

## TOWN OF BETHLEHEM-NEW CHARTER.

No, 598 (House Bill No. 685).

An Act to amend, consolidate, create, revise and supersede the several Acts incorporating the Town of Bethlehem, in the County of Barrow, and State of Georgia, and all amendments in respect thereto; to create a new charter of said corporation; to provide a municipal government therefor; to define the territorial limits of said town; to provide for a mayor and council and to define their powers and duties; to provide the punishment of violators of the ordinances, rules and regulations of said municipality; to define the special powers and duties of the mayor; to provide for elections of mayor and council members and define their qualifications, terms of office, their meetings and methods of appointing and electing officers and employees of said town, the method and manner of filling vacancies; to provide for election managers, their oaths and duties, their compensation; to provide for registration of voters and preparation of lists of voters; to define method of holding elections, for declaring the results thereof: to provide the selection of a mayor pro tem., to define his qualifications, duty and term of office; to provide for registrars, to define their duties, compensation and term of office; to provide for appeals from decisions of registrars, recorder's court, town council, arbitrators and other appeals; to provide for the appointment 01' election of a clerk, marshal, chief of police, treasurer, health officer, town attorney, recorder, and other officers and employees, to define their duties and powers: to provide for salary and compensation of officers and employees of Bethlehem, to provide for the reading and consideration of orders, ordinances, rules and regulations how they may be adopted, be approved, be vetoed, and how the same may become valid; to grant and provide for eminent domain and define how and when exercised: to provide for bonds of offenders: to provide for return of property for tax purposes, to establish values, to appoint appraisers, to define their duties and qualifications, to provide for arbitration of property values for tax purposes; to provide for raising revenue by taxes, licenses and otherwise; to provide for the collection of the same by execution and otherwise: to provide for street and lane paving, to assess costs thereof and the collection of the same; to provide for the issuance of bonds, revenue certificates and similar forms of indebtedness, their sale and lien; to provide for sewer and water connection, the installation of sanitary equipment and fixtures, to provide penalties for refusal or noncompliance; to provide for extension of water and sewer mains and system; to provide for dog tax and treatment, prescribing the penalties therein; to provide for general police protection and sanitary and health measures and requirements; to provide for a street tax; to provide for zoning regulations and ordinances; to provide for a jail, guard house and other places of detention; to appoint a recorder and to define his duty and term of office; to provide for and define a recorder's court, to specify its jurisdiction and powers and appeal therefrom; to provide for fire zone or fire limits; to provide for subdivisions of land; to provide for assistance for arresting officers; to provide for building permits; to provide for traffic regulations as well as speed; parking and travel; to provide for franchises; to provide for sales by officers and passage of title and possession; to define and provide punishment for vagrance; to provide for a cemetery; to provide for abatement of nuisances, the use of firearms and fireworks; to provide fees and costs of officers and collection thereof; to provide for ownership, rental, use, distribution of public service and utilities: to provide when and how claims or demands are filed; to provide for supervision of Sabbath Day activities; to provide for supervision of sale, storage and dispensing of malt or alcoholic drinks or beverages; to provide for punishment for violation of any orders, ordinances, rules, regulations of Bethlehem; to provide for severance of enactment of charter, to define, prescribe, and enumerate the rights, powers, authority and governmental jurisdiction of the Town of Bethlehem, its mayor, council and other officers and employees as well as to provide powers, rights and authority to enforce and carry out the rights and privileges granted; to repeal conflicting laws and ordinances; and for other purposes..

Section 1. Be it enacted by the General Assembly of Georgia and it is hereby enacted by the authority of the same, that from and after the passage of this Act, the inhabitants of the territory now embraced in the corporate limits of the Town of Bethlehem, Barrow County, Georgia, hereinafter described, be, and they are hereby continued incorporated under the name and style of the "Town of Bethlehem" and by that name shall be and are hereby invested with all the rights, powers, and privileges incident to municipal corporations in this State, and all the rights, powers, titles, property, easements and hereditaments now belonging or in any way appertaining to the

said Town of Bethlehem as heretofore incorporated, with power to govern themselves by such ordinances, rules, regulations and resolutions for the transaction of its business and the welfare and proper government of said town as may be promulgated under the terms and provisions of this charter not in conflict with the Constitution or laws of this State or of the United States. That said Town of Bethlehem, as a municipality, shall have perpetual succession and is vested with the rights to contract, and be contracted with, to plead and be impleaded, to buy, own, enjoy and sell property of all kinds, to have and use a common seal and do all other things and acts as may be necessary or needful to promote the municipal corporate purposes of said town, and to exercise such rights, powers, functions, privileges and immunities as ordinarily belonging to municipal corporations generally under the law as well as those hereinafter enumerated.

(a) Be it further enacted that said town of Bethlehem as created by this Act is hereby made responsible as a corporate body for all the legal debts, liability and undertakings, and shall succeed to all the rights of said Town of Bethlehem as heretofore incorporated, and all existing valid ordinances, rules, bylaws, resolutions, rules and regulations of the city as hereinbefore incorporated which are not inconsistent with or repugnant to this Act remain unaffected hereby and are hereby continued and confirmed, however, the town council may repeal, alter or amend any of such ordinances, rules, resolutions or regulations as provided for herein.

(b) That said corporate body under the name and style of Town of Bethlehem shall have all the rights, powers and privileges to purchase, acquire by gift, lease or otherwise, to receive, hold, possess, enjoy and retain in perpetuity or for any term of years or dispose of in any manner known by law, any interest in any real or personal property of whatsoever kind or nature or description within or without the limits of the Town of Bethlehem for corporate purposes. The said town, through its mayor and council as hereinafter provided for, shall have special power to make and enter into contracts and agreements, as it may deem necessary for the welfare of the town or its citizens and specially to make contracts with public or private electric light or power plants, water works plants or gas plants or any other public convenience or necessary company for their products, service and convenience; to assess values of property, to levy and collect taxes, licenses, or other assessments thereon, and to remove nuisances and to have full power, control and supervision over all the streets, lanes, highways, sidewalks and alleys of said town.

Section 2. Be it further enacted by the authority aforesaid that the corporate limits of the Town of Bethlehem are defined to be:

That the corporate limits of the Town of Bethlehem shall encompass all the property and inhabitants of the territory embraced within the limits of a radius of a half mile in every direction from the corner of Main street and the center of the main line of the former Gainesville-Midland Railway in every direction in the Town of Bethlehem, 249th District, County of Barrow.

Section 3. There is hereby established in said municipality a recorder's court, having jurisdiction to try offenses punishable by ordinances of the mayor and council. In addition said court shall sit as a committing court, having such power and authority with respect to crimes punishable under statutes of this State as are now vested in justices of peace. The mayor and council shall select the first incumbent who shall serve until his successor be elected by the people, as hereinafter provided, or until his successor is elected and qualified. A successor to said incumbent shall be elected by the people, in the manner and at the same time herein provided for the mayor, on the first Monday in January, 1968, and his term of office is fixed at two years. He shall take office along with the mayor, and at the same time.

Section 4. Be it further enacted by the authority aforesaid that the government, supervision, powers, and control of said Town of Bethlehem shall be vested in a mayor and five council members to be known as "Town Council." That the mayor and council members shall be elected from the town at large in the manner hereinafter provided. The term of the mayor shall be for two years and the term of each council member shall be for two years.

(b) Be it further enacted by the authority aforesaid that the mayor and council members shall constitute the town council of said town and as such shall have full power and authority from time to time to make laws, rules, bylaws, ordinances, regulations and orders as to them may seem right and proper relating to drainage, ditches, bridges, streets, street railways, automobiles, bicycles, trucks, delivery wagons, sales stables, warehouses, storehouses, markets, slaughter houses, sleeping apartments, restaurants, cafes, opera houses, picture shows, and all other kinds of shows and circuses, dance halls, skating rinks, bowling alleys, billiard rooms and all other places of amusement, garages, shops, mills, ginneries, factories, barber shops, soda founts, beer saloons, telegraph and telephone companies, gas companies, water and light and electrical companies, booths, stands, tents, stores, business houses, filling stations, common carriers, all sales and displays in said town, for the preserving of the peace, good order and dignity of said government. The enumeration of powers shall not be considered restricted to said powers alone, but shall include all and every other things incident to municipal government by this Act or Acts heretofore passed, but shall be construed an addition to and in aid of such other powers that are not referred to in this Act.

(c) That said town council shall have the authority and power to negotiate for loans, to borrow money on behalf of the Town of Bethlehem, to pledge the property and assets of said town as security, and to execute such and all instruments they deem necessary for any loan made to said town.

(d) That the mayor and three council members shall constitute a quorum for the transaction of any business before the town council at its regular meeting, and the mayor and three council members shall constitute a quorum for the transaction of any business at a called meeting and that a majority of the votes of those present shall determine all questions coming before council.

(e) That said council shall hold regular meetings at least once a month at stated times and places in said town.

(f) That said town council may hold such special meetings to be called by the mayor, or in his absence by the mayor pro tem., or if two or more council members request the mayor in writing that such a special meeting be called, it shall be mandatory upon the mayor, or mayor pro tem in the absence of the mayor, to comply with such request. Notice of all special meetings of town council shall be given each council member when said officer is in said town and can be located .

(g) That at any meeting any council member shall have the right to call for an aye and nay vote upon any question requiring action by council and such aye and nay vote will be taken if two council members vote for same and the vote will be shown on the minutes of town council.

(h) That all meetings of town council shall be public and the public shall be allowed at all times to witness and hear the deliberations of town council, except when town council resolves itself by a majority vote into executive session then the public shall be excluded.

Section 5. Be it further enacted by the authority aforesaid that general elections of said town shall be held biannually on the first Monday in January, the next general election shall be held in 1968, and at such general election town officials as are elected by the voters of said town at such elections will be elected to fill the vacancies in terms of office which expire on January 31 – biannually of the year of the general election.

Section 6. Be it further enacted by the authority aforesaid that the town council shall have the power and authority to call a special election for the purpose of filling any vacancy caused for any reason in any office for which the holder thereof is elected by the voters of said town. Said special election should be held as soon as

practicable, and not less than thirty days from the date of the vacancy, notice of the time of the special election shall be published once in a local newspaper, and said special election to be held under the same rules and regulations as general elections.

Section 7. Be it further enacted by the authority aforesaid that all elections general and special or upon any question to be submitted to the voters of said town shall be held by at least three persons, citizens and electors of the Town of Bethlehem, who are qualified to hold and superintend town elections, the said election shall be held at the town hall and at such other polling places as may be designated by town council, the polls shall open at seven o'clock a.m. and close at seven o'clock p.m. Eastern Standard Time, and no count of votes shall begin until after the polls are closed. The election holders or managers shall be appointed by town council and shall take the following oath:

“We and each of us do solemnly swear that we will faithfully and impartially conduct this election, prevent all illegal voting, tally and declare the results of said election to the best of our skill, power and ability, so help us God.”

