

I, Kathryn Bishop, County Clerk, Camden County Board of County Commissioners, hereby certify the attached copy of the Official Code of Ordinances, Part 1 Related Laws, Article I- VII, Sections 101- 702, as unanimously amended Article I, Section 102, District Boundaries, and approved at a lawfully, regularly scheduled Board of County Commissioners meeting held on December 11, 2011.

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**ARTICLE I.
ADMINISTRATION**

Sec. 101. Created.

Section 1. There is created the board of commissioners of Camden County, hereinafter referred to in this act as the "board." The board shall be composed of five members, one from each district as defined in this act, elected by the qualified voters voting within each respective district. The members of the board in office on the effective date of this act shall continue to serve for the remainder of the terms for which they were selected. (Act No. 410, § 1, approved 3-25-2002)

Sec. 102. District boundaries. (as amended 11-

Section 2. (a) For the purpose of electing members of the board, Camden County shall be divided into five districts as follows:

District 1

All of those tracts or parcels of land, either submerged or not submerged, comprising the First Voter Commission and School Board District of Camden County, Georgia, lying and being in the 30th, 31st, 32nd, 33rd, 270th, and 1606th Georgia Military Districts of said Camden County and being more particularly described as follows:

For a point of beginning commence at the centerline intersection of Interstate Highway 95 and Georgia State Highway 40 and proceed in a westerly direction along the centerline of said Georgia State Highway 40 to the point of intersection with the centerline of Henrietta Street; thence proceed in a northerly direction along last mentioned centerline to the point of intersection with the centerline of Old Folkston Road; thence proceed in a westerly direction along last mentioned centerline to the point of intersection with the southeasterly line of the Meadows Development; thence proceed in a northwesterly and northerly direction along last mentioned southeasterly line to the point of intersection with the centerline of Colerain-St. Marys Road (County Road 66); thence proceed in a westerly and southwestly direction along last mentioned centerline 1.75 miles more or less to the point of intersection with the centerline of an unnamed trail road; thence run in a northwesterly, northerly and northwesterly direction along last mentioned centerline to the point of intersection with the run of Rose Creek; thence proceed in a northwesterly direction along the meanderings of the run of said Rose Creek to the point of intersection with the run of Big Satilla River; thence proceed in a southwestly, northerly, and westerly direction along the meanderings of the run of said Big Satilla River to the point of intersection with the line common to Camden and Charlton Counties, Georgia; continue thence in a westerly, northerly, and westerly direction along the meanderings of the run of said Big Satilla River, the same being the line common to said Camden and Charlton Counties, to the point of intersection with the lines common to Camden, Charlton and Brantley Counties, Georgia; thence proceed in a westerly and northerly direction, continuing along the meanderings of the run of said Big Satilla River, the same being the line common to said Camden and Brantley Counties, to the point of intersection with the line common to said Camden and Brantley Counties that runs easterly from said Big Satilla River, thence proceed in an easterly and northeasterly direction along last mentioned line to the point of intersection with the lines common to Camden, Brantley and Glynn Counties, Georgia, in the run of the Little Satilla River; thence proceed in a southeasterly direction along the meanderings of the run of said Little Satilla

River the same being the line common to Camden and Glynn Counties, Georgia, to the Jekyll Sound; thence proceed in a southeasterly direction along last mentioned centerline to a point in the St. Andrews Sound that is the point of intersection of the runs of the Little Satilla River, and Cumberland River; the Big Satilla River; run thence in a westerly direction along the meanderings of the run of said Big Satilla River to the point of intersection with the centerline of Interstate Highway 95; thence proceed in a southerly direction along last mentioned centerline to the point of intersection with Laurel Island Parkway; thence proceed in an easterly direction along last mentioned centerline approximately 1.17 miles to the point of intersection with the westerly line of Camden County High School; thence proceed in a southerly direction along last mentioned westerly line and the prolongation thereof to the northerly line of lands now or formerly of the City of Kingsland; thence proceed in an easterly direction approximately 0.2 miles along last mentioned northerly line to its intersection with the centerline of Wildcat Drive; thence proceed in a southwesterly direction along the last mentioned centerline to the centerline intersection of Lakes Boulevard East; thence proceed in a northwesterly, westerly, southerly and easterly direction along the last mentioned centerline to the centerline intersection of Charles Gilman Jr. Avenue; thence proceed in a southeasterly and southwesterly direction along the last mentioned centerline to the centerline intersection of The Lakes Boulevard; thence proceed in a southwesterly direction along last mentioned centerline to the centerline intersection of Georgia State Highway 40; thence proceed in a westerly direction along last mentioned centerline to the point of intersection with Interstate Highway 95 and the point of beginning of lands described herein.

District 2

All of those tracts or parcels of land, either submerged, or not submerged, comprising the Second Voter Commission and School Board District of Camden County, Georgia, lying and being in the 29th, 31st, and 1606th Georgia Military Districts of said Camden County and being more particularly described as follows:

For a point of beginning commence at the centerline intersection of Interstate Highway 95 and Georgia State Highway 40 and proceed in an easterly direction along the centerline of said Georgia State Highway 40 to the point of intersection with the centerline of The Lakes Boulevard; thence proceed in a northeasterly direction along the last mentioned centerline to the centerline intersection of Charles Gilman Jr. Avenue; thence proceed in a northeasterly and northwesterly direction along last mentioned centerline to the centerline intersection of Lakes Boulevard East; thence proceed in a westerly, northerly, easterly and southeasterly direction along last mentioned centerline to the centerline intersection of Wildcat Drive; thence proceed in a northeasterly direction along last mentioned centerline to its intersection with the northerly line of lands now or formerly of The City of Kingsland; thence proceed in a westerly direction along the last mentioned northerly line approximately 0.2 miles to the prolongation of the westerly line of Camden County High School; thence proceed in a northerly direction to and along the last mentioned westerly line to the centerline of Laurel Island Parkway; thence proceed in a westerly direction along last mentioned centerline approximately 1.17 miles to the centerline intersection of Interstate Highway 95; thence proceed in a northerly direction along the last mentioned centerline to the point of intersection with the run of the Big Satilla River; thence proceed in a general easterly direction along the meanderings of the run of said Big Satilla River to a point in the St. Andrew Sound that is the point of intersection of the centerline of said Big Satilla River and the centerline of the Cumberland River, said point being in the Atlantic Intracoastal Waterway; thence proceed in a southerly direction along the centerline of said Cumberland River in the Atlantic Intracoastal Waterway to the point of intersection with the run of the Crooked River; thence proceed in a general westerly direction along the meanderings of the run of said Crooked River to the point of intersection with the run of West Laurel Creek; thence proceed in a general southerly direction along the meanderings of the run of said West Laurel Creek to the centerline of a canal cutting through Laurel Island; thence proceed in a southerly direction along the last mentioned centerline to the intersection with the southerly side of

Laurel Island and the westerly edge of marsh; thence proceed in a westerly, southerly and westerly direction approximately 0.8 miles along the edge of marsh to the easterly line of lands now or formerly of Rayonier Forest Resources, LP; thence proceed in a southerly direction approximately 0.38 miles along last mentioned easterly line to the northerly line of the Winding River Development; thence proceed in a northwesterly, southwesterly, and southeasterly direction along last mentioned Development to the centerline intersection of Winding Road, (County Road 78); thence proceed in a southwesterly direction along last mentioned centerline to the centerline intersection of Colerain-St Marys Road; thence proceed in a southeasterly direction along last mentioned centerline to the centerline intersection of Kings Bay Road; thence proceed in an easterly direction along last mentioned centerline approximately 0.7 miles to the centerline of St. Marys Railroad Spur leading to the Naval Submarine Base, Kings Bay, Georgia; thence proceed in a southerly direction along the centerline of the last mentioned St. Marys Railroad Spur to the centerline intersection of St. Marys Road; thence proceed in a southwesterly, northwesterly and westerly direction along last mentioned centerline to the point of intersection with Interstate Highway 95; thence proceed in a northerly direction along last mentioned centerline to the point of intersection with Georgia State Highway 40 and the point of beginning of lands described herein.

