas	6
47	Services incidental to transportation	1
48	Communication	5
49	Electric, gas and sanitary services (utilities)	5
50	Wholesale trade - durable goods	1
51	Wholesale trade - nondurable goods	1
52	Retail trade - building materials, hardware, garden supply and mobile home dealers	1
53	Retail trade - General merchandise stores	2
54	Retail trade – Food stores	1
55	Retail trade – Automotive dealers and gasoline service stations	1
56	Retail trade – Apparel and accessory stores	2
57	Retail trade – Home furniture, furnishings and equipment stores	1

58	Retail trade – Eating and drinking places	2
59	Retail trade – Miscellaneous, not elsewhere classified	1
60	Banking	6
61	Credit-extending agencies other than banks	6
62	Security and commodity brokers, dealers, exchanges and services	5
63	Insurance carriers (underwriters)	22
64	Insurance agents, brokers and services	5
65	Real estate	5
67	Holding companies and other investment offices	6
70	Services – Hotels, Rooming houses, camps and other lodging places	2
72	Services – Personal	3
73	Services – Business	3
75	Automotive repair, services and parking	2
76	Miscellaneous repair services	3
78	Services – Motion pictures	3
79	Services – Amusement and recreation, except motion pictures	5
80	Health services	2
81	Legal services	4
82	Educational services and schools	3
83	Social services	2
86	Membership organizations	1
87	Professional services	4
89	Services not elsewhere classified	4
99	Non-classifiable establishments	1

- (b) A person shall be placed in the Profitability Class based on the dominant line of business or service of the person.
- (c) Persons with no physical location in the City, but which perform services or sell products within the corporate limits of the City, shall be subject to the occupation tax if such person has more than nominal business activity within the City, including:
 - (1) One or more employees who exert effort within the jurisdiction of the City for the purpose of soliciting business or serving customers or clients; or
 - (2) Owns real or personal property which is located within the jurisdiction of the City and which generates income or is used to generate income.

Sec. 2-5-23 Occupation Tax Limitations

- (a) The City shall not require the payment of more than one occupation tax for each location of a person.
 - (1) If a person with no location or office in the City provides to the City proof of payment of a local business or occupation

tax in another state which purports to tax the person's gross receipts in this state, then the person shall be exempt from the occupation tax levied by this ordinance.

- (2) A person who has locations or offices elsewhere in Georgia who is subject to occupation tax by more than one local government in Georgia shall be subject to occupation tax by the City, unless the person provides documentation to the City of current payment of an occupation tax, measured by the gross receipts of the person, to the other Georgia local governments.
- (b) Persons from out of state with no office or location in Georgia subject to an occupation tax under this ordinance shall be required to pay an occupation tax to only one local government of the municipal corporation or county in which the largest dollar volume of business is done or services are performed by the person. Such persons submitting documentation to the City sharing payment of such tax to another local government in Georgia shall be exempt from the occupation tax levied by this ordinance.
- (c) If a person commences business in the City on or after July 1 in any year, the occupation tax for the remaining portion of the year shall be 50% of the tax imposed for the entire year.
- (d) Real estate brokers shall be subject to the occupation tax imposed by this article only if they maintain a principal or branch office in the City.
- (e) A non-prorated, nonrefundable administrative fee of \$10.00 shall be required on all business and occupation tax accounts for the initial start-up, renewal, or reopening of those accounts.

Sec. 2-5-24. Registration of line of business.

The registration by each person shall identify the dominant line of business, profession or occupation conducted.

Sec. 2-5-25 Multiple Locations

Wherever a business or occupation is conducted at more than one location or place within the City, each such location shall be considered a separate business for the purpose of the occupation tax imposed by this ordinance.

Sec. 2-5-26 Taxation of professionals.

- (a) Practitioners of professions, as defined in Section 2-5-21, shall elect for their occupation tax either:
1. The occupation tax as set forth in Section 2-5-22; or,
 2. A tax of \$400.00 for each practitioner who is licensed to provide the service, such tax to be paid at the practitioner's office of location.
- (b) Such election shall be made on or before February 1, 1995. Such

election shall be changed for subsequent calendar years only by a written request filed by the professional on or before February 1 of the year in which the election is to be changed.

Sec. 2-5-27 Duration of Fee

Each regulatory fee and occupation tax, as applicable, shall be for the calendar year. Any regulatory fee or occupation tax shall be payable January 1 of each year and shall be delinquent if not paid by March 1 of each year. Any amounts owed which are not paid by March 1 shall be subject to the penalties for delinquency as described in this Chapter. For any new profession, occupation or business begun in the City after January 1 of any year the regulatory fee and occupation tax, as applicable, shall be obtained immediately upon beginning business, and if not so obtained shall be delinquent. A regulatory fee certificate and an occupation tax certificate indicating that the profession, occupation or business has paid the fees and taxes owned shall be issued by the city clerk. Any person practicing a profession, occupation or business without having valid certificates issued to him or her shall, upon conviction, be punished as provided in Section 1-1-5 of this Code.