(b) The election holders or managers shall elect one of their number as chairman, and upon all questions coming before them a majority vote will determine the issue.

(c) The said election managers shall determine who are voters from the voters' list prepared by the registrars of the Town of Bethlehem and shall keep an accurate record and tally of all votes cast in any election. After all votes are counted the election managers shall declare and publish the number of votes received by each person at said election and declare the results of said election. Appeal may be made from any official act of said election managers or to any election contest to town council and if appellant is dissatisfied with the decision of town council, he shall have the right to certiorari to the Barrow Superior Court;

(d) All tally sheets the voters' lists and other records together with the ballots shall be given the clerk of said town for council to dispose of as Town Council deem proper.

(e) That all ballots shall be printed or written, and all protection to be afforded the elector so that he may cast a secret ballot.

(f) The candidate who receives the greatest number of votes shall be declared elected and it shall be the duty of said election managers to deliver a certificate of election to each candidate so elected.

(g) That town council shall have the power and authority to adopt and pass any rules and regulations for the holding of town elections not inconsistent with this charter, the laws of Georgia or of the United States. The details may be delegated to the election managers.

Section 8. Be it further enacted by the authority aforesaid that the power and authority to supervise, regulate, control, conduct and generally to oversee all elections are hereby granted the town council. They may, by ordinance or otherwise regulate and provide means and methods for said elections to be held. They may designate when, how, and under what conditions candidates for any town office may qualify, when the qualification will open and close and the fee connected therewith. Any person dissatisfied with the final decision of town council with reference to any election may certiorari to Barrow Superior Court.

Section 9. Be it further enacted by the authority aforesaid that the Town of Bethlehem shall provide and keep a book to be called the permanent registration book upon which all persons desiring to qualify as electors in and for said Town of Bethlehem shall be required to qualify by registering therein, providing however, that

should the said town now have such a book, that the same shall continue in force, and in the event a citizen has registered, it will not be necessary for the citizen to register again in order to become an elector and participate in the elections of the Town of Bethlehem unless such elector has been removed from the voters' list. It shall not be required of any citizen to register but once in said registration book except as provided above, and the list of voters for all elections shall be prepared from said permanent registration book which list shall have thereon all the eligible electors for the Town of Bethlehem.

(a) That the town council shall appoint three citizens of Bethlehem as registrar's whose term of office shall end December 31 of each year and until their successors are appointed and qualified. Their duties shall be to prepare a list of all citizens who are eligible to vote in any election held by said town. The registrars shall elect a chairman from the board of registrars and shall revise and prepare a list of qualified voters before any election held in said town.

(b) The registration of citizens as herein provided shall be made at least ten days before any election and to be eligible to be an elector, the citizen must be registered in the registration book as provided for herein at least ten days prior of any election to be held by said town.

(c) The registrars shall upon the close of registration as stated above immediately begin upon their duties and prepare said voters' list or list of qualified electors. They shall remove from said list the names of any person or persons who:

1. Have died.
2. Have moved without the town limits.
3. Are otherwise disqualified to vote

(d) That when a name is removed from the list of voters or electors, and the person shall be in life, notice should be given to the person whose name was removed stating the reason therefor, and giving the time and place where said registrars will hear any objections of such removals of names. Said hearing to be held not less than three days from date of service of notice and service may be made by personal service if the person lives within the limits of Bethlehem, and by mail if the person resides without the town limits or cannot be found if living within said limits, If any person is dissatisfied with the decision of said registrars at said hearing, he may appeal to town council, then if he is dissatisfied with the decision of town council he may certiorari to the Superior Court of Barrow County, Georgia.

(e) The said registrars shall file the completed list of voters or electors in duplicate with the clerk of said town at least four days before any election and the said clerk shall deliver the original of said list to the election manager before or the day of election,

(f), That said registrars shall take the general oath required of the mayor before performing any of their duties:

(g) , That town council shall have authority and power to make all necessary ordinances, rules and regulations regarding registration of voters, preparing voters' lists, holding elections, publishing returns, issuing certificates of election and all other matters pertaining to the same.

Section 10 Be it further enacted that the mayor of said town shall be the chief executive officer of the Town of Bethlehem. He shall see that all laws, ordinances, resolutions and rules of said town are faithfully and fully executed and enforced, and that all officers of said town faithfully discharge the duties required of them. He shall have general supervision and jurisdiction of the affairs of said town. He shall preside, if present, at all



meetings of the town council, and shall vote only in case of a tie vote of Council, and as specified hereinafter. He shall have the right to veto any ordinance, resolution, rule or regulation passed or adopted by Council, if in his judgment such ordinance, rule, resolution, or regulations is not to the best interest of said town. In the event of a veto, then such ordinance, resolution, or regulation shall not be valid unless passed at a subsequent meeting of town council by the affirmative concurring vote of two-thirds of the council members present. The ayes and nays to be taken. In the event the mayor does not approve or veto any ordinance, resolution, rule or regulation within five days after its passage and adoption by town council then the ordinance, resolution, rule or regulation becomes in full force and effect in the same manner as if the same was approved by the mayor.

(b) Be it further enacted that the mayor and each member of council before entering upon the duties of his office shall take and subscribe to the following general oath:

“I do solemnly swear (or affirm) that I will well and truly perform the duties of Mayor or Council member of the Town of Bethlehem to the best of my skill and ability and as to me shall be to the best interest and welfare of said town, without fear, favor, or affection, so help me God.”

The foregoing oath shall be deemed sufficient and adequate for any town official.

(c) That the mayor of said town shall preside over all meetings of town council, and he shall have authority to convene the council in extra or special session whenever he deems it proper to do so. The mayor shall not have the right to vote upon any question before said town council, except in the election of officers and employees of the town or in cases of a tie vote of council.

Section 11. Be it further enacted that the town council at their first regular meeting in each calendar year, or as soon as convenient thereafter, shall elect a Council member as mayor pro tem., whose duties shall be to perform all the duties of mayor in case of death, absence, resignation, disqualification or disability of the regularly elected and qualified mayor as provided for herein. That in case of vacancy in the office of the mayor, the mayor pro tem shall perform all the duties pertaining to the office of mayor until the next regular election, at which time a mayor shall be elected for the unexpired term, if any. The mayor pro tem when so acting shall be known as “Acting Mayor.”

Section 12. Be it further enacted by the authority aforesaid that any citizen of Bethlehem shall be eligible for the office of mayor, or council member who has resided in said State for one year and in said town six month immediately preceding the election. He or she must be over twenty-one year’s of age and must reside within the corporate limits of said town when he becomes a candidate for office, and remain a citizen during his term of office.

Section 13, Be it further enacted by the authority aforesaid that all ordinances, orders and resolutions shall be read aloud at the sessions of town council and after a vote on said ordinance, order, or resolution and if passed, the same shall become effective as soon as approved by the mayor or should the mayor veto the ordinance, order or resolution, then the same will have to be further considered as provided for herein, Should the mayor allow more than five days to lapse after the passage of an ordinance, order or resolution without taking any action thereon then the same becomes operative as if approved by the mayor.

(b) All ordinances, orders, resolutions and regulations when the same shall have become effective shall be kept in appropriate books and records by the clerk of said town open for reasonable inspection during office hours.

(c) That the town council shall have the authority to have prepared and published in a book form or pamphlet form a code of laws, bylaws, ordinances, rules and regulations of said town to be known as “Code of the

Town of Bethlehem,” the same to become effective and of force as soon as adopted and approved the same as provided for ordinances herein, which code may be amended and revised from time to time by the town council the same as ordinances and any section or part thereof under a certificate of the clerk of said town verifying the same to be the “Code of the Town of Bethlehem”, or any section or part thereof shall be admitted to record in any court of this State.

Section 14. Be it further enacted by the authority aforesaid that the Town of Bethlehem is hereby granted the power and privilege of eminent domain, and the town council is authorized and empowered to condemn lands within or without its corporate limits for any municipal uses or purposes which includes the erection of public buildings for said town, for public parks, play grounds, water supply, sewers, forms for handling and disposing of sewerage, or garbage, or trash, and for any other public purposes and improvements.

(b) The said town is authorized and empowered to take and condemn personal property in the same manner as above when needed for public purposes of the town.

(c) Be it further enacted by the authority aforesaid that the town council shall have the power and authority to widen, extend, improve or straighten any street, alley, lane or square in said town and to open, layout, and establish any new street, alley, lane, wall or square, any building or bridge, or whatsoever nature. The power and authority of eminent domain is granted to said town for these purposes and should eminent domain be exercised by the laws of Georgia in force at the time eminent domain is exercised by the town shall govern the procedure.

Section 15. Be it further enacted by the authority aforesaid that there shall be a clerk of council, elected by the town council, to keep accurate minutes of each meeting, to record in the minutes all acts and doings of council, except when they may be in executive session, to keep and record all ordinances, laws and resolutions passed or enacted by the town council in appropriate books. He or she shall be ex officio clerk of the recorder’s court of said town and keep records of said court. He shall issue all licenses, permits and receipts in the name of said town, to collect therefor and account for all funds so collected. He or she shall issue summons and writs when directed by the mayor, any council member, town marshal, town police or town attorney, and to perform such other duties as he may be directed to do by the mayor or town council whether by rule, resolution or otherwise.

(b) There shall be a treasurer for the Town of Bethlehem, the clerk of council may also be treasurer, whose duty it shall be to receive and safely keep all moneys belonging to said town. He or she shall keep accurate records of all his official transactions, and keep separate accounts of all moneys received from taxes and licenses levied for specific purposes. He or she shall payout money only when he or she is officially requested so to do. Said treasurer shall be and is hereby made tax receiver and tax collector for said Town of Bethlehem and he shall perform all the duties of tax receiver and collector, including the issuance of tax. fifas. and executions. He shall make general and specific reports when called upon by the town council and his books shall be kept open for reasonable inspection during office hours.

(c) There shall be a town marshal for the Town of Bethlehem, elected by the town council, and he shall make levies for taxes and other executions issued by said town, he may serve warrants, processes, and other writs, make arrests, advertise sales, make sales, impound stock, execute deeds, bills of sale and other instruments, he shall have charge of the prisoners whether confined in jail or sentenced or assigned to the public works gang and in fact perform all and every duty of this office and any other office or duty imposed upon him by town council.

(d) That the town council is further authorized and empowered to elect a chief of police, policemen, health officer, building inspector, chief of fire department, town physician, town attorney, town engineer, water works superintendent, cemetery keeper, and such other officers and employees as said town council may deem

necessary from the Town of Bethlehem.