District 3

All of those tracts or parcels of land, either submerged or not submerged, comprising the Third Voter Commission and School Board District of Camden County, Georgia, lying and being in the 29th and 31st Georgia Military Districts of said Camden County and being more particularly described as follows:

For a point of beginning commence at the centerline intersection of Georgia State Highway 40 and Georgia State Highway 40 Spur and proceed in a northerly direction along the centerline of said Georgia State Highway 40 Spur to the centerline intersection of St. Marys Road; thence proceed in a westerly and southwesterly direction along the last mentioned centerline to the centerline intersection of St. Marys Railroad Spur leading to the Naval Submarine Base, Kings Bay, Georgia; thence proceed in a northerly direction along the last mentioned St. Marys Railroad Spur to the centerline intersection of Kings Bay Road; thence proceed in a westerly direction to the centerline intersection of Colerain-St. Marys Road; thence proceed in a northwesterly direction along last mentioned centerline to the centerline intersection of Winding Road, (County Road 78); thence proceed in a northeasterly direction along last mentioned centerline approximately 0.5 miles to the southerly line of the Winding River Development; thence proceed in a northwesterly, northeasterly and southeasterly direction along the last mentioned Winding River Development to the easterly line of lands now or formerly of Rayonier Forest Resources, LP; thence proceed in a northerly direction along last mentioned easterly line approximately 0.38 miles to the edge of marsh; thence proceed in an easterly, northerly and easterly direction approximately 0.8 miles along the edge of marsh to the centerline of a canal cutting through Laurel Island; thence proceed in a northerly direction along last mentioned centerline to the intersection of the centerline of West laurel Creek; thence proceed in a general northerly direction along the meanderings of the run of said West Laurel Creek to the centerline of the run of the Crooked River; thence proceed in a general easterly direction along the meanderings of the run of said Crooked River to the point of intersection of the centerline of the Cumberland River, said point being in the Atlantic Intracoastal Waterway; thence proceed in a northerly direction along the centerline of said Cumberland River in the Atlantic Intracoastal Waterway to the point of intersection with the run of Big Satilla River in the St. Andrews Sound; thence proceed in an easterly direction approximately 6.5 miles through the St. Andrews Sound into the Atlantic Ocean to the easterly boundary line of Camden County; thence proceed in a southerly direction approximately 21 miles along last mentioned easterly boundary line to the Camden County, Georgia – Nassau County, Florida boundary line; thence in a westerly direction along last mentioned boundary line to and along the centerline of the St. Marys River to the intersection of last mentioned centerline and the easterly bank of the North River; thence proceed in a general

northerly direction along the meanderings of said easterly bank of the North River to its intersection with the centerline of the North River Causeway; thence proceed in a westerly direction along last mentioned centerline to the point of intersection with the centerline of Point Peter Road; thence proceed in a southerly direction along last mentioned centerline to the point of intersection with the centerline of Georgia State Highway 40 (Osborne Road); thence proceed in a northwesterly direction along last mentioned centerline to the point of intersection with the centerline of Georgia State Highway 40 Spur and the point of the beginning of lands described herein.

District 4

All of those tracts or parcels of land, either submerged or not submerged, comprising the Fourth Voter Commission and School Board District of Camden County, Georgia, lying and being in the 29th Georgia Military District of said Camden County and being more particularly described as follows:

For a point of beginning commence at the centerline intersection of Georgia State Highway 40 Spur and Georgia State Highway 40 (Osborne Road) and proceed in a southeasterly direction along the centerline of said Georgia State Highway 40 to the point of intersection with the centerline of Point Peter Road; thence proceed in a northerly direction along last mentioned centerline to the point of intersection with the centerline of the North River Causeway; thence proceed in an easterly direction along last mentioned centerline to the easterly bank of North River; thence in a general southerly direction along last mentioned easterly bank of North River to the intersection with the centerline of the St. Marys River, said point being the Camden County, Georgia – Nassau County, Florida boundary line; thence proceed in a general westerly direction along the meanderings of the run of said St. Marys River to a point of intersection with the centerline of Interstate Highway 95; thence proceed in a northerly direction along the last mentioned centerline to the centerline intersection of St. Marys Road; thence proceed in an easterly, southeasterly and northeasterly direction along last mentioned centerline to the point of intersection with Georgia State Highway 40 Spur; thence proceed in a southerly direction along the last mentioned centerline to the point of intersection with the centerline of Georgia State Highway 40 (Osborne Road) and the point of beginning of land described herein.

District 5

All of those tracts or parcels of land, either submerged or not submerged, comprising the Fifth Voter Commission and School Board District of Camden County, Georgia, lying and being in the 29th, 32nd, and 1606th Georgia Military Districts of said Camden County and being more particularly described as follows:

For a point of beginning commence at the centerline intersection of St. Marys Road and Interstate Highway 95 and proceed in a southerly direction along the centerline of said Interstate Highway 95 to the point of intersection with the centerline of the St. Marys River, said point being the Camden County, Georgia-Nassau County, Florida boundary line; thence proceed in a general westerly direction along the meanderings of the run of said St. Marys River to its point of intersection with the line common to Camden and Charlton Counties, Georgia; thence proceed in a northerly direction along last mentioned line to the point of intersection with the run of the Satilla River; thence proceed in a general northeasterly direction along the meanderings of the run of the Satilla River to the point of intersection with the run of Rose Creek; thence proceed in a southeasterly direction along the meanderings of the run of said Rose Creek to the point of intersection with the centerline of an unnamed trail road; run thence in a general southeasterly direction along the last mentioned centerline to the point of intersection with the centerline of Colerain-St. Marys Road (County Road 66); thence proceed in a northeasterly direction approximately 1.75 miles along last mentioned centerline to a point of intersection with the easterly line of the Meadows Development; thence proceed in a southerly and southeasterly direction along last

mentioned easterly line to the centerline intersection of Old Folkston Road; thence proceed in an easterly direction along the last mentioned centerline to the centerline intersection of Henrietta Street; thence proceed in a southerly direction along the last mentioned centerline to the point of intersection with the centerline of Georgia State Highway 40; thence proceed in a southeasterly direction along the last mentioned centerline to the point of intersection with the centerline of Interstate Highway 95; thence proceed in a southerly direction along the last mentioned centerline to the point of intersection with St. Marys Road and the point of beginning of lands described herein.

Any part of Camden County which is not included in any such district described in subsection (a) of this section shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Any part of Camden County which is described in subsection (a) of this section as being in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. *(Act No. 410, § 2, approved 3-25-2002, amended 12-13-2011)*

Sec. 103. Qualifications; terms.

Section 3. (a) In addition to the qualifications imposed by the law of Georgia, in order to qualify for election as a member of the board, a person must be a registered voter and must have physically resided in the district from which the person seeks election for at least six months preceding the final date of qualifying.

(b) Commissioners shall be elected at the November general election and shall take office the following January 1. Once elected, if a member of the board no longer physically resides within the district from which he or she was elected or dies or resigns or is removed according to law, such member's position shall automatically become vacant.

(c) Members representing Commissioner Districts 2 and 4 shall be elected for a term of four years. These two districts shall stand for election in November, 2002, and every four years thereafter.

(d) Members representing Commissioner Districts 1, 3, and 5 shall be elected for a term of four years. These three districts shall stand for election in November, 2004, and every four years thereafter.

(e) In case of a vacancy caused by death, resignation, non-residence, or otherwise, the board shall have the power to fill such vacancy with a qualified individual until the next successor shall be elected for either the unexpired term or new term, as applicable. *(Act No. 410, § 3, approved 3-25-2002)*

Sec. 104. Meetings.