In addition to the above remedies, the city clerk may proceed to collect the delinquencies in the same manner as provided by law for tax executions.

Sec. 2-5-28 Occupation Tax Certificate.

Every person subject to payment of the occupation tax amended by this ordinance shall display a current occupation tax certificate in a conspicuous place at the location for which such certificate was issued if the taxpayer does not have a permanent location with the City, the occupation tax certificate shall be shown to any police officer (or any other person charged with enforcing this ordinance) upon request.

Sec. 2-5-29 Exemptions.

- (a) No occupation tax shall be levied upon the following:
- (1) Any practitioner whose office is maintained by and who is employed in practice exclusively by the United States, the State, a municipality or county of the State, or instrumentality of the United States, of the State or a municipality or county of the State;
 - (2) Those businesses regulated by the Georgia Public Service Commission;
 - (3) Those electrical service businesses organized under Chapter 3 of Title 46 of the Official Code of Georgia Annotated;
 - (4) Any farm operation for the production from or on the land of agricultural products, but not including any agribusiness;
 - (5) Non-profit agricultural product cooperative marketing

- associations pursuant to O.C.G.A. §2-10-105;
- (6) Motor common carriers pursuant to O.C.G.A. § 46-7-15;
 - (7) Persons purchasing guano, meats, meal, flour, bran, cotton seed or cotton seed meal or hulls in carload lots for distribution among the purchasers for use and not sale pursuant to O.C.G.A. § 48-5-355;
 - (8) Persons selling or introducing into the City agricultural products or livestock, including animal products, raised in the state when the sale and introduction are made by the producer of the product and the sale is made within ninety (90) days of the introduction of the product into the City;
 - (9) Depository institutions pursuant to O.C.G.A. § 48-6-93; or
 - (10) Any business where the levy of such occupation tax is prohibited by the laws of the State of Georgia or the United States.

(b) The exemptions and limitations contained in this ordinance shall not be construed to repeal or otherwise affect in any way franchise fees, business taxes or other fees or taxes otherwise permitted by law.

Sec. 2-5-30 Change of Address.

Any person moving a nontransient business from one (1) location to another shall notify the city clerk of the move and the new address in writing, no later than ten (10) days after moving. The same tax certificate shall be valid at the new location.

Sec. 2-5-31 Change of ownership; transfers.

No tax certificate may be transferred from one (1) person to another. Additions to or deletions from the ownership of a business, which do not affect the liability and the principal ownership of a business for which the certificate is issued, may be made without canceling the old business or occupational tax certificate and applying for a new certificate. Whenever any person shall lease, operate or control the business franchise or property of other persons, they shall obtain a separate business tax certificate for each such business; provided no business shall pay the tax more than once under such an arrangement.

Sec. 2-5-32 Special provision for insurance companies;

(a) Insurer license fees. There is hereby levied an annual license fee upon each insurer doing business within the city in the amount of \$40.00. For each separate business location in excess of one not covered by subsection (b), which is operating on behalf of insurers within the city, there is hereby levied a license fee in the amount of \$40.00. For the purposes of this subsection, the term "insurer" means a company which is authorized to transact business in any of

the classes of insurance designated in O.C.G.A., Section 33-3-5. (Ord. 11/15/2001)

(b) License fee for insurers insuring certain risks at additional business locations.

For each separate business location, not otherwise subject to a license fee hereunder, operated and maintained by a business organization which is engaged in the business of lending money or transacting sales involving term financing and in connection with such loans or sales, offers, solicits or takes applications for insurance through a licensed agent of an insurer for insurance, said insurer shall pay an additional license fee of \$14.00 per location each year. (Ord. 11/15/2001)

(c) Insurance agency license fees; independent insurance agencies brokers, etc. not otherwise licensed.

There is hereby levied an annual license fee upon independent agencies and brokers for each separate business location from which an insurance business is conducted and which is not subject to the company license fee imposed by subsection (a) hereof, in the amount of \$40, for each such location within the city. (Ord. 11/15/2001)

(d) Gross premiums tax imposed on life insurers.

There is hereby levied an annual tax based solely upon gross direct premiums upon each insurer writing life, accident and sickness insurance within the City in an amount equal to one percent (1%) of the gross direct premiums received during the preceding calendar year in accordance with O.C.G.A., section 33-8-8.1. "Gross direct premiums" as used in this subsection shall mean gross direct premiums as used in O.C.G.A., section 33-8-4. The premium tax levied by this section is in addition to the license fees imposed by subsection (a). (Ord. 11/15/2001)

(e) Gross premiums tax, all other insurers.