(e) Be it further enacted, that the town council may create or abolish, at their discretion, such offices as they may deem necessary and elect officers to fill them, and may prescribe the duties and pay of such officers under such regulations as they may ordain, and such offices may be abolished 01' the officers be removed therefrom whenever the town council may deem such to the best interest of the town. Each person elected or appointed by the town council takes and accepts the appointment and employment subject to being removed and dismissed at any time by the mayor 01' town council Appeal may be made to the town council if the person so dismissed or removed desired, and in the event his appeal is sustained by an affirmative vote of four members of council, he will be restored to his former office or employment without loss of salary; but should his appeal receive less than four affirmative votes of the Council, then his salary will cease effective at the time of his removal or dismissal by the mayor or council and he has no further recourse from the appeal except by certiorari to the Superior Court in and for Barrow County, Georgia.

(f) Be it further enacted by the authority aforesaid that town council is authorized and empowered to fix and determine the compensation and salary to be received by each employee, either elective or appointive, of said Town of Bethlehem, including the mayor 'and council members . They may determine how, and' when this compensation and salary to be paid and in such amounts as they deem proper. The salary and compensation shall be fixed and determined at the first regular meeting of council of each calendar year, or as soon thereafter as convenient, and when once fixed and determined, the same amount will be paid under the same terms until changed by the town council.

(g) That any official of the Town of Bethlehem may be indicted and punished for gross neglect of his official duty. He shall also be removed from office by the Town Council for gross neglect of official duty, and shall have the right to certiorari to Barrow Superior Court if dissatisfied with the decision of Town Council.

(h) That the town council may audit or have an audit made of all or any part of the town records and books at such times as they deem necessary. They can adopt the auditor's report and findings as they see fit.

Section 16. Be it further enacted by the authority aforesaid that the town council is hereby granted power and authority to authorize any arresting officer of said town to take and accept bond for the appearance at police court of any person arrested, giving receipt for any cash received as bond. That should a cash bond be posted no further security may be required, but if any other kind of bond is given, except a cash bond, then a citizen of the Town of Bethlehem owning property of a net unencumbered value in excess of the homestead 'exemption and double the amount of the bond will be required as security on said bond. The arresting officer will pass upon the security.

(b) In the event the principal appears in recorder's court at the time specified in said bond, the cash will be returned to him if a cash bond was given, and if a security bond was given, the surety or person acting as security will be relieved of further liability.

(c) Should the principal fail to appear and a cash bond was given, then the cash bond may be forfeited by the presiding officer and the funds will be placed in the general funds for use by the town. Should a bond with some person as security be given, and the principal fail to appear, then the presiding officer may issue a rule nisi issue returnable to the next regular term of recorder's court against the principal and his surety, which shall be served by the town marshal or any policeman upon the principal and surety if either can be found at least five days before the returnable terms. Service may be personal or by leaving a copy thereof at the residence of defendant and/or surety. If at such return term of recorder's court no sufficient cause is shown to the contrary judgment shall be rendered by the presiding officer against such principal and surety or such of them which have been served. Execution or fifa. may issue to enforce the collection of the said judgment and when



collected the funds are to be placed in the general funds of said town for its use.

(d) Should the principal, who is the defendant, fail to appear at the recorder's court as specified in said bond, the presiding officer of such court may issue a warrant for the arrest of said defendant. The warrant may be served by an arresting officer of this State and the defendant may be arrested at any place within the State of Georgia, detained and returned to the Town of Bethlehem for trial.

Section 17. Be it further enacted by the authority aforesaid that town council is authorized and empowered to prescribe by ordinance or otherwise when and how property shall be returned for taxes, the forms to be used, the information to be given, and such other requisites they deem necessary. The town council or the town tax assessors are authorized and granted the power to make returns for any person, firm or corporation failing to make a tax return and town council may prescribe a penalty for the failure of not making a tax return not to exceed an amount equal to the amount of taxes to be paid by the person, firm or corporation failing to make such return.

Section 18. Be it further enacted by the authority aforesaid that town council is granted the power and authority to prescribe by ordinance or otherwise and levy a license fee or tax on each person, firm or corporation carrying on a business or profession within the corporate limits of the town of Bethlehem, and to require each itinerate or irregular, or occasional dealer, merchant, trader, salesman, collector, or otherwise doing or carrying on a business of any nature within the corporate limits of the Town of Bethlehem to make application for a license or permit and to pay a tax or license fee to the Town of Bethlehem. Town council is granted the power and authority to assess such tax or license fees as referred to in this section, also to collect such tax or license fee,' and to prescribe penalties for the violation of any ordinance, governing or regulating the same. Nothing in this section regarding the payment of a license fee or tax shall apply to that person, firm or corporation which may be exempt from the payment of the same by the laws of this State or the United States, but town council is granted the power and authority to require such person, firm or corporation which may be exempt from license fee or tax to apply for and receive a permit to carry on their business or profession within the corporate limits of the Town of Bethlehem.

Section 19. Be it further enacted by the authority aforesaid that the said town council shall have the right and power to raise necessary revenue to properly carry on the government of the said town, to build and repair sewers, water lines, procure water supplies, to make, open, grade, pave, repair and keep in order the lanes, streets, sidewalks, bridges, and drains of said town, to light the same, to properly police the same, to pay salaries, costs and expenses of town officers and employees, to establish and maintain a fire department, to erect and maintain and regulate all things needful and appertaining to the protection of life, liberty and property, the suppression of crime, the maintenance of law and order, payment of debts of the town, for educational purposes, for cemetery purposes, for the care of the poor and sick, for establishing and maintaining necessary parks, play grounds, for quarantine purposes, for caring for prisoners and providing means and places for their detention and punishment, and for such other purposes as authorized by this charter that will tend in the discretion of town council to add to the comfort, safety convenience, benefit, health, advantage of said town and the citizens thereof, and for the improvement of said town as may in their best judgment be necessary and for other purposes, in order to properly carry on the town government as herein indicated and not specifically forbidden by law, to levy and collect a street tax or capitation tax on all inhabitants, male or female, of the said town, as council may determine, subject under the law to pay such tax. Also to tax not exceeding three (\$3.00) dollars on each one hundred (\$100.00) dollars worth of property within the corporate limits of said town; also to impose and collect such tax or license fee as the town council may deem necessary and proper upon all trades, business callings, professions, sales, labor and pursuits, except such as are exempt from municipal tax or license under the laws of this State or the United States, and may enforce the payment of the same by license or direct tax in such manner and by such methods as town council may deem to the best interest to said town; but all taxation

on property shall be uniform on the same class of subjects and ad valorem on all subjects to be fixed in said town.

Section 20. Be it further enacted that every person, firm, or corporation owning property, real or personal, or otherwise, subject to taxation by the Town of Bethlehem, shall make a return of such property for taxation to the clerk of said town, he being the clerk of council, or before the first day of April of each year. In the event such return is not made on or before April of each year, then the tax assessors or town council shall make the return, and penalties as may be provided for by the town council shall be added to and considered as a portion of the taxes on the property so returned.

Section 21. The mayor and council members of said Town of Bethlehem shall have authority and power to provide by ordinance or otherwise when tax returns shall be made, to provide means and methods as well as forms for the returning of property for taxation, and to provide penalties for failure to make returns as required. The town council shall have authority and power to provide when taxes shall become due; when taxes shall become delinquent and past due, and to fix a penalty for the nonpayment of taxes or any part thereof, to offer a discount for payment of taxes within specified periods; also to order and issue tax executions against all persons, firms or corporations who do not pay their taxes when due. When such execution is issued by the town of Bethlehem, the same shall be a lien against all the property owned by the taxpayer who is the defendant in the same and may be levied by the town marshal or any other authorized by the laws of this State to make levy and sale. The town marshal is authorized and empowered to levy upon any property of the delinquent taxpayer and advertise and sell the property so levied upon in the same procedure as sheriffs of this State.

Section 22. Be it further enacted by the authority aforesaid that it shall be the duty of town council each year before taxes and tax valuations are assessed and passed upon, to determine whether a board of tax assessors shall be appointed or whether the members of town council will act as tax assessors for the Town of Bethlehem. This action of town council should be reflected in the minutes of town council meeting.

Section 23. In the event town council decides to appoint a board of tax assessors for the Town of Bethlehem, it shall make such appointments on or before the regular April meeting of town council, and each person appointed shall hold office for a term of one year, and until his successor is appointed and qualified. Each member of the board of tax assessors for the Town of Bethlehem shall have been a citizen of Bethlehem for not less than one year prior to his appointment, shall be a freeholder and taxpayer of said town, shall not be less than twenty-one years of age at the time of his appointment, shall not be an elective officer of either the town, county, or state during his term of office as tax assessor. Each tax assessor shall prescribe to the following oath before entering upon the discharge of his duties:

“I do solemnly swear that I will faithfully and impartially perform the duties of tax assessor for the Town of Bethlehem without favor to anyone, and will make a just and fair valuation of an property therein subject to taxation in accordance with the law and with the ordinances of said town, and that I will make a just and earnest effort to apply the same rules as to value to all taxpayers and to equalize the values placed upon the properties of the several taxpayers, so help me God.”

Section 24. The board of tax assessors shall consist of three members, they shall be appointed by town council as provided for herein, they may elect one of their members as chairman, and use the services of the clerk of town council if they deem necessary. Any vacancy in said board may be filled by town council for the unexpired term. A majority of the board is a quorum and two affirmative votes are necessary to carry a motion or to take affirmative action.

Section 25. It shall be the duty of the board of tax assessors for the Town of Bethlehem to carefully examine all returns of both real and personal property of each taxpayer in the Town of Bethlehem, and if in the opinion of the board any taxpayer has omitted from his return any property which should be returned, or has failed to return any of his property according to law, and according to the rules adopted by the board for ascertaining

the fair market value thereof for taxing purposes, the said board shall correct such returns and shall assess and fix what they deem to be the fair market value that ought to be placed on said property, and shall make a note thereof and attach the same to such returns. Before finally fixing the value of any such property it shall be the duty of such member of the board to familiarize himself with the property included in such return, and if necessary in order to familiarize himself with such property within the limits of said town to view the property themselves. It shall be the duty of said board to see that all taxable property within the limits of said town is assessed and returned at its fair market value according to law, and that the valuations placed on said properties as between individual taxpayers are fairly and justly equalized, so that each taxpayer shall be called upon to pay as near as may be, only his proportionate share of the taxes. The said board shall pass upon all returns submitted in said Town of Bethlehem within ninety (90) .days from the time each of said returns has been submitted, and unless this be done, the return as made by the taxpayer shall stand approved as proper return of said taxpayer for that year.

Section 26. It shall be the duty of said tax assessors where any property has not been returned by the owner for taxes as required by the ordinances in force and charter of said town to make out a return for each defaulting owner of all property owned by him at its just and fair valuation, adding thereto such penalty as may be fixed by town council for failure to make returns of property for taxation. The same notice shall be given to the owner of such property, or his agent, and the same rights as to hearings and arbitration accorded each owner as provided in this Act in cases where the board of assessors changes a return submitted by a taxpayer.