Section 4. The board shall regularly convene at such times and places as may be set by ordinance. The board shall have the right and power to hold called meetings at such times and places as the board may deem necessary. Such called meetings shall be held upon the request of the chairperson or by a majority of members of the board. *(Act No. 410, § 4, approved 3-25-2002)*

Sec. 105. Jurisdiction of board; compensation.

Section 5. In addition to all of the powers bestowed by the law of Georgia, the board shall have exclusive power and control over public roads and bridges; the levying and collection of taxes, fees, and penalties as allowable by law; the management, collection, control, and disbursing of county funds, the erection, repair, management, and maintenance of public buildings; the establishing, abolishing, and changing of election districts and precincts and establishing the number and location of polling places in the several precincts; the auditing of books and records of all county officials; the settling of all claims against or for the county; the management, control, purchase, and sale of assets and property; the fixing of its own compensation; the creation, hiring, management, and control over all county employees; and the creation of rules of procedure to govern the board, organize itself, and establish the powers and duties of the chairperson, chairperson pro tempore, and remaining members. Until changed as authorized

by law, the compensation of the board shall remain the same as was in effect immediately prior to the effective date of this act. (*Act No. 410, § 5, approved 3-25-2002*)

Sec. 106. County administrator.

Section 6. (a) There shall be a county administrator who shall, in addition to any and all duties as may be imposed by contract, resolution, ordinance, and the law of Georgia, have the power to:

- (1) Oversee and direct the everyday operations of the county;
- (2) Expend county funds, within guidelines established by the board; and
- (3) Prepare and manage the county budget.

(b) The county administrator shall be hired by the board pursuant to a written contract that shall at a minimum, specify the term of employment, compensation thereof, any duties and responsibilities, and the specific procedure for termination. (*Act No. 410, § 6, approved 3-25-2002*)

Sec. 107. County attorney.

Section 7. The county attorney shall be selected and serve at the pleasure of the board. The county attorney shall have such duties and responsibilities as determined by the board or the county administrator. The terms and conditions of any employment of a county attorney may be specified by contract, so long as no portion of the said contract conflicts with this section. (*Act No. 410, § 7, approved 3-25-2002*)

Sec. 108. Salary in lieu of fees.

Section 8. (a) The sheriff, the clerk of superior court, and the probate judge of Camden County shall each be paid a salary in lieu of all fees, fines, forfeitures, percentages, penalties, allowances, and other perquisites of any kind. The amount of the salary of each such officer and any additional allowances or supplements shall be determined as provided by general state law.

(b) All fees, fines, forfeitures, percentages, penalties, allowances, and other perquisites of any kind which are allowed to be received or collected by any of said county officers or their deputies shall be received and diligently collected by all of said county officers for the sole use of Camden County and shall be accounted for and paid over to the county treasury as public moneys belonging to Camden County. Each such county officer shall at all times keep complete and accurate books of account showing all sums due to, collected by, or distributed by his or her office and shall present to the governing authority of Camden County an accounting of the same; and the grand jury of Camden County shall have the right at any time to inspect the records of each such county officer. (*Act No. 410, § 8, approved 3-25-2002*)

Secs. 109--200. Reserved.

**ARTICLE II.
COURTS
DIVISION 1.**

MAGISTRATE COURT*

***Editors Note:** Printed herein is 1995 Ga. Laws, Extra Session, page 226, which provides for the nonpartisan nomination and election of the chief magistrate of Camden County.

Sec. 201. Election.

Section 1. The chief magistrate of the magistrate court of Camden County shall be elected by the qualified voters of Camden County in a nonpartisan primary and election. Except as otherwise provided

in this act, the chief magistrate of the magistrate court shall be elected pursuant to the general elections laws of Georgia.

Sec. 202. Term.

Section 2. Beginning with the election held in 1996 and every four years thereafter, the chief magistrate of the magistrate court shall be elected at the nonpartisan primary and general election immediately preceding the expiration of the term of office of the chief magistrate of the magistrate court and shall take office on January 1 immediately following such election for a term of four years and until such chief magistrate's successor is elected and qualified.

Sec. 203. Primary election.

Section 3. Candidates for the office of chief magistrate of the magistrate court shall be nominated in a nonpartisan primary to be held at the same time as and in conjunction with the general primary every four years. A nominating petition shall not be required to place the name of any such candidate on the primary ballot. A candidate may have his or her name placed on the primary ballot by filing a notice of candidacy with the county election superintendent and by paying the qualifying fee.

Sec. 204. General election.

Section 4. The candidate receiving a majority of votes in the nonpartisan primary shall be the nominee for the office of chief magistrate of the magistrate court and shall be the only candidates for such office to have his or her name appear on the general election ballot. In the event no candidate receives a majority of the votes cast, the two candidates receiving the highest number of votes for the office shall be in a runoff to be held on the same day as a runoff from the general primary, as provided by state law, to determine which candidate will be on the general election ballot.

Sec. 205. Placement of names on ballot.

Section 5. The names of all candidates for the office of chief magistrate of the magistrate court shall appear in a separate section of each primary and general election ballot of each elector. No party designation or affiliation shall appear beside the name of any such candidate on any primary or general election ballot, and no candidate for the office of chief magistrate of the magistrate court shall be nominated by any political party.

Sec. 206. Authority.

Section 6. This act is enacted pursuant to the authority of O.C.G.A. § 21-2-139.

Secs. 207--230. Reserved.

DIVISION 2.

SMALL CLAIMS COURT

* **Editors Note:** Printed herein is 1981 Ga. Laws, page 4831, which provides for a small claims court of Camden County.

Sec. 231. Created, established.

Section 1. There is hereby created and established a small claims court of Camden County. Said court shall have civil jurisdiction in cases ex contractu in which the demand or value of the property involved does not exceed \$1,500.00, said jurisdiction to be concurrent with the jurisdiction of any other court or courts now or hereafter established in Camden County. Said jurisdiction shall include the power

to issue writs of garnishment and attachment and, in addition to the powers herein specifically granted, all the powers granted to justices of the peace by the laws of the State of Georgia.

Sec. 232. Qualifications of judge, officers.

Section 2. (a) Any person elected as a judge of the small claims court created by this act must be a resident of the county in which the court shall be located, at least twenty-two years of age, have completed a high school education, and must be a person of outstanding character and integrity.

(b) All other officers, now or hereafter provided, appointed to, or employed by, said court must be at least twenty-one years of age and must be residents of Camden County.

Sec. 233. Absences, vacancies in office of judge.

Section 3. (a) Whenever the judge of the small claims court shall be unable, from absence, sickness, or other cause, to discharge any duty whatever appertaining to his office, the judge of the superior court of the county in which such small claims court shall be located or any judge of a state court located in Camden County, on application of said judge of the small claims court who is unable to act, shall perform such duties, and hear and determine all such matters as may be submitted to him, and shall be substituted in all respects in the place and stead, and in the matters aforesaid, of the judge unable to act.

(b) Any vacancy in the office of judge of the small claims court shall be filled by appointment by the Camden County governing authority of a qualified person to serve for the remainder of the unexpired term.

Sec. 234. Appointment of clerk authorized.

Section 4. Any duties herein prescribed to be performed by the clerk may be performed by the judge, although the judge may appoint a person to act as clerk. Said clerk shall be compensated, if at all, from the fees herein authorized.

Sec. 235. Judge's remuneration.

Section 5. All fees collected by the judge, as herein authorized, shall be retained by him as his sole remuneration.

Sec. 236. Commencement of actions.

Section 6. (a) Actions shall be commenced by the filing of a statement of claim, including the last known address of the defendant, in concise form and free from technicalities. The plaintiff or his agent shall verify the statement of claim by oath or affirmation in the form herein provided, or its equivalent, and shall affix his signature thereto. At the request of any individual, the judge or clerk may prepare the statement of claim and other papers required to be filed in an action.