There is hereby levied an annual tax based solely upon gross direct premiums upon each insurer, other than an insurer transacting business in the class of insurance designated in subsection (1) of O.C.G.A., section 33-3-5, doing business within the City in an amount equal to two and one-half percent (2.5%) of the gross direct premiums received during the preceding calendar year, in accordance with O.C.G.A., section 33-8-8.2. "Gross direct premiums" as used in this subsection shall mean gross direct premiums as used in O.C.G.A., section 33-8-4. The premium tax levied by this section is in addition to the license fees imposed by subsection (a). (Ord. 11/15/2001)

(f) Due date for license fees.

License fees imposed in subsections (a) and (b) of this section shall be due and payable on January 1 of each year. (Ord. 11/15/2001)

Sec. 2-5-33 Tax on public utilities.

(a) Electric light and/or power companies.

Electric light and/or power companies engaged in the sale of electric energy for residential and commercial purposes in the city shall pay within 60 days following the end of each quarterly period during the calendar year, four percent (4%) of the gross receipts received from their residential and commercial, but not industrial, customers. Said payments shall be in lieu of any and all other license taxes, excise taxes, indirect taxes, occupational taxes, franchise taxes, privilege taxes, regulation charges or related fees, taxes or charges, but shall not be in lieu of ad valorem taxes.

(b) Gas company.

Gas companies having a place of business and office in the city engaged in the manufacture and/or sale of natural gas or manufactured gas within the corporate limits of the city shall pay within 60 days following the end of each quarterly period during the calendar year three percent (3%) of the gross receipts received from their commercial and residential, but not industrial, customers. Said payments shall be in lieu of any and all other license taxes, excise taxes, indirect taxes, occupational taxes, franchise taxes, privilege taxes, regulation charges or related fees, taxes or charges but shall not be in lieu of ad valorem taxes.

(c) Telephone companies.

(1) Telephone companies engaged in the sale of telephone services in the city shall pay within 60 days following the end of each quarterly period during the calendar year three percent (3%) of the gross receipts of recurring local service revenues from Pembroke customers. Said sum shall be in lieu of any and all other franchise, specific, occupational, license, excise and special taxes, charges, levies or assessments of every nature and kind upon said business, but shall not be in lieu of ad valorem taxes.

(2) As used in this subsection, the term "recurring local service revenues" shall mean:

- a. Monthly charges for local exchange service, including:
 1. charges for additional listings and joint users;
 2. the guarantee portion of the charge for semi-public pay station services;
 3. charges for local message rate service,

- 4. including mobile service local messages; and subscriber station revenues from teletypewriter exchange service.
 - b. All charges for local private line services including audio and video program transmission services where both terminal of the private line are within the city limits.
 - c. Charges for Morse transmission, signaling, data transmission, remote metering and supervisory control, where both terminal points are within the city limits.
- (3) Each telephone company shall also have the election to pay the tax on or before the last day of each calendar month for the preceding calendar month, and in that event the payment shall be three percent (3%) of the payments actually received by the telephone company for local service revenues as hereinafter defined. (Code 1974, Sec. 5-313, as amended by Ord. of 11/9/82; Ord. of 4/10/84)

Sec. 2-5-34

Confidentiality.

Information provided by a person to the City for the purpose of determining the applicability and the amount of the occupation tax or the levy or collection occupation tax levied pursuant to this chapter is confidential and exempt from disclosure. Such information may be provided by the governing authority of another local government for occupation tax purposes or pursuant to court order or for the purpose of collecting occupation tax or protection for failure or refusal to pay an occupation tax.

Sec. 2-5-35

Evidence of State Registration; other qualifications. (Amended 4-8-13)

- (a) Each person who is licensed under Title 43 of the Official Code of Georgia Annotated by the Examining Boards of Secretary of State's Office shall provide evidence of proper and current State licensure before any City regulatory fee certificate may be issued.
- (b) Any person required to obtain health permits, bonds, certificates of qualification, certificates of competency or any other regulatory matter shall first, before the issuance of a City registration, show evidence of such qualification.
- (c) Any person required to submit an annual application for continuance of that business shall do so before the registration is issued.
- (d) Applicants are required to pay fees required under this Article and make a return or pay a tax due to the tax commissioner of the county in connection with its business and or occupation tax certificate or any predecessor business (to include, without limitation, occupational tax or real or personal property ad valorem tax); provided, however, that an occupational tax certificate may not be denied, suspended or revoked under this Article with respect to ad valorem taxes (whether real or personal property) (i) due in the current calendar year; (ii) presently the subject of lawful appeal; or (iii) not collectible by virtue of duly enacted statute, ordinance, or other law. For purposes of this ordinance (c)(4), a predecessor business (whether a sole proprietorship, corporation, partnership, or other entity) shall be a business engaged in substantially the same or related business as the applicant and from whom the applicant acquired title to or possession of a substantial portion of its business property, either directly or indirectly, whether real or personal, and for which taxes are outstanding.

Sec. 2-5-36

Liability of Officers and Agents; registration required; failure to obtain.