Section 27. In all cases where a change is made by the board of tax assessors in the return of the taxpayer, the board shall notify the taxpayer in .writing of the change made in the tax return, setting forth in the notice the items changed or added, and the valuation placed thereon by the board, and advising the taxpayer of the time, place and hour when a hearing will be accorded by the board. This notice shall be served upon the taxpayer at least five days prior to the date set for hearing, either personal service or by mail. In cases of nonresidents, notice shall be served by mailing same to his last known address ten days prior to the date set for said hearing. The posting of such letter properly stamped in the post office at Bethlehem shall be sufficient service. On the date and at the time set by said notice, unless said hearing is continued by the board, and notice is likewise served in writing' as provided for herein, the said board shall meet and hear any complaint from the taxpayer as to the changes made. The valuations placed upon all items of property in said return by the taxpayer which are not increased or changed by the said board in their first instance shall be considered as approved by the said board as correct, and said valuations shall after approval by the board be final fixed by such approval as the true and correct valuation of all such items for the year for which the return was made. Only the items which have changed or added may be considered at said hearing. If upon the hearing accorded to the taxpayer as to those items which are changed or added by the board, and the consideration of the matter the board does not assess a valuation upon the items changed which is satisfactory to the taxpayer, the latter shall have the right to file with the town council of Bethlehem a written request that the valuation placed upon the items changed or added by the board of tax assessors from the original return thereof be reviewed by the town council and a true and correct valuation fixed by the town council. Such written notice shall be filed with the clerk of the Town of Bethlehem within five days from the decision of the board of tax assessors on the hearing of the taxpayer. The said notice shall set forth the items of which the taxpayer is dissatisfied and for which he wished the town council to review. The Town of Bethlehem likewise has the privilege of appealing from said board of tax assessors' decision to the town council by giving five days' written notice to the taxpayer setting forth the items upon which the appeal is made. The town council shall at its next regular or called meeting after said notice is duly filed providing said meeting is more than five days from the time the notice was filed, hear and consider the complaint made and raised by said notice. The taxpayer shall be notified of the time and place of council meeting. The town council shall have full and complete power to investigate the valuations placed on the items objected to as stated by said notice, and may make this investigation by any means town council desires to effect and ascertain the true market value of the items specified in such notice or appeal may be considered by

the town council, and the balance of the return will be considered as correct and conclusive. The town council shall notify the taxpayer of its decision and such notice shall be in writing.

Section 28. In all cases where the taxpayer is dissatisfied with the valuation placed upon the item or items of property upon which a hearing before council was held on as set forth herein, the right to finally determine the fair market value of such property by arbitration shall be granted. Any taxpayer desiring arbitration in said matter shall within five Arbitration days from the time of the decision is made and notice is served upon him by town council file with the Clerk of the Town of Bethlehem a written notice setting forth his dissatisfaction with the valuations placed on the property, naming the items upon which arbitration is desired, and shall at the same time name a resident and freeholder of the Town of Bethlehem as an arbitrator. As early as possible, and not later than the next regular meeting of town council, the Town of Bethlehem shall name a resident and freeholder of the Town of Bethlehem as an arbitrator. The two arbitrators so named shall select a third resident and freeholder of the Town of Bethlehem, and the three arbitrators thus selected shall meet within twenty (20) days and fix the valuation of those items of property upon which the taxpayer has demanded arbitration. In the event the two arbitrators shall fail to designate a third arbitrator within three (3) days then the Judge of the Superior Court of Barrow County, Georgia shall be requested to designate a resident and freeholder of the Town of Bethlehem as the third arbitrator. The decision of the majority of the arbitrators shall be binding and the decision shall be final and without appeal.

Section 29. Before entering upon their duties as arbitrators, each shall take an oath that they will faithfully and impartially make a true and just assessment of the tax returns and property in question and will determine the matters submitted to them according to law and the justice and equity of the case. Notice shall be furnished to both the taxpayer and the Town of Bethlehem of the time, place and hour of the hearing to afford all concerned an opportunity to make his or its appearance to be heard. The compensation of said arbitrators shall be the sum of five dollars each, which shall be borne equally by the taxpayer and the town.

Section 30. In the event that the town council of Bethlehem shall in any year act as tax assessors and do not appoint a board of tax assessors, the same rules and regulations shall apply to the town council as applies to board of tax assessors. All rights and privileges granted to the taxpayer as to a hearing before the town council, and thereafter to arbitration, shall apply and be in force when the town council themselves are the board of tax assessors, and notices and service shall be given and made the same as if a board of three tax assessors had acted as provided for herein.

Section 31. The board of tax assessors shall not pass upon the valuation of property owned by any member of the board, but the town council shall pass upon these returns and the same privileges are granted to members of the board of tax assessors to make appeal and to arbitration as provided for herein. No rights shall be withheld from the member of the board of tax assessors for each appeal or arbitration.

Section 32. If any rule is adopted by any board of tax assessors or by council acting as tax assessors as to the method of reaching valuations of the property in the Town of Bethlehem, the same shall be applied to all the taxpayers of the town, and shall be taken into consideration by the arbitrators. It shall be the duty of the arbitrators to make investigation into any rules or regulations made and adopted by the board of assessors of the town council in determining the values of property and apply these rules to the property they have under consideration during the arbitration.

Section 33. Be it further enacted by the authority aforesaid that the Town of Bethlehem is granted power and authority to issue executions and fifas. against any person, firm or corporation for any debt or claim the town may have against said person, firm or corporation, said debt or claim to include taxes, sewer rental, water, lights, paving, license, impounding fees and charges, rents of various kinds, fines and forfeitures, charges for laying sewers and water pipes for cleaning, repairing, removing or installing privies, abating nuisances, and such other



claim, demand or debt due the town.

(b) The said execution of fi. fa. shall issue in the name of said town by the clerk of council or other official designated by town council, and shall be a lien on all the property, both real and personal, owned, or in which an interest is owned by the person, firm or corporation against whom the execution of fi. fa. is issued. The same may be recorded in the records of the clerk of Barrow Superior Court and shall have the same dignity as an execution or fi. fa. issued from Barrow Superior Court.

(c) The Town of Bethlehem is granted authority and power to serve said execution of fi. fa., to make levy upon any property of the defendant and to sell the same as now or as may hereafter be provided by law for sheriff's sales, except that the mayor of said town is authorized to hear and grant orders for sale of personal property so levied upon, and personal property may be sold after advertising the sale for ten days by posting notices at the town hall and two other public places. Perishable property or personal property where there is an expense in the keeping of the same, may be sold after advertising the sale by posting notices at the town hall and two other places for three days. The marshal of said town, unless some other official is designated by town council, shall make said levies, advertisements, sales, execute the necessary deeds and other instruments and place the purchasers in possession.

(d) Any person having an interest in the property levied on as aforesaid may file a plea of illegality as provided for by law, returnable to Barrow Superior Court.

Section 34. Be it further enacted by the authority aforesaid that town council of the Town of Bethlehem shall have full authority to pave, repave, curb, recurb, grade, regrade, repair or improve any or all of the sidewalks of said town and assess any portion of the entire costs of such paving, curbing, recurbing, grading, regrading, repairing, or improving against the abutting property, and the owners thereof, prorated as to each according to lineal feet frontage of abutting property on the improvement, area or value of the abutting property, one or more or all, as may be determined by the said town council; also to grade, regrade, macadamize, remacadamize, pave, repave, curb, recurb, repair, or otherwise improve for travel and drainage any or all of the streets, alleys or ways of the Town of Bethlehem, and assess any portion or the entire cost of such grading, regrading, macadamizing, remacadamizing, paving, repaving, curbing, recurbing, repairing or other improving against the abutting property and the owners thereof, prorated as to each according to lineal feet fronting of abutting property on the improvement area or value of the abutting property, one or more or all as may be determined by said town council; to grade, regrade, pave, repave, macadamize, remacadamize, curb, recurb, or otherwise improve the width of the tracts and between the tracts and on the sides of any railroad or railroads running through or across the streets, alleys, ways or lanes of said Town of Bethlehem, and assess any portion or the entire cost of such improving, grading, regrading, paving, repaving, macadamizing, remacadamizing, curbing or recurbing, against any property in said town or any part thereof of the railroad company or railroad companies whose railroad runs across or through the streets, alleys, ways or lanes of said town, and against said railroad company or companies; to grade, regrade, curb, recurb, pave, repave, macadamize, remacadamize, repair or improve any sidewalks or streets abutting on any property in said town owned by Barrow County and against Barrow County, according to the lineal feet frontage of such abutting property on said improvement, or according to the area or value of such abutting property, one or more or all, as may be determined by said town council; and also to provide for the enforcement and collection of assessments from such abutting or other property and the owners thereof by execution issued against such property and such owners.

Section 35. Be it further enacted by the authority aforesaid that said Town of Bethlehem through its town council shall have all power and authority to adopt by ordinance or otherwise such system of equalizing assessments on real estate made for the purposes and objects hereinbefore stated as may be just and proper, estimating the total cost of each improvement to be made, and prorating the same against abutting and, other real estate, or any part thereof, and the owner of such real estate according to the proportion the frontage of such



abutting real estate in each case bears to the total cost of such paving, repaving, grading, curbing, or otherwise improving any street, sidewalk, way or alley, or according to the area of value of said real estate one or more or all as may be determined by town council.

Section 36. Be it further enacted by the authority aforesaid, that the amount of the assessment on each piece of real estate shall be a lien on such real estate against the owner thereof, from the date of the passage of the ordinance providing for the work and making assessment, and said town council shall have full power and authority to enforce the collection of any assessment so made for such work or improvement by execution issued by the clerk of council of said town against the real estate so assessed and the owner I thereof, and after advertising and other proceedings as in the case of tax sales under existing laws and ordinances, or such as may hereafter be made applicable to the subject, said property shall be sold in the same manner and shall be subject to all the right of purchase by said town and redemption by the owners as provided by existing laws. The defendant in any execution shall have the right to file an affidavit of illegality denying that the whole or any part of the amount for which said execution issued is due, and stating what amount he admits to be due, which amount so admitted to be due shall be paid or collected before the affidavit is received, and the affidavit received only for the balance, All affidavits shall set out in detail the reason why affidavit claims the amount is not due and when received by said town shall be returned to the Superior, Court of Barrow County, and there tried and the issue determined as in case of illegality and subject to all the pains and penalties provided for in case of illegality for delay under the Code of Georgia.

Section 37. Be it further enacted by the authority aforesaid that the town council shall have the authority to issue liens for any balances due or which may become due for such improvements as specified hereinbefore, and that the liens of said executions shall be co-equal with the lien of executions for taxes, prior to and superior to all other liens against said real estate, and such liens shall continue until said assessments and executions thereon shall be fully paid.

Section 38. Be it further enacted by the authority aforesaid that the town council shall have the power and authority to prescribe by ordinance such rules and regulations as in their discretion may be deemed necessary respecting the grading, paving, repaving, curbing, macadamizing, draining otherwise improving the streets, sidewalks, ways and/or otherwise improving the streets, sidewalks, ways and alleys of said town and the assessment of any or all the costs or expenses thereof against abutting property, and the enforcement by execution of the collection of such assessments.