(b) A copy of the verified statement of claim, together with a notice of hearing in the form hereinafter prescribed, shall be served on the defendant, and such service shall be sufficient to give the court jurisdiction in the premises. Service of said notice shall be made only within Camden County. Said service shall be made by any official or person authorized by law to serve process in the superior court, by a duly qualified bailiff of the small claims court, by registered or certified mail with receipt, or by any person not a party to, or otherwise interested in, the suit, who is specially appointed by the judge of said court for that purpose.

(c) When notice is to be served by registered or certified mail, the clerk or the judge shall enclose a copy of the statement of claim, the verification and the notice in an envelope addressed to the defendant at his last known address, prepay the postage from monies collected for that purpose, and mail the same forthwith, noting the date and hour of mailing on the record. When a receipt therefore is returned, or if the sealed envelope in which said notice was mailed to the defendant by registered or certified mail is returned to the sender by United States postal authorities marked "refused," giving the date of refusal, and such notation of refusal is signed or initialed by a United States postal employee or

United States mail carrier to whom refusal was made, then the clerk or judge shall attach the same to the original statement and notice of claim, or otherwise file it as a part of the record in the case, and it shall be prima facie evidence of service upon the defendant.

(d) When served by a private individual, as provided above, such individual shall make proof of service by affidavit, showing the time and place of such service on the defendant.

(e) When served as provided, the actual cost of service shall be taxable as costs, but shall not exceed \$15.00. The cost of service shall be advanced by the party demanding same, in addition to the filing fee hereinafter provided, and shall be taxed as other costs.

(f) The plaintiff shall be entitled to judgment by default, without further proof, upon the failure of the defendant to appear, when the claim of the plaintiff is for a liquidated amount.

(g) Said notice shall include the date, hour and location of the hearing, which date shall not be less than ten nor more than thirty days from the date of the service of said notice; provided, however, that where service is made by registered or certified mail, the date of mailing shall be the date of service.

Sec. 237. Docket.

Section 7. A docket shall be maintained in which every proceeding and ruling had in each case shall be indicated.

Sec. 238. Deposit.

Section 8. (a) The plaintiff, when he files his claim, shall deposit the sum of \$10.00 with the court, which shall cover all costs of the proceeding, except the cost of service of the notice. The deposit of cost in cases of attachment, garnishment or trover shall be \$10.00. If a party shall fail to pay any accrued cost, the judge shall have the power to deny said party the right to file any new case while such costs remain unpaid, and, likewise, shall have the power to deny such litigant the right to proceed further in any pending case. The award of court costs, as between the parties, shall be in the discretion of the judge, and such costs shall be taxed in the cause at his discretion.

(b) Whenever a claim affidavit and bond is filed by a third party claiming personal property that has been attached or levied upon under an attachment or execution issued from the small claims court, the levying officer shall forthwith return the same to said court, and the issues raised by such claim affidavit shall be heard and determined by the judge of said small claims court. The judge shall be entitled to a fee of \$10.00 for every such claim case. The same rules of practice and procedure shall apply as in cases of affidavits of illegality. All attachment proceedings shall be tried by the judge and without a jury.

Sec. 239. Trials.

Section 9. (a) The trial shall be conducted on the day set for the hearing, or at such later time as the judge may set. Immediately prior to the trial of any case, the judge shall make an earnest effort to settle the controversy by conciliation. If the judge fails to induce the parties to settle their differences without a trial, he shall proceed with the hearing on its merits.

(b) The judge shall conduct the trial in such manner as to do substantial justice between the parties according to the rules of substantive law. All rules and regulations relating to pleading practice and procedure shall be liberally construed so as to administer justice.

(c) If the plaintiff fails to appear the suit may be dismissed for want of prosecution, the defendant may proceed to a trial on the merits, or the case may be continued as the judge may direct. If both parties fail to appear the judge may continue the case, order the same dismissed for want of prosecution, or make any other just and proper disposition thereof, as justice may require.

Sec. 240. Statement of setoff.

Section 10. If any defendant has any claim against the plaintiff, the judge may require a statement of setoff to be filed, or same may be waived. If the plaintiff requires time to prepare his

defense against such claim, the judge may continue the case for such purpose. If any defendant has any claim against the plaintiff which exceeds the jurisdiction of the court, he may use a part thereof to offset the claim of the plaintiff.

Sec. 241. Satisfaction of judgment.

Section 11. When the judgment is to be rendered and the party against whom it is to be entered requests it, the judge shall inquire fully into the earnings and financial status of such party and shall have full discretionary power to stay the entry of judgment, to stay execution, and to order partial payments in such amounts, over such periods, and upon such terms as shall seem just under the circumstances and as will assure a definite and steady reduction of the judgment until it is finally and completely satisfied.

Sec. 242. Collection of deferred payments.

Section 12. The judge of said small claims court shall not be obligated to collect such deferred partial payments on judgments so rendered, but, if the plaintiff so requests, he may do so at the expense of the plaintiff for clerical and accounting costs incurred thereby.

Sec. 243. Procedural rules authorized.

Section 13. The judge of the superior court in Camden County may, from time to time, make rules for a simple, inexpensive and speedy procedure to effectuate the purposes of this act and shall have power to prescribe, modify and improve the forms to be used therein to insure the proper administration of justice and to accomplish the purposes hereof.

Sec. 244. Bailiffs.

Section 14. The judge of said small claims court shall have the power to appoint one or more bailiffs of and for said small claims court, [and] to act within and throughout the limits of the county. Such bailiffs shall serve at the pleasure of the judge and under his direction. Any person so appointed shall be known and designated as "small claims court bailiff" and shall have the powers and authority, and shall be subject to the penalties, of lawful constables of the State of Georgia, including the power to serve any and all summons and writs issued from or by said small claims court. Said bailiffs shall also have the power to make levies, conduct judicial sales, and account therefore, in the manner of lawful constables. Within five days following their appointment, all such bailiffs shall take and subscribe the oath of office prescribed in Code section 24-804 [O.C.G.A. § 15-17-8] and give the bond prescribed in Code section 24-811 [O.C.G.A. § 15-17-9]. Such bailiffs shall be subject to removal from office for failure of duty or malfeasance in office, as are other lawful constables of this state. The sheriff of Camden County and his deputies shall also have the power and authority to serve summons, make levies and sales, and serve as ex officio bailiffs of said court.

Sec. 245. Lien.

Section 15. A judgment of said small claims court shall become a lien on both the real and personal property of a defendant, regardless of where such property is situated within the state. Said judgment shall become a lien at the time an execution based upon such judgment is filed in the office of the clerk of the superior court for said county and the entry thereof is made by the clerk in the general execution docket for said county.

Sec. 246. Appeals.

Section 16. Appeals may be had from judgments returned in the small claims court to the superior court, and the same provisions now provided for by general law for appeals, contained in Code chapter 6-1 [O.C.G.A. ch. 5-3], to the superior court, shall be applicable to appeals from the small claims court to the superior court, the same to be a de novo appeal.

Sec. 247. Statement of claims verification form.

Section 17. Until otherwise provided by rules of court, the statement of claims verification, and notice shall be in the following form, or equivalent form, and shall be in lieu of any forms now employed and of any form of summons now provided by law:

Small Claims Court of _____ County

_____ Georgia

_____ Plaintiff

Address

Vs.

Defendant

Statement of Claim (Here the plaintiff or, at his request, the court will insert a statement of the plaintiff's claim, and, if the action is on a contract, either express or implied, the original statement of the plaintiff's claim, which is to be filed with the court may be verified by the plaintiff or his agent as follows:)

State of Georgia
County of _____

_____ being first duly sworn on oath, says the foregoing is a just and true statement of the amount owing by defendant to plaintiff, exclusive of all setoffs and just grounds of defense.