All persons subject to the occupation tax required in this Chapter shall be required to take out the necessary registration for said business prescribed in this Chapter. In default thereof the officer or agents soliciting for or obtaining business shall be subject to the same penalty as other persons who fail to obtain a certificate. Each person commencing business in the City after January 1 of each year shall likewise obtain the registration provided herein before commencing such business. Any person transacting or offering to transact in the City any of the kinds of business, profession or occupation without having first obtained such registration shall be subject to the penalties provided herein and upon conviction shall be punished as provided in Section 1-1-5.

Sec. 2-5-37 Due Date, court penalty and interest.

A penalty is imposed on each business and practitioner of an occupation which or who fails to apply for and obtain appropriate registration and to pay any and all regulatory and occupation taxes required by this Chapter prior to March 1 of each year. Said penalty shall be in the amount of ten percent (10%) of the regulatory and occupational tax determined to be due and owing under the provision of this Chapter. Such delinquency shall also bear interest at the rate of one percent (1%) for each month or partial month of such delinquency. Penalties provided herein shall be in addition to any other penalties, civil or criminal, which may be applicable.

Sec. 2-5-38 Criminal penalty for violation of this chapter.

Any person violating any provision of this Chapter shall upon conviction be punished as provided in Section 1-1-5 of this Code; provided, however, practitioners of professions and any other persons whose qualification to practice their profession is determined by the general laws of the State of Georgia and who fails to pay an occupation tax as provided in this Chapter shall be subject only to the civil penalty and interest provisions as provided in Section 2-5-37.

Sec. 2-5-39 Inspection of Records.

The City, through its employees, officers or agents, may inspect the books of any person subject to an occupation tax to determine the accuracy of the documents and information submitted by a business or practitioner to the City. Failure to submit such books or records within 30 days shall be grounds for revocation of the regulatory fee certificate and right to do business in the City. Adequate records shall be kept in the City or made available in the City for examination by the designated City agents. If, after examination of the books or records it is determined that a deficiency exists as a result of improper designation of a dominant line of a business, profession or occupation, a penalty of 10 percent of the deficiency and an additional interest of one percent (1%) per month of the amount of the deficiency shall be assessed.

Sec. 2-5-40 Revocation.

Failure of any person to pay an applicable regulatory fee or occupation tax or any part thereof before it becomes delinquent or upon failure to permit inspection of books as required, shall result in any business tax certificate or regulatory fee certificate granted by the City under this Chapter permitting such person to do business in the City for the current year being automatically revoked without any further action required of the City. No new occupation tax certificate or regulatory fee certificate shall be granted by the City for the operation of a business for which any part of the occupation tax or fees herein required are unpaid nor shall such certificates be issued to a persons who has failed to submit adequate records for inspection as required by Section 2-5-39.

Sec. 2-5-41 Execution, Liens.

- (a) The city clerk, or his or her designee, upon any tax or installment of any tax become a delinquent and remaining unpaid, shall issue an execution for the amount of said tax against the person liable for said tax, including interest at the rate of one percent (1%) per month accruing thereon. The lien shall cover the property of the person liable for said tax as provided by the Code of Ordinances, Charter of the City and the laws of Georgia. The lien for said occupation tax shall become fixed on and date from the time that such tax or installment thereof become delinquent. The execution shall be levied by the appropriate City agent upon the property, which shall be advertised and sold to pay the amount of said execution, with interest and cost allowed by law. All other proceedings in relation thereto shall be as provided by the Code and Charter of the City and the laws of Georgia. The defendants at execution shall have the rights of defense, by affidavit of illegality of the tax or otherwise as provided by the Charter of the City and the laws of Georgia in regard to tax executions.
- (b) When a Nulla Bona entry has been entered by the proper authority upon execution issued by the City against any person defaulting on an occupation tax, the person against whom the entry was made shall not be allowed or entitled to have or collect any fees or charges whatsoever for services rendered after the entry of the Nulla Bona. If at any time after the entry of the Nulla Bona has been made, the person against whom the execution pays the tax in full, together with all interest penalties and costs accrued on the tax, the person may collect any fees and charges for services and goods due the person as though the person had never defaulted in the payment of the taxes.

Sec. 2-5-42 Application to prior delinquencies.

This Chapter does not repeal or affect the enforcement of any ordinance or

part of any ordinance heretofore passed for fees and taxes levied when such fees and taxes have not been paid in full. Such ordinances and parts of ordinances heretofore passed providing for the issuing and enforcing execution for taxes or assessments required by such ordinances or that imposed fines or penalties for non payment of such tax, or for failure to pay regulatory fees pursuant to such ordinances, or failure to comply with the other provisions thereof, shall continue and remain in force until such tax, regulatory fee or assessment shall be fully paid.

Sec. 2-5-43 Public Hearing before future tax increases.