Section 39. Be it further enacted by the authority aforesaid, that the town council shall have the authority and power to prescribe by ordinance or otherwise such notice to abutting property owners as may be proper, and for hearing complaints from such property owners, as may be requisite under the law.

Section 40. Be it further enacted by the authority said that the town council shall have the authority in name of the Town of Bethlehem to provide for the issuance of executions for the full assessments against the abutting property, or any part of said property, or other property as hereinbefore provided, and the owners thereof, for the cost of any such street improvement certificates or bonds to cover the estimated cost thereof, which certificates or bonds shall in no event become a liability of the Town of Bethlehem, but shall be payable solely from assessments made against real estate under the provisions of the Act, and sell the same at the best price obtainable. Such certificates or bonds shall be negotiable and shall be issued in such denominations and payable at such times and shall bear such rate of interest payable annually or semi-annually, as may be determined by town council. Said certificates or bonds shall be signed in the name of the Town of Bethlehem by the mayor, attested by the clerk of council of said town and shall have the corporate seal of said town affixed thereto. They shall be payable to bearer at such place as may be designated and shall be based upon the executions issued against the abutting property owners for street or sidewalk improvement as hereinbefore provided. They may be turned over and delivered to the contractor to whom the contract has been awarded for

such street or sidewalk improvement at such price or consideration as may be agreed upon in the payment of the amount due said contractor on his contract. Such certificates or bonds may be registered with the clerk of council in records to be provided for that purpose, and certificates of registration by the clerk of council shall be entered and endorsed upon each of said certificates or bonds so registered.

Section 41. Be it further enacted by the authority aforesaid that the town council shall have power and authority to prescribe the terms of payment, the rate of interest, and the time and place of payment of assessments made for street and sidewalk improvements under this Act, and executions issued thereon to pledge such assessments and executions, or any part thereof, or the monies collected therefrom, or any part thereof, to the payment of the street improvement certificates or bonds issued by virtue of the provisions of this Act, and to use such monies so collected for such purpose and for the payment or other expenses incident to such street improvements.

Section 42. Be it further enacted by the authority aforesaid that the provisions of this Act shall likewise apply to any new sewer or water lines or mains the Town of Bethlehem through its town council may deem necessary to construct or rebuild; and the town council shall have the same power and authority as to such extension or rebuilding of sewer and water lines of said town as vested in them by this Act as to paving, repaving, curbing, and otherwise improving the sidewalks and streets of said town, and all the provisions to this Act shall apply to such additions and improvements to the sewer and water lines of said town to the levying of assessments to cover the costs and expenses thereof and to the issuance of certificates or bonds to raise money for such purposes; but certificates and bonds issued for the extension or improvement of sewer or water lines or mains shall be known as sewer improvements certificates or sewer improvement bonds, or water improvement certificates or water improvement bonds, sewer and water certificates or sewer and water bonds, as the case may be.

Section 43. Be it further enacted by the authority aforesaid that no paving or repaving of any of the streets of the Town of Bethlehem or part or parts thereof, or extension or improvements of any of the water or sewer lines and mains of said town shall be undertaken by the town council except by consent of the property owners owning a majority of the property abutting on the streets to be improved or where sewer or water lines or mains are to be improved or extended, determined according to the method of assessment adopted under this Act as provided for herein, that is on the basis of lineal feet frontage area or value of abutting property, one or more or all. When said town council shall determine and decide to submit a street improvement project, such consent may be determined by a failure of such majority of such owners or property, determined as aforesaid, within fifteen days after the publication in the official newspaper for Barrow County of a notice by the clerk of the town council of Bethlehem that an improvement project is contemplated, naming the street or streets or part of street or streets, to be improved, and specifying the nature of the improvement, to file a protest or objection to such improvement, or it may be determined by filing a petition by a majority of the owners of the property determined as aforesaid for an improvement project, which petition shall specify the street or streets or part or of the street or streets which it is deemed shall be improved and the nature of the improvement sought. After it is determined by said town council that a majority of said owners of property, determined as aforesaid, have not filed protest or objection to an improvement project contemplated within the time allowed, or that a majority of the owners of property determined as aforesaid, have petitioned for such improvement project, then the said town council, before they shall be authorized to proceed further with such improvement project, shall pass an ordinance providing for such project, which ordinance shall be published one time in the official newspaper of Barrow County, and all property owners to be assessed for the cost of the improvement who do not within fifteen days after the publication of said ordinance commence legal proceedings to prevent the assessment of their property as provided for in this Act shall be conclusively presumed to have accepted the terms of said ordinance and to have agreed that the assessment against their property as provided in this Act shall be made.

Section 44. Be it further enacted by the authority aforesaid, that the town council shall have the power and

authority to issue bonds of said Town of Bethlehem at such times .as they see proper, within the limits provided by the Constitution of Georgia, and of such denomination and in such amounts as they see proper; the said bonds shall not bear interest in excess of eight per cent per annum, and not to run for a period of longer than thirty years from date of Bonds issue, but may bear a less rate of interest and run for a shorter period of time from the date of their issue in the . discretion of the town council. Said bonds to be issued, hypothecated, and sold for the purpose of establishing and maintaining, equipping, extending, operating and repairing a system of waterworks, a system of sanitary sewerage, a crematory, a system of street lights, either .for electric or both, a system of public schools, paving or macadamizing, streets, or sidewalks, erection of necessary public buildings, and adequate fire department, a hospital and drainage. Bonds will be attested by said town clerk of Bethlehem under corporate seal of said Town of Bethlehem, and shall be negotiated in a manner determined by said town council to the best interest of said Town, provided, however, said bonds shall not be issued for any of the above purposes until the same shall have been submitted to the qualified voters at an election held for that purpose, under and in conformity with the general laws of the State governing the issuance of bonds by a municipal corporation.

(b) The said town council shall have power and authority to order elections at various times to determine the issuance of bonds in accordance with general elections in said town at such time or times as they deem best for the purpose of issuing bonds for the improvements designated in this Act. And said town council shall provide how said public debt may be paid and shall constitute a sinking fund for said purpose.

Section 45. Be it further enacted, that said town by and through its town council, shall have full power and authority to acquire, construct, reconstruct, improve and extend revenue-producing projects and systems, to maintain and operate the same, to prescribe, revise, fix and collect rates, tolls, and charge for the services, facilities and commodities furnished thereby and, in anticipation of the collection of revenues therefrom to issue negotiable certificates payable solely from such revenues, to finance the cost of construction and operation of same and to exercise all the powers and authorities to do all the things and acts authorized by the “Revenue Anticipation Law of 1937”, of this State and Acts amendatory thereof.

Section 46. Be it further enacted by the authority aforesaid said that the town council shall have the power and authority to require and compel all toilets, baths, water closets, urinals and privies within the corporate limits of Bethlehem to connect with the drain in the sewerage mains and sewer pipes of said town, except where such fixtures or the building in which they are located may be more than five hundred (500) feet from any sewer main of said town. That should the owner of the property upon which is located any toilet, bath, water closet, urinal or privy fail and refuse to make the sewerage connections as referred to herein within thirty days after being requested by said town, then such property owner may be punished as may be provided for by the town council. The Town of Bethlehem may make or have made sewer connections and the costs thereof shall be assessed against the property and owner of such property upon which such fixtures are located and the collection of such assessment may be made by said town in the same manner and method as well as the same defenses by the property owner as are now authorized in the collection of taxes by said town.

Section 47. Be it further enacted that the town council of Bethlehem shall have the power to compel all owners of stores, restaurants, banks, business houses and other buildings used for business purposes within the limits of said town to install therein water closets and toilets sufficient to meet the need of the occupants, tenants, employees and patrons of such stores, restaurants, banks, business houses and other enterprises and connect said water closets and toilets with the sewer mains of said town under the terms of and in accordance with and subject to all laws now in force in said town applicable thereto. In the event of refusal by the properly owner within 30 days after requested to do so do by the town to install and connect the fixtures referred to herein, the town may make or have made such installation and connection and issue execution against the property owner for the costs and expenses thereof, with the same priority of lien of such execution and with the same right to owner to file affidavit of illegality to such execution as provided for the collection of taxes by said town.

Section 48. Be it further enacted by the authority aforesaid that the town shall have the right and privilege of extending the water and sewerage mains and system or either and when extended the above sections shall apply to the area within the corporate limits of said town where such extensions are made.

Section 49. Be it further enacted by the authority aforesaid that the town council shall have the power and authority to impose a tax, not exceeding two dollars per capita per annum on dogs owned or kept or found within the corporate limits of the Town of Bethlehem and shall have the power and authority to pass such ordinances as they deem necessary to collect such tax, or to otherwise enforce the provisions of this section, and may authorize and directed the Marshal and police officers of Bethlehem to impound or kill any dog or dogs at large within the corporate limits of Bethlehem whose owner has failed or refuses to otherwise provide punishment of such owner or owners.

(b) That town council is granted further power and authority to have all dogs inoculated against rabies or other disease and to destroy those animals which are not so treated.

Section 50. Be it further enacted that the town council shall have full power and authority by ordinance, to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome; to protect places of divine worship in and about the premises where held; to regulate the keeping of gunpowder, dynamite and other combustibles; to provide in or near said town places for the burial of the dead, and regulate the interment therein, may act as trustees under any conveyance or will giving money or property for charitable purposes; to provide for the drainage of lots in said town by proper drains, sewers or ditches; to make regulations guarding against danger or damage by fire; to exempt the officers and employees of the town from a street tax; to protect the person or property of the citizens of said town; to regulate and control public meetings and public speaking in the streets of Bethlehem, to contribute and support any work for the physical and moral uplift and benefit of the people of this town; to prevent the obstruction of the streets of said town, or gathering of disorderly crowds in said streets; to own, lease and maintain airports and landing fields and anything necessary thereto, and to supervise and control it whether inside or outside the town limits; and to enforce the provisions of these rights by appropriate ordinances and to do any and all other things incident thereto, not contrary to the Constitution and laws of the State of Georgia.

Section 51. Be it further enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, that the town councilmen of the Town of Bethlehem may, in the interest of public health, safety, order, convenience, comfort, prosperity, or general welfare, adopt by ordinance a plan or plans for the zoning of the town for the purpose of regulating the location of trades, industries, apartment houses, dwellings, or other uses of property; or for the purpose of regulating the height and location of the buildings, fences or other structures; or for the purpose of regulating the alignment of buildings or other structures near street frontages. The zoning regulations may be based upon anyone or more of the purposes above described. The town may be divided into such number of zones or districts, and such districts may be of such shape and area as the mayor and councilmen of said town shall deem best to accomplish the purposes of the zoning regulations; in the determination and establishment of districts and regulations, classifications may be based on the nature or character of the trade, industry, profession, or other activity conducted or to be conducted upon the premises; the number of persons, families, or other group units to reside in or use said buildings; the public, quasi-public, or private nature of the use of the premises; or upon any other basis or bases relevant to the promotion of the public health, safety, order, morals, conveniences, happiness, prosperity or welfare, and to enact any ordinances necessary to effectually carry out this section.