Plaintiff (or Agent)

Sworn and subscribed before me this _____ day of _____, 20_____.

Notary Public (or Attesting Official)

Notice.

TO: _____
Defendant

_____ Home Address or _____ Business Address

You are hereby notified that _____ has made a claim and is requesting judgment against you in the sum of _____ dollars (\$_____), as shown by the foregoing statement. The court will hold a hearing upon this claim on _____ at _____ .m. at (address of court). You are required to be present at the hearing in order to avoid a judgment by default against you

If you have witnesses, books, receipts or other writings bearing on this claim, you should bring

them with you at the time of hearing. If you wish to have witnesses summoned, see the court at once for assistance. If you admit the claim, but desire additional time to pay, you must come to the hearing in person and state the circumstances to the court. You may come with or without an attorney.

Judge-Clerk of the Small Claims Court of _____ County

(Seal)

Sec. 248. Terms of judges.

Section 18. (a) The judge of the small claims court in Camden County who is serving on the effective date of this act shall serve until the expiration of his current term and until his successor is elected and qualified under subsection (b).

(b) Future judges of the small claims court of Camden County shall be elected at the general election and shall serve for a term of office of four years and until their successors are elected and qualified.

Sec. 249. Office facilities, courtroom.

Section 19. All office space, courtroom facilities, forms, docket books, file jackets, filing cabinets, materials, equipment and supplies required by this act, or necessary for the efficient operation of said court, shall be furnished by the board of county commissioners. They shall also provide a suitable room in the courthouse for the holding of said court.

Sec. 250. Court terms.

Section 20. Said small claims court shall have no designated terms at stated periods. The judge thereof shall, in each instance, set dates for all hearings and trials in each type of case. He shall also designate the time or times for the return of attachments and executions, and he shall also designate the time when each answer to a summons of garnishment shall be filed. No garnishee may be required to file his answer sooner than ten days after he is served with summons, however. Whenever a garnishee shall fail to answer at the time so stated in the summons served upon him, unless the court, in its discretion, extends the time for filing, the judge may immediately render judgment and issue an execution against the garnishee in favor of the plaintiff for the amount previously adjudged to be due the plaintiff by the original defendant, and also for costs in the garnishment proceeding, but no judgment shall be rendered against a garnishee before a final judgment shall have first been rendered against the defendant.

Sec. 251. Summons of garnishment.

Section 21. A summons of garnishment may be served by the sheriff or his deputies, by a lawful constable, by a small claims court bailiff, or by the judge of the small claims court, or it may be served by registered or certified mail, provided such service by mail is evidenced by a properly signed return receipt, which receipt shall be attached to the original garnishment affidavit or to the writ of attachment. It shall be prima facie evidence of service on the garnishee if the sealed envelope in which said summons was mailed to the garnishee by registered or certified mail is returned to the sender by the United States postal authorities marked "refused," giving the date of refusal, and signed or initialed by a United States Postal Service employee or United States mail carrier to whom refusal was made. Whenever service is made in person by a court officer, as aforesaid, such officer shall enter his return of service either on the back of the original garnishment affidavit or the attachment writ, or on the back of a conformed copy of the original summons of garnishment which was given to the garnishee, or such entry of service may be made on a separate paper and attached to the said garnishment affidavit or the writ of attachment, as the case may be.

Sec. 252. Fines.

Section 22. The judge of said court shall have the power to impose fines of not more than ten dollars on, or to imprison for not longer than twenty-four hours, any person guilty of contempt of court. Such fines shall be paid into the county treasury or depository to be used for county purposes.

Sec. 253. Fees.

Section 23. The fees of the bailiff or sheriff for the execution of a fi. fa. shall be \$15.00, plus a reasonable amount for drayage, to be determined by the judge of the small claims court. The rate of commission on all judicial sales shall be ten percent (10%) of the first \$250.00 and five percent (5%) on all sums over that amount, with a minimum of five dollars.

Sec. 254. Status of pending actions.

Section 24. All mesne and final processes and all actions, suits, or cases which are pending in the small claims court in Camden County as it exists on the effective date of this act shall be continued and shall be the same in the small claims court of Camden County which is created by this act.

Secs. 255--270. Reserved.

**DIVISION 3.
PROBATE COURT**

* **Editors Note:** Printed herein is 1981 Ga. Laws, page 3345, which provides for the jurisdiction of the probate court of Camden County.

Sec. 271. Authority.

Section 1. The probate court of Camden County is hereby authorized and empowered to try violations of county ordinances and resolutions and to impose fines for such violations in accordance with the fines specified by such ordinances or resolutions. The probate court shall not impose any fine which exceeds \$500.00.

Sec. 272. Specific powers.

Section 2. The probate court shall have the power to:

- (1) Punish for contempt of said court, but said punishment shall not exceed a fine of \$100.00;
- (2) Establish a schedule of fees to defray the cost of the court;
- (3) Establish bail and recognizance's to insure the presence before said court of persons charged with violations of county ordinances or resolutions and to accept cash, personal property, or real property as surety for appearance of such persons;
- (4) Bind persons appearing before said court over to the appropriate court when it appears such person has violated state law;
- (5) Compel the presence of all parties necessary to a proper disposal of each case by the issuance of summons, subpoenas, and warrants which may be served by any officer as authorized by law;
- (6) Administer oaths and to perform all other acts necessary or proper to the conduct of said court; and
- (7) Exercise the foregoing powers throughout the territorial limits of the county.

Sec. 273. Forfeit of bonds.

Section 3. Whenever any person shall give bail for his appearance before the probate court and shall fail to appear at the time fixed for trial, his bond shall be forfeited by the judge of said court and an execution issued thereon by serving the defendant and his sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event cash or property is accepted in lieu of a bond for security

for appearance of a defendant at trial and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited, on order of the court, shall be declared forfeited to the county or the property so deposited shall have a lien against it for the value forfeited which shall be enforceable in the same manner and to the same extent as a lien for county property taxes.

Sec. 274. Appeal.

Section 4. The right of appeal and any bond as may be required to secure the costs of such appeal to the superior court of the county from the probate court of such county shall lie in the same manner and under the same procedure as are generally prescribed for appeals and appeal bonds from the probate court.

Sec. 275. Payment of fines, forfeitures, fees, costs.

Section 5. All funds necessary to carry out this act shall come from funds of the county. All fines, forfeitures, fees, or costs paid to the probate court shall be paid to the fiscal officer of the county in such manner and at such times as the county governing authority shall prescribe.

Sec. 276. Solicitor.

Section 6. The county attorney for Camden County shall be the solicitor of the probate court and shall prosecute all cases tried pursuant to this act.

Sec. 277. Terms of court.

Section 7. Said probate court shall be held in the county courthouse and shall be held at such regular or special terms as may be designated by the judge thereof. Such terms shall be no less than once each week.

Sec. 278. Contributions to state funds.

Section 8. All fines and forfeitures collected in said probate court shall be subject to assessment in the amount prescribed by law for contributions to the peace officers annuity and benefit fund, clerks, and sheriff's retirement fund of Georgia as in cases tried in municipal and state courts of this state.

Sec. 279. Effective date.

Section 9. This act shall become effective January 1, 1983, only if an amendment to the constitution authorizing the probate court of Camden County to try and impose fines for violations of county ordinances or resolutions is ratified at the general election in 1982, otherwise this act shall be null and void.

Secs. 280--290. Reserved.

**DIVISION 4.
PROBATE COURT JUDGE**

* **Editors Note:** Printed herein is 1995 Ga. Laws, Extra Session, page 228, which provides for the nonpartisan nomination and election of the judge of the probate court of Camden County.

Sec. 291. Election.