- (a) Prior to adopting any ordinance, subsequent to January 1, 1996, which increases the occupation tax as set forth in this Chapter, the mayor and council shall conduct at least one public hearing. (Ord, 12/13/94)
- (b) All ordinances and parts of ordinances in conflict with this act are repealed.
- (c) Severability. If any portion of this ordinance shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears such other parts are wholly and necessarily dependent upon the part to be invalid or unconstitutional.

ARTICLE D

Malt Beverage Excise Taxes

Cross Reference: Licensing of malt beverages and wine, Sec. 7-3-1 et seq.

Sec. 2-5-44 Imposition; rate; collection.

- (a) In addition to the retail license fee for malt beverage licenses, there is hereby assessed an excise tax to be paid by the licensed wholesale dealer in malt beverages based on sales, in the following amounts:
 - (1) where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of six dollars (\$6.00) on each container sold containing not more than 15 ½ gallons and a proportionate tax at the same rate on all fractional parts of 15 ½ gallons;
 - (2) where malt beverages are sold in bottles, cans, or other containers, except barrel or bulk containers, a tax of five cents (\$.05) per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.
- (b) The excise tax provided for shall be paid by such dealer on or before the 10th day of the month following the calendar month in which the beverages are sold or disposed of within the city.
- (c) Each licensee responsible for the payment of the excise tax shall file a report itemizing for the preceding calendar month the exact quantities of malt beverages, by size and type of container, for the month sold within the city. The wholesaler shall remit to the city on the 10th day of the month next succeeding the calendar month in which such sales were made the tax imposed by this section. (Ord. 12/13/94)

CHAPTER 6

Boards and Commissions

Cross Reference: Local planning commission, Sec. 6-1-21 et seq., and regional planning commission, Sec. 6-1-1, et seq.

ARTICLE A

Hospital Authority

- § 2-6-1 Authority created.
- § 2-6-2 Powers and authority.
- § 2-6-3 Board of trustees. (Amended 10-5-09)
- § 2-6-4 Same; vacancies.
- § 2-6-5 Liability.
- §§ 2-6-6 through 2-6-10 reserved

ARTICLE B

Housing Authority

- § 2-6-11 Declaration of necessity.
- § 2-6-12 Members
- § 2-6-13 Organization; powers; duties.
- §§ 2-6-14 through 2-6-20 reserved

ARTICLE C

Downtown Development Authority

- § 2-6-21 Declaration of necessity.
- § 2-6-22 Members
- § 2-6-23 Organization; powers; duties.
- § 2-6-24 Downtown development area.
- § 2-6-25 Effect.
- §§ 2-6-26 through 2-6-30 reserved

ARTICLE D

Downtown Revitalization Committee

- § 2-6-31 Members
- § 2-6-32 Officers

- § 2-6-33 Fiscal Year
- § 2-6-34 Corporate Seal
- § 2-6-35 Depositories
- § 2-6-36 Amendments
- §§ 2-6-37 through 2-6-30 reserved

AN ORDINANCE TO AMEND ARTICLE A OF TITLE 2 OF THE CITY OF PEMBROKE
CODE OF ORDINANCES

BE IT ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF PEMBROKE
that certain portions of Article A of Title 2 of the City of Pembroke Code of Ordinances are
hereby amended as follows:

ARTICLE A

Hospital Authority

State Law Reference: Municipal hospital authorities, O.C.G.A., Sec. 31-7-70 et seq.

Sec. 2-6-1 Authority created.

There is need and necessity for a hospital authority as defined in an act of the General Assembly of Georgia, approved 1964 (Georgia Laws 1964, pages 499, 599; 1965, page 347), to function, exist and be operated in and for the city, and there is hereby activated, created, and organized such an authority, to be known as the Hospital Authority of the city of Pembroke, Bryan County, Georgia, as provided in and by said act approved July 27, 1971. (Code 1974, Sec. 7-201)

Sec. 2-6-2 Powers and authority.

The Hospital Authority of the City of Pembroke, Bryan County, Georgia, shall be deemed to exercise public and essential governmental function and shall have all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of said act, including, but without limiting the generality of the foregoing, the following powers: to sue and to be sued; to plead and to be impleaded; to have a seal and to alter the same; to acquire, own, hold, lease and dispose of real property; to make and execute contracts and other instruments necessary to exercise the powers of the authority; to acquire, leave and operate hospital projects and to provide, construct, reconstruct, make improvements, alterations and repairs of such project, and to lease and rent for any number of years any land, buildings, structures or facilities in any existing, or hereafter established hospital project, and to establish rates and charges for the use and of the services of the authority; to accept gifts, grants, or devices of any property; to acquire by the right of eminent domain any property essential to the purpose of the authority, to sell, lease, exchange, transfer, assign, pledge, mortgage or dispose of any real or personal property or interest therein; to mortgage, pledge, or assign any revenues, including tolls, charges, or fees received by the authority to issue certificates of indebtedness for the purpose of providing funds for carrying out the duties of the authority, provided such certificates shall not extend beyond a