Section 52. Be it further enacted by the authority aforesaid that the town council shall have authority to establish a town jail and provide regulations for the same in which to confine prisoners for punishment or persons arrested or persons for safekeeping and that said town shall have the right to establish a public works gang for



the purpose of working the streets and other municipal work of said town. The presiding officer at the recorder's court is granted authority to sentence any person convicted of the violation of any ordinance or law of said town to a term in jail, a term on the public works gang, a fine, any one or all of said penalties. Town council is authorized to establish such rules and regulations it deems necessary for the supervision, conduct and general welfare of said jail and public works camp.

Section 53. Be it further enacted by the authority aforesaid that the recorder's court shall have power and authority to preserve order during its session, to compel the attendance of witnesses, to punish for contempt for not more than 6 days in jail or not to exceed a \$50.00 fine or both, to issue warrants for arrest, to act with same powers and authority of an ex-officio justice of peace in binding over to a higher court and assessing bond therefor. It is further provided that town council may have the same rights as recorder's court to punish for contempt when in regular or called sessions. All fines may be collected by execution issued by the clerk of council and levied as other executions.

Section 54. Be it further enacted by the authority aforesaid that the rights of certiorari from the judgment of recorder's court shall be had to the Superior Court of Barrow County and shall be governed and controlled by laws of Georgia in force at the time the certiorari is made.

Section 55. Be it further enacted by the authority of aforesaid that the town council is vested with power and authority to establish fire limits of fire zones in said town, and to prohibit the erection or remodeling of any wooden building or other structures as will, in the opinion of said town council, increase the fire risks in such part or parts of the Town of Bethlehem as they may designate fire limits or fire zone. They may change the fire limits or fire zone as they necessary, and exercise and use such supervision and control over the construction of houses and buildings of nature as well as the materials used therein. The words "house and building" as used herein mean all parts of house or building including awnings, sheds, chimneys, flues, plumbing, heating units, as well as wires.

(b) Town council may specify the kind and type of material to be used in the construction of buildings within the fire zone or fire limits, and the manner in which material may be used in erecting or repairing or remodeling such house or building.

(c) Town council shall have supervision and control of all warehouses, buildings and places where materials or property of an inflammable nature are stored, and may by ordinance provide suitable restrictions, rules and regulations for the operation, storage and conduct around and near such places.

(d) That said town shall have power and authority to remove any forge, blacksmith shop, livestock sales stable, barns, or any other building, house, enclosure or structure within the said town limits whenever in their discretion it shall be necessary for protection against fire or health and shall have authority to cause the removal or repair or rebuilding of any chimney, flue, pipe or other thing or matter that in council's opinion will endanger the town of any property therein as to fire.

(e) The town council may summarily declare any building structure or house dangerous when the same appears to town council to be decayed, unsound or unsafe to pedestrians or persons passing, or that the same is endangering the health of said town or any portion of the inhabitants thereof, or in any location therein, or is likely to produce or spread disease or sickness. This may be so declared by town council instantly and they may summarily condemn it to be torn down or destroyed with or without the contents therein, so as to prevent the introduction of spread of infectious disease. The officers who perform this duty shall not be liable to answer therefor to anyone in any court, except for gross negligence and extreme want of care coupled with malice, provided that whenever any property shall have been destroyed under the provisions of this section the Town of Bethlehem in its corporate capacity shall be liable to the owner thereof only for the actual cash value therefor



and shall not be liable for any prospective damages in connection therewith.

Section 56. Be it further enacted by the authority aforesaid that the town council is authorized and empowered to establish, build, equip, maintain and conduct, or to assist in the same, of a general hospital in said town, and to levy a tax, to collect a tax and to appropriate funds from either general or special tax monies for said hospital, and the treatment of the sick therein, as well as the expenses of maintaining said hospital.

Section 57. Be it further enacted, that the mayor and councilmen are hereby authorized, in their discretion, to make appropriations and payments from the general funds of the town for the purpose of soliciting and entertaining public conventions, conferences and meetings of all kinds of societies attended by delegates from other places, and any hall or auditorium belonging to the town may be used free for such purposes; and also to make appropriations and payments from the general funds of the town for the purpose of advertising said town and its advantages and resources so as to bring new capital and commercial and manufacturing and other enterprises into the town, and also for making contributions to any board of trade or chamber of commerce, or like body in said town, which may have for its object any of the above stated public purposes; and also to make payments from the general revenues and funds of the town for the support of public hospitals, libraries, charities and other eleemosynary institutions in the town. The said town is authorized to exempt from tax or license or both any new business or enterprise coming to and locating in Bethlehem, however, this exemption can not exceed five years.

(b) The said town is authorized to receive any funds property or other thing which may be offered as a donation or gift to the town or for public use and enjoyment.

Section 58. Be it further enacted by the authority said that the town council is granted power and authority to enact such ordinances, resolutions, rules and regulations it deems necessary regarding the establishment of subdivisions of land within the town limits. It shall be the duty of each person or firm establishing or creating a subdivision of land in Bethlehem to file a plat or map of same with the clerk of the town council and all streets, sidewalks, lanes and alleys shown on said plat or map are declared and are dedicated to public use and become the property of the Town of Bethlehem.

Section 59. Be it further enacted that the Town Council of the Town of Bethlehem shall have power to authorize the marshal or any policeman of said town to summon; orally or otherwise, any bystander or as many bystanders as he deems necessary to aid in the arrest of any person or persons violating any ordinance of said town or law of this State, and to provide for any person or persons failing or refusing to obey said summons. Such person or persons assisting the marshal or policeman are hereby granted the immunities and privileges of a regular policeman of said town.

Section 60. Be it further enacted that the town council shall have power and authority to require any person, firm or corporation to obtain from said town written permit to build, erect, repair or remodel in said town any house, building or any kind of structure, where the estimated costs thereof shall exceed fifty dollars. The town council shall have power and authority to prescribe the form of application for said permit and specify the information to be furnished by the applicant. The town council shall have the power and authority to specify the kind, type, and materials to be used in such building or repair and to grant or refuse to grant any application for permit with or without cause. They shall also have power and authority to provide penalties for the violation of any ordinances, rules or regulations regarding building permits.

Section 61. Be it enacted by the authority aforesaid that the town council shall have full power and authority to regulate the running, speed and parking of buses, trucks, automobiles, trailers, engines, trains and other vehicles within the limits of said town and upon the streets, railroads, alleys, or other places in said town.

Section 62. Be it enacted by the authority aforesaid that the mayor and council members shall have power and authority to grant franchises, easements, and rights of way in, on, under and over streets, alleys, lanes, squares, sidewalks, parks and other' property of the said town. The town council shall likewise have the power and authority to pass such ordinances as may be necessary to carry out and effectuate the provisions of this section and to prescribe a penalty for a violation of these ordinances.

Section 63. Be it enacted by the authority aforesaid that all sales provided for here shall be as effective and effectual to pass title as the deed of the person against whom the execution was issued. The Town of Bethlehem may buy property sold under execution under same terms and provisions as is provided in the purchases by counties of the State of Georgia tax sales. The town may also sell and convey title to any property owned by it, upon ordinance or resolution passed by town council.

Section 64. Be it further enacted, that said town council shall have power to take up and impound any horses, mules, hogs, cows, or other animals running at large in said town; also levy a tax on each dog in said town running at not to exceed two dollars a year, and to make and enforce all ordinances which they may deem necessary and proper for the regulation and control of all such animals in said town, and to enforce the provisions of this section, including the advertising and sale of such animals which may be impounded. To assess fees and costs therefor and provide for the collection and payment thereof.

Section 65. Be it further enacted, that all unliquidated claims against said Town of Bethlehem shall be presented within twelve months after they accrue or become payable, or the same are barred, unless held by minors or persons laboring under disabilities, who are allowed twelve months after the removal of such disability.

Section 66. Be it further enacted that the town shall have power to prevent, control, and abate idleness loitering within the corporate limits of the Town of Bethlehem to provide for and to punish any person or persons found guilty of loitering or vagrancy.

Section 67. Be it further enacted that the Town of Bethlehem shall have the power and authority to own, control, and maintain property in or near said town for a cemetery and to regulate and control interments therein, to punish any and all persons injuring or destroying the property or shrubbery therein, and to enact such ordinances and prescribe such rules and regulations as the town council may deem necessary to properly regulate, protect and control the said property and the use thereof.

Section 68. Be it further enacted that the town council shall have power and authority to prevent, to regulate or to supervise the use of firearms, fireworks, or other dangerous annoyances or explosives used in sports or otherwise in said town, providing however this section shall not apply to any citizen when defending or protecting his person or property.

Section 69. Be it further enacted that the town council may declare what shall be a nuisance in said town, and provide for the abeyance of the same. The town council shall have the power and authority to remove or cause to be removed at the expense of the owner thereof, any or any portion of any building, porch, steps, fence or other obstruction or nuisance in or near any public street, and to abate any and all nuisances located within the corporate limits of said town; also to provide for punishment for anyone found guilty of maintaining or carrying on a nuisance. In the event a nuisance is abated at any expense or cost to the Town 'of Bethlehem and the owner of said nuisance fails and refuses to pay the said cost or expense within ten days after a demand is made for such payment, then the clerk of the Town of Bethlehem shall issue execution in the name of said town for such costs or expenses in the same manner as for taxes. Said execution shall have the same dignity as one issued from the Superior Courts of this State.

Section 70. Be it further enacted that the town council shall have full power and authority to establish a free-bill for the officers of said town, such fees when collected, to be paid into the town treasury and that until, and unless changed by ordinance the same fees shall be charged and collected by the said town officers insofar as applicable, as is now provided for sheriffs and clerks of the superior courts of this State. The clerk is authorized to issue execution for the nonpayment of past due or delinquent unpaid fees.

Section 71. The town council are authorized and empowered to sell, furnish, and distribute water, gas, lights, sewerage, electric energy, power and any other utilities service together with the facilities to furnish and supply these services and utilities within the corporate limits and within one mile from the corporate limits of said town. The town council are authorized and empowered to make contracts for the purchase of electric energy, power and current for its use and redistribution, to general and manufacture the same; to contract for the purchase, installation and maintenance of any and all machinery, facilities, equipment the town council may deem necessary. That the said town shall have the right to obtain by purchase, or condemnation such right of ways and easement as be necessary for the purpose as provided in this section.

Section 72. Be it further enacted that the town council shall have power and authority to prevent or regulate carrying on during the Sabbath Day of all business whatever nature in any manner they may see fit not contrary to laws of this State; to prohibit all games and amusements within the town limits not consistent with proper observance of the Sabbath Day.