Section 1. The judge of the probate court of Camden County shall be elected by the qualified voters of Camden County in a nonpartisan primary and election. Except as otherwise provided in this act, the judge of the probate court shall be elected pursuant to the general elections laws of Georgia.

Sec. 292. Term.

Section 2. Beginning with the election held in 1996 and every four years thereafter, the judge of the probate court shall be elected at the nonpartisan primary and general election immediately preceding the expiration of the term of office of the judge of the probate court and shall take office on January 1 immediately following such election for a term of four years and until such judge's successor is elected and qualified.

Sec. 293. Primary election.

Section 3. Candidates for the office of judge of the probate court shall be nominated in a nonpartisan primary to be held at the same time as and in conjunction with the general primary every four years. A nominating petition shall not be required to place the name of any such candidate on the primary ballot. A candidate may have his or her name placed on the primary ballot by filing a notice of candidacy with the county election superintendent and by paying the qualifying fee.

Sec. 294. General election.

Section 4. The candidate receiving a majority of votes in the nonpartisan primary shall be the nominee for the office of judge of the probate court and shall be the only candidates for such office to have his or her name appear on the general election ballot. In the event no candidate receives a majority of the votes cast, the two candidates receiving the highest number of votes for the office shall be in a runoff to be held on the same day as a runoff from the general primary, as provided by state law, to determine which candidate will be on the general election ballot.

Sec. 295. Placement of names on ballot.

Section 5. The names of all candidates for the office of judge of the probate court shall appear in a separate section of each primary and general election ballot of each elector. No party designation or affiliation shall appear beside the name of any such candidate on any primary or general election ballot, and no candidate for the office of judge of the probate court shall be nominated by any political party.

Sec. 296. Authority.

Section 6. This act is enacted pursuant to the authority of O.C.G.A. § 21-2-139.

Secs. 297--300. Reserved.

**ARTICLE III.
INDUSTRIAL DEVELOPMENT AUTHORITY**

***Editors Note:** Printed herein is 1981 Ga. Laws, page 3428, which provides for an industrial development authority for Camden County.

Sec. 301. Camden County Industrial Authority.

Section 2. There is hereby created a body corporate and politic, to be known as the Camden County Industrial Authority, which shall be deemed to be a public corporation, and by that name, style, and title said body may contract and be contracted with, sue and be sued, implead and be impleaded, complain and defend in all courts of law and equity, except that the authority or the trustee acting under any trust indenture shall in no event be liable for any torts committed by any of its officers, agents, or employees. Each member of the governing authority of Camden County shall be an ex officio member of the authority. The term of office of each member shall coincide with his term as a commissioner of roads and revenues of Camden County. The chairman of the governing authority of Camden County shall by virtue of his position be the chairman of the authority. Immediately after the passage of this act, the members of the authority shall enter upon their duties, and as soon as is practicable thereafter they shall hold an organizational meeting. The members shall elect a secretary and treasurer, who need not be members of the authority. Three members of the authority shall constitute a quorum. No vacancy on the

authority shall impair the authority of the quorum to exercise all of the rights and powers of and perform all of the duties and obligations of the authority. The members of the authority shall not be entitled to any compensation for their services but shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties. The authority shall make rules and regulations for its own government. It shall have perpetual existence.

Sec. 302. Definitions.

Section 3. As used in this act, the term:

(1) *Authority* means the Camden County Industrial Authority created by section 2 of this act.

(2) *Project* means the acquisition and construction of systems, plants, works, instrumentalities, and properties:

(A) Used or useful in connection with the obtaining of a water supply and the conservation,

treatment, distribution, and sale of water for public and private uses; or

(B) Used or useful in connection with the collection, treatment, and disposal of sewage, waste, and storm water, together with all parts of any such system, plant, work, instrumentality, and property, and all appurtenances thereto, including lands, easements, rights in land, water rights, contract rights, franchises, approaches, dams, reservoirs, generating stations, sewerage disposal plants, intercepting sewers, trunk-connecting and other sewers and water mains, filtration works, pumping stations, and equipment.

(3) *Cost of the project* means the cost of construction, the cost of all lands, properties, rights, easements, and franchises acquired, the cost of all machinery and equipment, financing charges, interest prior to and during construction and for one year after completion of construction, the cost of engineering, architectural, fiscal, and legal expenses, and of plans and specifications, and other expenses necessary or incident to determining the feasibility or practicability of the project, administrative expense, and such other expenses as may be necessary or incident to the financing herein authorized, the construction of any project, the placing of the same in operation, and the condemnation of property necessary for such construction and operation. Any obligation or expense incurred for any of the foregoing purposes shall be regarded as a part of the cost of the project and may be paid or reimbursed as such out of the proceeds of revenue bonds issued under the provisions of this act for such project.

(4) *Revenue bonds* or *bonds* means revenue bonds authorized to be issued pursuant to this act, and revenue bonds may be issued by the authority as authorized herein without any other actions or proceedings.

(5) As to any project, *self-liquidating* means that, in the judgment of the authority, the revenues and earnings to be derived by the authority there from and all properties used, leased, and sold in connection therewith will be sufficient to pay the cost of operating, maintaining, repairing, improving, and extending the project and to pay the principal and interest of the revenue bonds which may be issued for the cost of such project or projects.

Sec. 303. Powers.

Section 4. The authority shall have powers:

(1) To have a seal and alter the same at pleasure;

(2) To acquire by purchase, lease, gift, or otherwise, and to hold, lease, and dispose of real and personal property of every kind and character for its corporate purposes;

(3) To acquire in its own name by purchase, on such terms and conditions and in such manner as it may deem proper, or by condemnation in accordance with the provisions of any and all existing laws applicable to the condemnation of property for public use, real property or rights of easements therein or franchises necessary or convenient for its corporate purposes, and to use the same so long as its corporate existence shall continue and to lease or make contracts with respect to the use of or dispose of the same in any manner it deems to the best advantage of the authority, the authority being under no obligation to accept and pay for any property condemned under this act except from the funds provided

under the authority of this act, and in any proceedings to condemn, such orders may be made by the court having jurisdiction of the suit, action, or proceedings as may be just to the authority and to the owners of the property to be condemned, and no property shall be acquired under the provisions of this act upon which any lien or other encumbrance exists, unless at the time such property is so acquired a sufficient sum of money be deposited in trust to pay and redeem the fair value of such lien or encumbrance;

(4) To enter into an agreement with any or all of the municipalities in the county with respect to acquiring a source of water supply, providing sewerage service, preparing engineering data, plans, and specifications for a water and sewerage system, extending water mains, apportioning the costs of constructing, extending, and maintaining a water or sewerage system, or both, providing for the testing and inspection of facilities constructed, providing for rates to be charged for water and sewerage services furnished to users of the said system, providing for the reading of meters and keeping of pertinent records, apportioning or designating the responsibility for any functions normally maintained by a water and sewerage system, providing for the ownership of the various facilities constructed or acquired, and providing for such other matters or contingencies as might be necessary or desirable in order to secure for Camden County a satisfactory and reliable water and sewerage system at the most reasonable cost possible;

(5) To appoint, select, and employ officers, agents, and employees, including engineering, architectural, and construction experts, fiscal agents, and attorneys, and fix their respective compensations;

(6) To make contracts and leases and to execute all instruments necessary or convenient, including contracts for construction of projects and leases of projects or contracts with respect to the use of projects which it causes to be erected or acquired, and any and all persons, firms, and corporations and any and all political subdivisions, departments, institutions, or agencies of the state are hereby authorized to enter into contracts, leases, or agreements with the authority upon such terms and for such purposes as they deem advisable; and, without limiting the generality of the above, authority is specifically granted to municipal corporations and counties and to the authority to enter into contracts, lease agreements, or other undertakings relative to the furnishing of water and sewerage service and facilities or either of them by the authority to such municipal corporations and counties and by such municipal corporations and counties to the authority for a term not exceeding 50 years. As to any political subdivision, department, institution, or agency of this state which shall enter into an agreement under the authority granted herein or in paragraph (4) of this section, the obligation to perform and fulfill such agreement shall constitute a general obligation of such entity for which its full faith and credit shall be and hereby is pledged;