period of 40 years from the date of issuance thereof and provided further that such certificates shall be repayable from the revenues realized from the project or any part thereof; to borrow money for any corporate purposes; to appoint officers, agents and employees; to make use of any facilities afforded by the federal government, State of Georgia, and Bryan County, or any agencies or instrumentalities thereof, and to exercise any and all powers now or hereafter possessed by private corporations performing similar functions, in general, including the right to adopt bylaws and establish operating procedures, and to have the power and perform all functions as authorized and provided under said act of 1964, in particular as codified in the Official Code of Georgia Annotated, section 31-7-70 through section 31-7-96. (Code 1974, Sec. 7-202, as amended by Ord. of 3/13/84 and 08/11/2008)

Sec. 2-6-3

Board of trustees.

- (a) The hospital authority shall consist of a board of ~~eleven (11)~~ seven (7) trustees. The trustees shall elect one of their members as chairperson and another as a vice-chairperson, and shall also elect a secretary and treasurer, and the latter need not be a trustee. Members of the hospital authority shall be residents of the city. The term of all trustees shall be for a period of three (3) years. Board members may serve for successive terms without limitations.
- (b) The Board of Trustees shall meet at least four times per year, at such dates, times and locations as the trustees shall determine. If any trustee is absent for three consecutive regular meetings, or for any three regular quarterly meetings within one calendar year, the Board of Trustees may, upon vote of the Board, petition the city council to remove that member from the Board.
- (c) To petition the city council to remove a trustee, the secretary shall promptly notify the city clerk of the board's desire to remove a trustee from the board. The city council shall then consider the matter at its next meeting. If the city council removes the trustee at issue, the vacancy thereby created shall be filled as set forth in Section 2-6-4. (Code 1974, Sec. 7-203, as amended by Ord. of 3/13/84, 4/22/1992 and 08/11/2008.)

Sec. 2-6-4

Vacancies.

- (a) Appointments to fill a vacancy on the board of the hospital authority either for an unexpired or full term shall be made as follows:
- (1) The city council shall submit a list of three (3) eligible persons to the board of the hospital authority.
 - (2) The board at its next regular meeting shall select one (1) of

the three (3) persons named in the list.

- (3) The secretary shall promptly notify the city clerk of the name of the person selected to fill the vacancy. (Code 1974, Sec. 7-204, as amended by Ord. of 08/11/2008.)

Sec. 2-6-5 Liability.

No trustee or other person executing certificates or other obligations on behalf of the authority shall be personally liable thereon. (Code 1974, Sec. 7-205)

Sec. 2-6-6 through 2-6-10 reserved

ARTICLE B

Housing Authority

Sec. 2-6-11 Declaration of necessity.

Within the City of Pembroke and surrounding community, there is a shortage of safe and sanitary dwelling accommodations for low or moderate income persons at rentals that they can afford. The private sector of the local economy is not likely to produce such needed housing without assistance from local government. The City of Pembroke should take action to facilitate the production of safe and sanitary housing for all of the citizens of the community, and especially those persons of modest or low income.

Sec. 2-6-12 Organization: powers: duties.

The Pembroke Housing Authority, Inc., is activated as provided by Georgia Laws as set forth in O. C. G. A. § 8-3-5.

Sec. 2-6-13 Members.

Appointment of Commissioners shall be made as provided by O. C. G. A. §8-3-50, with said Authority to have and exercise all powers and privileges provided by law. (Ord. 8/13/1991).

Sec. 2-6-14 through 2-6-20 reserved

ARTICLE C

Downtown Development Authority

Sec. 2-6-21 Declaration of necessity.

There is hereby determined and declared to be a present and future need for a downtown development authority (as more fully described and defined in the Downtown Development Authorities Law) to function in the city. (Res. of 4/13/1982).

Sec. 2-6-22 Members.

There are hereby appointed seven (7) members of the first board of directors of the downtown development authority of the city, not less than four (4) of whom either have or represent a party who has an economic interest in the redevelopment and revitalization of the downtown development area (hereinafter defined). (Res. of 4/13/1982).

Sec. 2-6-23 Organization: powers: duties.

The board of directors hereinbefore elected shall organize itself, carry out its duties and responsibilities and exercise its powers and prerogatives in accordance with the terms and provisions of the Downtown Development Authorities Law as it now exists and as it might hereafter be amended or modified. (Res. of 4/13/1982).

Sec. 2-6-24 Downtown development area.