Section 73. Be it further enacted by the authority said that town council is granted authority to regulate, control and supervise the sale and distribution of any or alcoholic drinks or beverages within the town limits or within a one mile limit without the town limits where the sale, storage or possession of malt or alcoholic beverages or drinks have a tendency to adversely affect the moral, physical or health conditions of said town or of the inhabitants thereof.

Section 74. Be it further enacted by the authority said that the recorder of said town shall have the and authority to hold a court to be known as Recorder's Court" at such time and place in said town as the town council may designate and appoint for the hearing and trial of offenses committed against or for the violation of the bylaws, rules, regulations, ordinances, or laws of said town.

(b) The recorder is authorized and empowered to hear and try those charged with the violation of, or offense against, the bylaws, rules, regulations, ordinances, or laws of said town and should the defendant be found or adjudged guilty of any such violation he may be punished by a fine not to exceed three hundred (\$300.00) dollars, or by confinement in the town jail or stockade or elsewhere in a place of confinement as may be designated by the recorder or town council, not to exceed ninety (90) days, or by labor on the streets or public works of said town under the control, supervision and discretion of the proper officers not to exceed ninety (90) days. The recorder may sentence the defendant to either one or more of said penalties or any part thereof. All sentences may be in the alternative and fines may be imposed with alternative of either or both of the other punishments in the event the fines are not paid. The recorder may also require that the costs of prosecution shall be paid by the defendant.

(c) Upon the failure or refusal of any person to pay promptly any fine or costs imposed by said recorder's court the same may be enforced and collection by an execution issued by the clerk of council as provided for herein for the collection of taxes, and levies, sales and defenses may be made in the same manner as executions issued for taxes.

(d) The town council shall have the power and authority to provide by ordinance or otherwise for the charge and collection of all costs in recorder's court such as are usually incident and lawfully chargeable in the class of cases tried in said court, the same to be added to, or included in the amount of fine imposed. Unless changed by

the town council the charges for costs shall be the same as are now or as may be lawfully charged in superior courts of this State.

(e) The recorder of said town shall be ex officio justice of the peace so far as to enable him to issue warrants for any offense, State or town, committed within the town limits of said town. Said warrant may be served by the marshal or police of said town or by any arresting officer of this State, and, acting under said warrant, the officer may arrest either within or without the limits of said town. Offenders so arrested may be carried before the recorder, and if there is probable cause to suspect that any of the penal laws of this State or any rule, regulation, bylaws, ordinance or law of said town has been violated, then the recorder may bind the offender over to the proper court, and to commit the accused to the jail or place of confinement to answer the charge against him, provided, that the recorder may, if such offense is bailable, admit the accused to bail, the arresting officer may approve the bond. Should the accused be bound over to the State courts then all papers should be delivered to the clerk of the court to which the accused was bound over.

(f) That the mayor may serve as the recorder when the recorder is absent, disqualified or unavailable to serve, and should both the recorder and mayor be absent, disqualified or unavailable to serve, the council member of said town may serve as presiding officer at recorder's court.

Section 75. Be it further enacted by the authority aforesaid that the sections and provisions of this charter, and Act are severable and were so enacted by the Georgia General Assembly and should any section, or any part thereof be held contrary to the Constitution or laws of the State of Georgia or of the United States of America, the part so held to be void shall be ineffective but the remainder of said Act shall remain in full force and effect.

Section 76. Be it further enacted by the authority aforesaid that all laws or portions of laws in conflict with this Act be and the same are repealed.

Section 77. 'The notice' and affidavit attached hereto are made a part of this bill and reference is made thereto.

State of Georgia  
County of Barrow.

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Before me, the undersigned, a Notary Public this day personally came W.E. Atkinson, who, being first duly sworn according to and that the publisher of the Winder News, official newspaper published in said county and State, and that the publication, of which the annexed is a true copy, was published in said paper on the 8th, 15th, 22nd days of February, 1967, and as provided by law.

/s/ W. E. Atkinson  
Subscribed and sworn to before me,  
this 22nd day of February, 1967.  
/s/ Lura Lee A. Cranie,  
-Notary Public, State of Georgia.  
My Commission Expires July 20, 1970.

Notice of Intention to Apply for Local Legislation.  
Georgia, Barrow County.

Notice is hereby given that the Town of Bethlehem intends to apply for the passage of local legislation at the next session of the General Assembly of Georgia to amend, revise and create a new charter for the Town of Bethlehem; the title to such bill or bills, to be as follows:

An Act to amend, consolidate, create, revise and supersede the several Acts incorporating the Town of

Bethlehem in the County of Barrow, the State of Georgia, and all amendments in respect thereto; to create a new charter for said corporation; to provide a municipal government therefor; to define their powers and duties; to provide the punishment of violators of the ordinances, rules and regulations of said municipality; to define the special powers and duties of the mayor; to provide for elections of mayor and council members, and to define their qualifications, and for other purposes.

This January 31, 1967

/s/ Ed Rogers

Mayor of the Town of Bethlehem

Approved April 21, 1967.

### AN ACT

To amend an Act creating a new charter for the Town of Bethlehem, approved April 21, 1967 (Ga. L. 1967, p. 3412), so as to provide for a municipal court and the judges thereof; to provide for jurisdiction of such court; to provide for a clerk; to provide for bail; to provide for punishments; to provide for a town jail; to provide for the issuance of subpoenas and warrants and the execution of judgments; to provide for staggered terms of office for the members of the town council; to require submission for preclearance under Section 5 of the Federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

### BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

#### SECTION 1.

An Act creating a new charter for the Town of Bethlehem, approved April 21, 1967 (Ga. L. 1967, p. 3412), is amended by striking Section 3 and inserting in lieu thereof a new Section 3 to read as follows:

‘SECTION 3. There shall be a court to be known as the Municipal Court of the Town of Bethlehem.

#### SECTION 3.1.

Chief judge; associate judge.

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

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

(c) Compensation of the judges shall be fixed by ordinance.

(d) Judges serve at will and may be removed from office at any time by the town council unless otherwise provided by ordinance.

(e) Before assuming office, each judge shall take an oath, given by the mayor, that such judge will honestly and faithfully discharge the duties of the judge's office to the best of the judge's ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the town council.

S. B. 548

SECTION 3.2.

Convening.



The municipal court shall be convened at regular intervals as provided by ordinance, but shall not be required to convene in the absence of a case or controversy.

### SECTION 3.3.

#### Jurisdiction; powers.

- (a) The municipal court shall try and punish violations of this charter, all city ordinances, and such other violations as provided by law.
- (b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$200.00 or ten days in jail.
- (c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for 180 days or both such fine and imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing, as now or hereafter provided by law.
- (d) The municipal court shall have authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violations of state law.
- (e) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments, and sentences; and to administer such oaths as are necessary.
- (f) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by any officer as authorized by this charter or by law.
- (g) Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the city and each judge of the municipal court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the city.

### SECTION 3.4.

#### Certiorari.

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

### SECTION 3.5.

#### Rules for court.

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

### SECTION 2.

Said Act is further amended by striking the first paragraph of Section 4 and inserting a new subsection (a) to read as follows:

‘(a) Be it further enacted by the authority aforesaid that the government, supervision, powers, and control of said Town of Bethlehem shall be vested in a mayor and five councilmembers to be known as the ‘Town Council.’ That the mayor and councilmembers shall be elected from the town at large in the manner hereinafter provided. The term of the mayor and the term of each councilmember shall be for four years and until a successor is elected and qualified:

#### SECTION 3.

Said Act is further amended by striking Section 5 and inserting in lieu thereof a new Section 5 to read as follows:

#### ‘SECTION 5.

(a) Be it further enacted by the authority aforesaid that general elections of said town shall be held biennially on the Tuesday after the first Monday in November. All elections shall be conducted in accordance with the provisions of Chapter 2 of Title 21 of the O.C.G.A., the ‘Georgia Election Code.’

(b) The mayor and members of the town council in office on the effective date of this Act shall serve out the terms to which they were elected .

(c) At the November municipal general election in 2007, successors for the mayor and councilmembers representing council posts 2 and 4 shall be elected to take office on the first day of January 2008 for a term of four years and until their successors are elected and qualified. Successors to such persons elected to the office of mayor and to council posts 2 and 4 shall be elected quadrennially thereafter at the November municipal general election and shall take office on the first day of January immediately following their election for terms of four years and until their successors are elected and qualified.

(d) At the November municipal general election in 2007, successors for the councilmembers representing council posts 1,3, and 5 shall be elected to take office on the first day of January 2008 for a term of two years and until their successors are elected and qualified. Successors to such persons elected to council posts 1,3, and 5 shall be elected quadrennially thereafter at the November municipal general election and shall take office on the first day of January immediately following their election for terms of four years and until their successors are elected and qualified:

#### SECTION 4.

Said Act is further amended by striking Section 6 and inserting in lieu thereof a new Section 6 to read as follows:

#### ‘SECTION 6.

Be it further enacted by the authority aforesaid that the town council shall have the power and authority to call a special election for the purpose of filling any vacancy caused for any reason, except expiration of term, in any office for which the holder thereof is elected by the voters of said town. Such special election shall be called and conducted in accordance with the provisions of Chapter 2 of Title 21 of the O.C.G.A., the ‘Georgia Election Code.’”

#### SECTION 5

Said Act is further amended by striking Section 7 and inserting in lieu thereof a new Section 7 to read as follows:

#### ‘SECTION 7.

The candidate who receives the greatest number of votes shall be declared elected:

#### SECTION 6.

Said Act is further amended by striking and reserving Sections 8 and 9.

## SECTION 7.

Said Act is further amended by striking the first paragraph of Section 15 and inserting in lieu thereof a new subsection (a) to read as follows:

‘(a) Be it further enacted by the authority aforesaid that there shall be a clerk of council, elected by the town council, to keep accurate minutes of each meeting, to record in the minutes all acts and doings of council, except when they may be in executive session, to keep and record all ordinances, laws, and resolutions passed or enacted by the town council in appropriate books. He or she shall be ex officio clerk of the municipal court of said town and keep records of said court. He or she shall issue all licenses, permits, and receipts in the name of said town, to collect therefor, and account for all funds so collected. He or she shall issue summons and writs when directed by the mayor, any councilmember, town marshal, town police, or town attorney, and to perform such other duties as he or she may be directed to do by the mayor or town council whether by rule, resolution, or otherwise.’”

## SECTION 8.

Said Act is further amended by striking Section 16 and inserting in lieu thereof a new Section 16 to read as follows:

### ‘SECTION 16.

(a) Be it further enacted by the authority aforesaid that the town council is hereby granted power and authority to authorize any arresting officer of said town to take and accept bond for the appearance at the municipal court of said town of any person arrested, giving receipt for any cash received as bond. That, should a cash bond be posted, no further security may be required; but, if any other kind of bond is given, except a cash bond, then a citizen of the Town of Bethlehem owning property of a net unencumbered value in excess of the homestead exemption and double the amount of the bond will be required as security on said bond. The arresting officer will pass upon the security.