(7) To construct, erect, acquire, own, repair, remodel, maintain, add to, extend, improve, equip, operate, and manage projects, as hereinabove defined, the cost of any such project to be paid in whole or in part from the proceeds of revenue bonds of the authority or from such proceeds and any grant from the United States of America or any agency or instrumentality thereof or from the State of Georgia or any agency, instrumentality, or political subdivision thereof;

(8) To make loans with, and accept grants of money, materials, or property of any kind from, the United States of America or any agency or instrumentality thereof, upon such terms and conditions as the United States of America or such agency or instrumentality may impose;

(9) To make loans with, and accept grants of money, materials, or property of any kind from, the State of Georgia or any agency, instrumentality, or political subdivision thereof, upon such terms and conditions as the State of Georgia or such agency, instrumentality, or political subdivision may impose;

(10) To borrow money for any of its corporate purposes and to issue negotiable revenue bonds payable solely from funds pledged for that purpose, and to provide for the payment of the same and for the rights of the holders thereof;

(11) To exercise any power usually possessed by private corporations performing similar functions, including the power to make short-term loans and to approve, execute, and deliver appropriate

evidence of any such indebtedness, provided no such power is in conflict with the constitution or general laws of this state; and

(12) To do all things necessary or convenient to carry out the powers expressly given in this act.

Sec. 304. Financing projects.

Section 5. The authority, or any authority or body which has or which may in the future succeed to the powers, duties, and liabilities vested in the authority created hereby, shall have power and is hereby authorized at one time, or from time to time, to borrow money for the purpose of paying all or any part of the cost, as herein defined, or any one or more projects and to provide by resolution for the issuance of negotiable revenue bonds for that purpose. The principal and interest of such revenue bonds shall be payable solely from the special fund herein provided for such payment. The bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding the maximum limit prescribed in the Revenue Bond Law, as now or hereafter amended, payable semiannually, shall mature at such time or times not exceeding 30 years from their date or dates, shall be payable in such medium of payment as to both principal and interest as may be determined by the authority, and may be made redeemable before maturity, at the option of the authority, at such price or prices and under such terms and conditions as may be fixed by the authority in the resolution providing for the issuance of the bonds.

Sec. 305. Revenue bonds; form; denominations; registration; place of payment.

Section 6. The authority shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof, which may be at any bank or trust company within or without the state. The bonds may be issued in coupon or registered form, or both, as the authority may determine, and provision may be made for the registration of any coupon bond as to principal alone and also as to both the principal and interest.

Sec. 306. Same; signatures; seal.

Section 7. All such bonds shall bear the manual or facsimile signature of the chairman of the authority and the attesting manual or facsimile signature of the secretary of the authority, and the official seal of the authority shall be affixed thereto. The signature of one of such officers shall be placed manually on each bond. Any coupons attached thereto shall bear the manual or facsimile signature of the chairman or the secretary of the authority. Any coupon may bear the facsimile signature of such person; and any bond may bear the facsimile signature of and may be manually signed, sealed, and attested on behalf of the authority by, such persons as at the actual time of the execution of such bonds shall be duly authorized or hold the proper office, although at the date of such bonds such persons may not have been so authorized or shall not have held such office. In case any officer whose signature shall appear on any bonds or whose facsimile signature shall appear on any coupon shall cease to be such officer before the delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery.

Sec. 307. Same; negotiability; exemption from taxation.

Section 8. All revenue bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the laws of the State of Georgia pertaining to negotiable instruments. Such bonds are declared to be issued for essential public and governmental purposes; and the said bonds, their transfer, and the income there from shall be exempt from all taxation within the state.

Sec. 308. Same; sale; price.

Section 9. The authority may sell such bonds in such manner and for such price as it may determine to be for the best interests of the authority.

Sec. 309. Same; proceeds of bonds.

Section 10. The proceeds of such bonds shall be used solely for the payment of the cost of the project or projects; and, unless otherwise provided in the resolution authorizing the issuance of the bonds or in any trust indenture, additional bonds may in like manner be issued to provide the amount of any deficit, which, unless otherwise provided in the resolution authorizing the issuance of the bonds or in any trust indenture, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same purpose. If the proceeds of the bonds of any issue shall exceed the amount required for the purpose for which such bonds are issued, the surplus shall be paid into the fund hereinafter to be used for paying the principal of and the interest on such bonds.

Sec. 310. Same; interim receipts and certificates or temporary bonds.

Section 11. Prior to the preparation of definitive bonds, the authority may, under like restrictions, issue interim receipts, interim certificates, or temporary bonds, with or without coupons, exchangeable for definitive bonds upon the issuance of the latter.

Sec. 311. Same; replacement of lost or mutilated bonds.

Section 12. The authority may also provide for the replacement of any bond which shall become mutilated or be destroyed or lost.

Sec. 312. Same; conditions precedent to issuance; object of issuance.

Section 13. Such revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions, and things which are specified or required by this act. In the discretion of the authority, revenue bonds of a single issue may be issued for the purpose of any particular project. Any resolution providing for the issuance of revenue bonds under the provisions of this act shall become effective immediately upon its passage and need not be published or posted; and any such resolution may be passed at any regular, special, or adjourned meeting of the authority by a majority of the quorum as provided in this act.

Sec. 313. Same; credit not pledged.

Section 14. Revenue bonds issued under the provisions of this act shall not be deemed to constitute a debt of Camden County nor a pledge of the faith and credit of the said county, but such bonds shall be payable solely from the fund hereinafter provided for, and the issuance of such revenue bonds shall not directly, indirectly, or contingently obligate the said county to levy or to pledge any form of taxation whatever therefore or to make any appropriation for their payment; and all such bonds shall contain recitals on their face covering substantially the foregoing provisions of this section.

Sec. 314. Same; trust indenture as security.

Section 15. In the discretion of the authority, any issue of such revenue bonds may be secured by a trust indenture by and between the authority and a corporate trustee, which may be any trust company or bank within or without the state having the powers of a trust company. Such trust indenture may pledge or assign fees, tolls, charges, revenues, and earnings to be received by the authority. Either the resolution providing for the issuance of revenue bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the authority in relation to the acquisition of property, the construction of the project, the maintenance, operation, repair, and insurance of the project, and the custody, safeguarding, and application of all moneys, and may also provide that any project shall be constructed and paid for under the supervision and approval of consulting engineers or architects employed or designated by the authority, and satisfactory to the original purchasers of the bonds issued therefore and may also require that the security given by contractors and by any depository of the proceeds of the bonds or revenues or other moneys be

satisfactory to such purchasers, and may also contain provisions concerning the conditions, if any, upon which additional revenue bonds may be issued. It shall be lawful for any bank or trust company incorporated under the laws of this state to act as such depository and to furnish such indemnifying bonds or pledge such securities as may be required by the authority. Such indenture may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of private corporations. In addition to the foregoing, such trust indenture may contain such other provisions as the authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance, operation, and repair of the project affected by such indenture.

Sec. 315. Same; to whom proceeds of bonds shall be paid.

Section 16. The authority shall, in the resolution providing for the issuance of revenue bonds or in any trust indenture, provide for the payment of the proceeds of the sale of the bonds to any officer or person who or any agency, bank, or trust company which shall act as trustee of such funds and shall hold and apply the same to the purposes hereof, subject to such regulations as this act and such resolution or trust indenture may provide.

Sec. 316. Same; sinking fund.