The "downtown development area" shall be that geographical area described in exhibit A, attached hereto and made a part hereof by reference, which area, in the judgment of the mayor and council of the city, constitutes the "central business district" of the city as contemplated by the Downtown Development Authorities Law. (Res. of 4/13/1982; Amended 7/11/1989)

Exhibit A: Designation of Downtown area:

That area enclosed by a series of lines beginning at a point on the northerly right of way of Bacon Street two hundred (200) feet east of the right of way of Warnell Street and running from the point of beginning in a northerly direction parallel to Warnell Avenue to the southerly side of Burkhalter Street; thence run westerly along Burkhalter Street to College Street; thence run north on College Street to Park Avenue; thence run easterly along Park Avenue to Georgia Street; thence run north along Georgia Street to the corner of Anne Street; thence run westerly along a line parallel to Patrick Street to College Street; thence run west along Smith Street to Main Street; thence run north along Main Street to Strickland Street Extension; thence run north along Strickland Street

Extension approximately five hundred (500) feet to a point: thence run in a westerly direction perpendicular to Strickland Street to a point which is two hundred (200) feet at a perpendicular distance from the right of way of Georgia Highway 67; thence run in a northerly direction along a line parallel to Georgia Highway 67 at a distance of two hundred (200) feet northeast of the right of way of Georgia Highway 67 to a canal; thence run in a westerly direction along said canal to a point two hundred fifty (250) feet west of Georgia Highway 67; thence run in a southerly direction parallel to the right of way of Georgia Highway 67 at a distance of two hundred fifty (250) feet from Georgia Highway 67 to Strickland Street; thence along Strickland Street to Smith Street; thence easterly along Smith Street to Church Street; thence in a southerly direction along Church Street to Burkhalter Street; thence run in a westerly direction along Burkhalter Street to a point two hundred (200) feet east of Mikell Street; thence run in a northerly direction at a line perpendicular to the right of way of Burkhalter Street a distance of two hundred (200) feet; thence run in an easterly direction along a line parallel to Burkhalter Street a distance of three hundred (300) feet to a point; thence run in a northerly direction along a line parallel to Strickland Street to the right of way of Smith Street; thence run in a westerly direction along Smith Street to its intersection with Mikell Street and continue along a projected line in the same direction as Smith Street to a point one hundred fifty (150) feet west of Mikell Street; thence run in a southerly direction along a line parallel to Mikell Street to a point two hundred (200) feet north of Burkhalter Street; thence run in a westerly direction parallel to Burkhalter Street and two hundred (200) feet from Burkhalter Street approximately two hundred (200) feet to a point directly north of Poplar Street; thence run in a southerly direction to the right of way of Burkhalter Street at its intersection with Poplar Street; thence run in a northwesterly direction along Burkhalter Street to Butler Street; thence run in a southwesterly direction along Butler Street to a point two hundred (200) feet north of Bacon Street; thence run in a westerly direction parallel to Bacon Street and two hundred (200) feet northerly from Bacon Street to a driveway which leads to the old Byrd place and which is directly north of the intersection of Bacon Street and Surrency Street; thence run in a southerly direction along said driveway two hundred (200) feet to Bacon Street; thence continue across Bacon Street to Surrency Street; thence in a southeasterly direction along Surrency Street to Harn Street; thence in a northeasterly direction along Harn Street to Poplar Street; thence in a southerly direction along Poplar Street to Benton Street; thence in an easterly direction along Benton Street to Ledford Street; thence in a southerly direction along Ledford to Mary Street; thence in an easterly direction along Mary Street a distance of one hundred fifty (150) feet; thence in a southerly direction along a line parallel to Main Street to the northerly boundary of the Frank O. Miller apartment complex; thence run

in an easterly direction along the boundary of the Frank O. Miller apartment complex to the northeast corner of the Frank O. Miller apartment complex; thence in a southerly direction parallel to Main Street and common to the Frank O. Miller apartment complex to DuBois street; thence in an easterly direction to Main Street; thence southerly along Main Street a distance of one hundred fifty (150) feet; thence in a westerly direction parallel to DuBois street to Ledford Street; thence south on Ledford Street to South Poplar Street; thence easterly along south Poplar Street to Georgia Highway 67; thence northerly along Georgia Highway 67, also known as College Street, to Gibson Street; thence in an easterly direction to Lanier Street; thence northerly along Lanier Street to Bacon Street; thence in an easterly direction along Bacon Street to the point of beginning.

Sec. 2-6-25 Effect.

The action taken by the mayor and council of the city as herein specified is not intended in any way to affect any public corporation, industrial development, downtown development, or payroll authority previously created by legislative act or constitutional amendment including, without limitation, its existence, purpose, organization, powers or function. (Res. of 4/13/1982).