(b) In the event the principal appears in the municipal court at the time specified in said bond, the cash will be returned to him or her if a cash bond was given and, if a security bond was given, the surety or person acting as security will be relieved of further liability.

(c) Should the principal fail to appear and a cash bond was given, then the cash bond may be forfeited by the presiding judge and the funds shall be placed in the general fund for use by the town. Should a bond with some person as security be given and the principal fail to appear, then the presiding judge may issue a rule nisi returnable to the next regular term of municipal court against the principal and his or her surety, which shall be served by the town marshal or any police officer upon the principal and surety, if either can be found, at least five days before the returnable term. Service may be personal or by leaving a copy thereof at the residence of the principal and the surety. If at such returnable term of the municipal court no sufficient cause is shown to the contrary, judgment shall be rendered by the presiding judge against such principal and surety or such of them which have been served. Execution or fi. fa. may be issued to enforce the collection of said judgment and, when collected, the funds shall be placed in the general fund of said town for its use.

(d) Should the principal, who is the defendant, fail to appear at the municipal court as specified in said bond, the presiding judge of such court may issue a warrant of the arrest of said defendant. The warrant may be served by an arresting officer of this state and the defendant may be arrested at any place within the State of Georgia, detained, and returned to the Town of Bethlehem:

## SECTION 9.

Said Act is further amended by striking Section 52 and inserting in lieu thereof a new Section 52 to read as follows:

‘SECTION 52.

Be it further enacted by the authority aforesaid that the town council shall have authority to establish a town jail and provide regulations for the same in which to confine prisoners for punishment or persons arrested or persons for safekeeping and that said town shall have the right to establish a public works gang for the purpose of working the streets and other municipal work of said town. The judges of the municipal court are granted authority to sentence any person convicted of the violation of any ordinance or law of said town to a term in jail, a term on the public works gang, a fine, or anyone or all of said penalties. The town council is authorized to establish such rules and regulations it deems necessary for the supervision, conduct, and general welfare of said jail and public works camp.

SECTION 10.

Said Act is further amended by striking Section 53 and inserting in lieu thereof a new Section 53 to read as follows:

‘SECTION 53.

Be it further enacted by the authority aforesaid that the municipal court shall have the power and authority to preserve order during its sessions; to compel the attendance of witnesses; to punish for contempt for not more than six days in jail or a fine not to exceed \$50.00, or both; to issue warrants for arrest; and to act with the same powers and authority of the magistrate courts in binding over to a higher court and assessing the bond therefor. It is further provided that the town council shall have the same rights as the municipal court to punish for contempt when in regular or called sessions. All fines may be collected by execution issued by the clerk of council and levied as other executions:

SECTION 11.

Said Act is further amended by striking Section 54 and inserting in lieu thereof a new Section 54 to read as follows:

‘SECTION 54.

Be it further enacted by the authority aforesaid that the rights of certiorari from the judgment of the municipal court shall be had to the Superior Court of Barrow County and shall be governed and controlled by the laws of the State of Georgia in force at the time the certiorari is made:

SECTION 12.

Said Act is further amended by striking Section 74 and inserting in lieu thereof a new Section 74 to read as follows:

‘SECTION 74.

(a) Be it further enacted by the authority aforesaid that the judges of the municipal court of said town shall have the power and authority to hold a court to be known as the Municipal Court of the Town of Bethlehem at such time and place in said town as the town council may designate and appoint for the hearing and trial of offenses committed against or for the violation of the bylaws, rules, regulations, ordinances, or laws of said town.

(b) The judge of the municipal court is authorized and empowered to hear and try those charged with the violation of or offense against the bylaws, rules, regulations, ordinances, or laws of said town and, should the defendant be found or adjudged guilty of any such violation, the defendant may be punished by a fine not to exceed \$1,000.00, by confinement in the town jail or elsewhere in a place of confinement as may be designated by the judge or town council not to exceed 180 days, or by labor on the streets or public works of said town under the control, supervision, and direction of the proper officers not to exceed 180 days. The judge may sentence the defendant to either one or more of said penalties or any part thereof. All sentences may be in the

alternative and fines may be imposed with the alternative of either or both of the other punishments in the event that the fines are not paid. The judge may also require that the costs of prosecution shall be paid by the defendant.

(c) Upon the failure or refusal of any person to pay promptly any fine or costs imposed by said municipal court, the same may be enforced and collection by an execution issued by the clerk of council as provided for herein for the collection of taxes, and levies, sales, and defenses may be made in the same manner as executions issued for taxes.

(d) The town council shall have the power and authority to provide by ordinance or otherwise for the charge and collection of all costs in municipal court such as are usually incident and lawfully chargeable in the class of cases tried in said court, the same to be added to or included in the amount of fine imposed. Unless changed by the town council, the charges for costs shall be the same as are now or as may be lawfully charged in superior courts of this state.

(e) The judges of the municipal court shall have the power and authority to issue warrants for any offense, state or town, committed within the town limits of said town. Said warrant may be served by the marshal or police of said town or by any arresting officer of this state and, acting under said warrant, the officer may arrest either within or outside the limits of said town. Offenders so arrested may be carried before the presiding judge of the municipal court and, if there is probable cause to suspect that any of the penal laws of this state or any rule, regulation, bylaw, ordinance, or law of said town has been violated, the judge may bind the accused over to the proper court and commit the accused to the jailor place of confinement to answer the charge against him or her, provided that the judge may, if such offense is bailable, admit the accused to bail, the arresting officer may approve the bond. Should the accused be bound over to state or superior court, all papers should be delivered to the clerk of the court to which such accused was bound over:

#### SECTION 13.

The governing authority of the Town of Bethlehem shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and such submission shall be made to the United States Department of Justice or filed with the appropriate court no later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

#### SECTION 14.

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

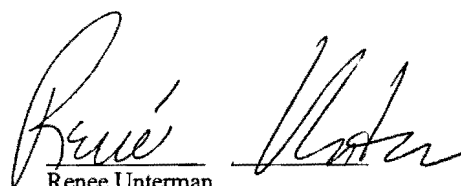


**NOTICE OF INTENT TO INTRODUCE  
LOCAL LEGISLATION**

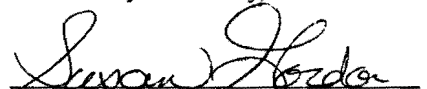
Notice is given that there will be introduced at the 2004 regular session of the General Assembly of Georgia a bill to amend an Act creating a new charter for the Town of Bethlehem, approved April 21, 1967 (Ga. L. 1967, p. 3412), so as to provide for a municipal court and the judges thereof; to provide for jurisdiction of such court; to provide for a clerk; to provide for bail; to provide for punishments; to provide for a town jail; to provide for the issuance of subpoenas and warrants and the execution of judgments; to provide for staggered terms of office for the members of the town council; to require submission for preclearance under Section 5 of the Federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

GEORGIA, FULTON COUNTY

Personally appeared before me, the undersigned authority, duly authorized to administer oaths, Renee Unterman, who on oath deposes and says that she is the Senator from District 45 and further deposes and says that the attached Notice of Intention to Introduce Local Legislation was published in the Barrow County News which is the official organ of Barrow County on February 11, 2004, and that the notice requirements of Code Section 28-1-14 have been met.

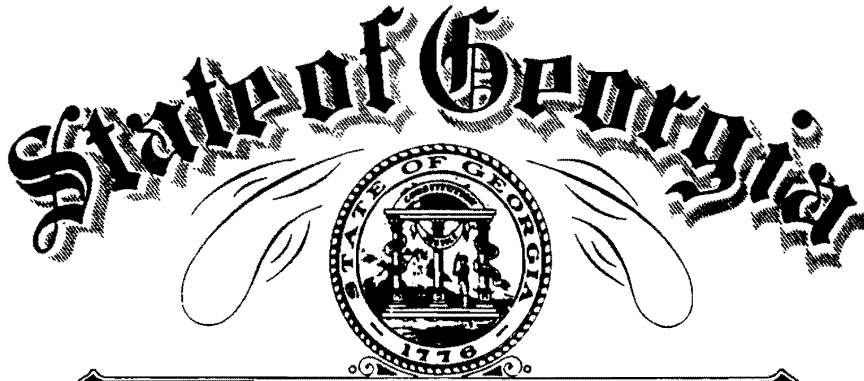
  
Renee Unterman  
Senator, District 45

Sworn to and subscribed before me,  
this 18th day of February, 2004.

  
Susan Gordon  
Notary Public, Rockdale County, Georgia  
My Commission Expires Nov. 18, 2005  
(SEAL)



APPROVED  
MAY 17 2004  
BY GOVERNOR



**OFFICE OF SECRETARY OF STATE**

*I, Cathy Cox, Secretary of State of the State of Georgia, do hereby certify that* the ten pages of photocopied matter hereto attached contains a true and correct copy of an Act approved by the Governor on May 17, 2004 numbered Act number 672(S.B. 548); all as same appear of file and record in this office.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my office, at the Capitol, in the City of Atlanta, this 21<sup>st</sup> day of May, in the year of our Lord Two Thousand and Four and of the Independence of the United States of America the Two Hundred and Twenty-eighth.

*Cathy Cox*

SECRETARY OF STATE

**ENROLLMENT**

S. B. 548

Act No. 672

April 22 2004

The Subcommittee of the Senate on Enrolling and Journals has examined the within and finds the same properly enrolled.

**GENERAL ASSEMBLY**



Don Balfour

Chairman

**AN ACT**

To amend an Act creating a new charter for the Town of Bethlehem, approved April 21, 1967 (Ga. L. 1967, p. 3412), so as to provide for a municipal court and the judges thereof; to provide for jurisdiction of such court; to provide for a clerk; to provide for bail; to provide for punishments; to provide for a town jail; to provide for the issuance of subpoenas and warrants and the execution of judgments; to provide for staggered terms of office for the members of the town council; to require submission for preclearance under Section 5 of the Federal Voting Rights Act of 1965, as amended; to provide for related matters; and for other purposes.

[Signature]

President of the Senate

[Signature]

Secretary of the Senate

[Signature]

Speaker of the House

[Signature]

Clerk of the House

**IN SENATE**

Read 1<sup>st</sup> time Feb. 20, 2004

Read 2<sup>nd</sup> time

Read 3<sup>rd</sup> time Mar. 1, 2004

And Passed

Yeas 49

Nays 0

Received

[Signature]  
Secretary, Executive Department

[Signature]  
Secretary of the Senate

This 22 day of April 2004

**IN HOUSE**

Approved

[Signature]  
Governor

Read 1<sup>st</sup> time Mar. 2, 2004

Read 2<sup>nd</sup> time Mar. 4, 2004

Read 3<sup>rd</sup> time Mar. 17, 2004

And Passed

Yeas 133

Nays 0

This 17 day of May 2004

[Signature]  
Clerk of the House

By: Senators Unterman of the 45th and Kemp of the 46th