Sec. 2-6-26 through 2-6-30 reserved

ARTICLE D

Downtown Revitalization Commission

Sec. 2-6-31 Members

- (a) Management powers, number, qualifications and term. The property, affairs and business of the Downtown Revitalization Committee of Pembroke shall be managed by its directors, consisting of four persons, appointed from time to time by City Council. Each director shall serve four years, and may be reappointed to successive terms.
- (b) Powers. The directors shall have such power and authority as is conferred upon them by the City Council, including the employment and supervision of staff, the disposition of property and funds, and the establishment of contracts as a separate corporation.
- (c) Regular meetings. Regular meetings of the Pembroke Downtown Revitalization Commission shall be held each month. Notice of the time and place of such meeting may from time to time be fixed by resolution of the Commission or, if not, may be fixed by the Chairman in the same manner as hereinafter specified for giving notice of special meetings.
- (d) Special meetings. Special meetings may be held upon the call of the Chairman, Secretary, Treasurer or any two directors at such time during regular business hours and at such place within the City of Pembroke, Georgia, as shall be specified in the notice of such meeting. Notice of special meetings may be either oral or written. Oral notice may be delivered personally or by telephone and shall be given at least twenty-four (24) hours prior to the time of the meeting. Written notice may be sent by mail or delivered personally. If delivered personally such notice shall be delivered twenty-four (24) hours prior to the time of the meeting. If written notice is sent by mail, such notice shall be mailed two (2) days prior to the time of the meeting. Unless specified otherwise, any notice hereinafter called for in these by-laws shall be given as specified in this section. No notice of any meeting need be given any director who attends such meeting unless such director attending at the beginning of such meeting states any objection or objections to the place and time of the meeting, to the manner in which it has been called or convened, or to the transaction of business. No notice shall be required to be given any director who at any time before or after the meeting waives notice of the meeting in writing.
- (e) Quorum. A majority of the directors at a meeting duly assembled, shall constitute a quorum for the transaction of business. Unless

otherwise specifically required by statute or these by-laws, the act of a majority of such directors present at a meeting at which a quorum is present shall be the act of the Commission, and if any meeting of the Commission there shall be less than a quorum, a majority of those present may adjourn the meeting without further notice, until a quorum shall have been obtained.

- (f) Parliamentary procedures. In the case of dispute concerning parliamentary procedures governing the conduct of meetings of the Authority, ROBERTS RULES OF ORDER shall govern.
- (g) Nominations of members. Prior to the expiration of the term of any director of the Commission, the Chairman shall appoint a nominating committee to submit nominations for directors to the Mayor and City Council of the CITY OF PEMBROKE, GEORGIA.

Sec. 2-6-32 Officers.

- (a) Number. The directors shall elect from one of their number a Chairman, a Secretary and a Treasurer, and the directors shall elect a Recording Secretary, who may be, but need not be, a director.
- (b) Election. A meeting shall be held in January of every odd numbered year for the purpose of electing new officers. Notice of the time and place of such meeting shall be given by the sitting Chairman.
- (c) Term and Removal. All officers shall be elected by and serve at the discretion of the directors and any officer may be removed from office, either with or without cause, at any time, by the affirmative vote of three quarters of the directors. A vacancy in any office because of death, resignation, removal, disqualification or otherwise, shall be filled by the directors for the unexpired portion of the term. Resignations shall be submitted in writing to the Chairman.
- (d) Powers. The powers and duties of the officers shall be as provided from time to time by resolution or other directive of the directors. In the absence of such provisions, respective officers shall have the powers and shall discharge the duties customarily and usually held and performed by like officers of similar organizations. The Recording Secretary, if a nonmember, shall attend meetings for the purpose of recording the minutes of such meetings, but shall not have any of the powers, rights, or duties of directors.

Sec. 2-6-33 Fiscal year.

- (a) Time. The calendar year of the Commission shall begin on the first day of January of each year and end on the last day of December of each year.
- (b) Annual audit. The Treasurer of the City of Pembroke shall cause

an annual audit of the books of the Commission to be made by the firm that audits the books for the CITY OF PEMBROKE, GEORGIA, and present such audit to the directors of the Commission.

Sec. 2-6-34 Corporate Seal.

The Seal of the Commission shall consist of an impression bearing the name "DOWNTOWN REVITALIZATION COMMISSION OF PEMBROKE" around the perimeter and the word "SEAL" and the year of activation in the center thereof.

Sec. 2-6-35 Depositories.

(a) The Commission shall from time to time provide by resolution or resolutions for the establishment of depositories for funds of the Commission.

(b) Execution of notes, drafts and checks. All drafts, checks, etc., drawn against accounts of the Commission shall be signed by the Chairman together with the Treasurer or Secretary.

Sec. 2-6-36 Amendments.

The by-laws of the Commission shall be subject to alteration, amendment or repeal, and new by-laws not inconsistent with any laws of the State or Georgia may be made by the affirmative vote of a majority of the directors then holding office at any regular or special meeting of the directors. Proposed amendments shall be submitted in writing to all directors of the Commission ten, (10) days prior to the meeting at which such amendment will be considered. If such written proposed amendment is submitted by mail, it shall be deemed to be delivered when deposited in the United States Postal Service, properly addressed and with sufficient postage thereon.