Section 17. The revenues, fees, tolls, charges, and earnings derived from any particular project or projects, regardless of whether or not such fees, tolls, charges, earnings, and revenues were produced by a particular project for which bonds have been issued, unless otherwise pledged and allocated, may be pledged and allocated by the authority to the payment of the principal of and interest on revenue bonds of the authority as the resolution authorizing the issuance of the bonds or in the trust instrument may provide, and such funds so pledged from whatever source received, which said pledge may include funds received from one or more or all sources, shall be set aside at regular intervals as may be provided in the resolution or trust indenture, into a sinking fund which said sinking fund shall be pledged to and charged with the payments of:

- (1) The interest on such revenue bonds as such interest shall fall due;
- (2) The principal of the bonds as the same shall fall due;
- (3) The necessary charges of paying agents for paying principal, interest; and
- (4) Any premium upon bonds retired by call or purchase as hereinabove provided.

The use and disposition of such sinking fund shall be subject to such regulations as may be provided in the resolution authorizing the issuance of the revenue bonds or in any trust indenture, but, except as may otherwise be provided in such resolution or trust indenture, such sinking fund shall be a fund for the benefit of all revenue bonds without distinction or priority of one over another. Subject to the provisions of the resolution authorizing the issuance of the bonds or in any trust indenture, surplus moneys in the sinking fund may be applied to the purchase or redemption of bonds; and any such bonds so purchased or redeemed shall forthwith be cancelled and shall not again be issued.

Sec. 317. Same; remedies of bondholders.

Section 18. Any holder of revenue bonds issued under the provisions of this act or any of the coupons appertaining thereto, and the trustee under the trust indenture, if any, except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by any trust indenture, may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect and enforce any and all rights under the laws of the State of Georgia or granted hereunder or under such resolution or trust indenture, and may enforce and compel performance of all duties required by this act or by such resolution or trust indenture, to be performed by the authority, or any officer thereof, including the fixing, charging, and collecting of revenues, fees, tolls, and other charges for the use of the facilities and services furnished.

Sec. 318. Same; refunding bonds.

Section 19. The authority is hereby authorized to provide by resolution for the issue of revenue refunding bonds of the authority for the purpose of refunding any revenue bonds issued under the provisions of this act and then outstanding, together with accrued interest thereon. The issuance of such revenue refunding bonds, the maturities and all other details thereof, the rights of the holders thereof, and the duties of the authority in respect to the same shall be governed by the foregoing provisions of this act insofar as the same may be applicable.

Sec. 319. Same; venue and jurisdiction.

Section 20. Any action to protect or enforce any rights under the provisions of this act or any suit or action against such authority shall be brought in the superior court of Camden County, Georgia, and any action pertaining to validation of any bonds issued under the provisions of this act shall likewise be brought in said court, which shall have exclusive, original jurisdiction of such actions.

Sec. 320. Same; validation.

Section 21. Bonds of the authority shall be confirmed and validated in accordance with the procedure of the Revenue Bond Law, as now or hereafter amended. The petition for validation shall also make party defendant to such action any municipality, county, authority, subdivision, or instrumentality of the State of Georgia which has contracted with the authority to furnish or receive the services and facilities of the water and sewerage system for which bonds are to be issued and sought to be validated; and such municipality, county, authority, subdivision, or instrumentality shall be required to show cause, if any exist, why such contract or contracts and the terms and conditions thereof should not be inquired into by the court and the validity of the terms thereof be determined and the contract or contracts adjudicated as security for the payment of any such bonds of the authority. The bonds when validated and the judgment of validation shall be final and conclusive with respect to such bonds, against the authority issuing the same, and any municipality, county, authority, subdivision, or instrumentality contracting with the said Camden County Industrial Authority.

Sec. 321. Same; interest of bondholders protected.

Section 22. While any of the bonds issued by the authority remain outstanding, the powers, duties, or existence of said authority or of its officers, employees, or agents shall not be diminished or impaired in any manner that will affect adversely the interests and rights of the holders of such bonds; and no other entity, department, agency, or authority will be created which will compete with the authority to such an extent as to affect adversely the interests and rights of the holders of such bonds. The provisions of this act shall be for the benefit of the authority and the holders of any such bonds and, upon the issuance of bonds under the provisions hereof, shall constitute a contract with the holders of such bonds.

Sec. 322. Moneys received considered trust funds.

Section 23. All moneys received pursuant to the authority of this act, whether as proceeds from the sale of revenue bonds, as proceeds of short-term loans, as grants or other contributions, or as revenues, fees, and earnings, shall be deemed to be trust funds to be held and applied solely as provided in this act.

Sec. 323. Purpose of the authority.

Section 24. Without limiting the generality of any provisions of this act, the general purpose of the authority is declared to be that of acquiring, constructing, equipping, maintaining, and operating adequate water supply, treatment, and distribution facilities and sewerage collection, treatment, and distribution facilities; making such facilities and the services thereof available to public and private consumers and users located in Camden County and its environs, including municipalities within and outside the county, and to adjoining counties; extending and improving such facilities; and doing all

things deemed by the authority necessary, convenient, and desirable for and incident to the efficient and proper development and operation of such undertakings.

Sec. 324. Rates, charges, and revenues; use.

Section 25. The authority is hereby authorized to prescribe and fix and collect rates, fees, tolls, or charges, and to revise from time to time and collect such rates, fees, tolls, or charges for the services, facilities, or commodities furnished, and, in anticipation of the collection of the revenues of such undertaking or project, to issue revenue bonds as herein provided to finance in whole or in part the cost of the acquisition, construction, reconstruction, improvement, betterment, or extension of the water and sewerage system, and to pledge to the punctual payment of said bonds and interest thereon all or any part of the revenues of such undertaking or project, including the revenues of improvements, betterments, or extensions thereto thereafter made.

Sec. 325. Tax-exempt status of authority.

Section 26. The properties of the authority, both real and personal, are declared to be public properties used for the benefit and welfare of the people of the State of Georgia and not for purposes of private or corporate benefit and income; and such properties and the authority shall be exempt from all taxes and special assessments of any city or county or of the state or any political subdivision thereof.

Sec. 326. Rules and regulations for operation of projects.

Section 27. It shall be the duty of the authority to prescribe rules and regulations for the operation of the project or projects constructed under the provisions of this act.

Sec. 327. Powers declared supplemental and additional.

Section 28. The foregoing sections of this act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing.

Sec. 328. Liberal construction of act.

Section 29. This act being for the welfare of various political subdivisions of the state and its inhabitants shall be liberally construed to effect the purposes hereof.

Sec. 329. Effect of partial validity of act.

Section 30. The provisions of this act are severable, and, if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Sec. 330. Effect on existing powers.

Section 31. This act does not in any way take from Camden County or any municipality located therein or in any adjoining county the authority to own, operate, and maintain water systems or issue revenue bonds as is provided by the Revenue Bond Law of Georgia.

Secs. 331--400. Reserved.

**ARTICLE IV.
PUBLIC SERVICE AUTHORITY**

* **Editors Note:** Printed herein is 1990 Ga. Laws, page 4273, which provides for a public service authority for Camden County.

Sec. 401. Camden County Public Service Authority.

Section 2. (a) [*Created.*] There is hereby created in and for the County of Camden and the municipal corporations of Kingsland, St. Marys, and Woodbine a public body corporation and by such name, style and title, said body may contract and be contracted with, sue and be sued, implead and be impleaded, complain and defend in all courts of law and equity, except that the authority or the trustee acting under any trust indenture shall in no event be liable for any torts committed by any of its officers, agents or employees.

(b) *Constitutional authority; finding of public purposes; tax exemption.* This public service authority is enacted pursuant to the authority granted to the general assembly by the constitution of Georgia. This authority is created for nonprofit and public purposes, and it is found, determined, and declared that the creation of this authority and the carrying-out of its corporate purposes are in all respects for the benefit of the people of Camden County and that the authority is an institution of purely public charity and will be performing essential governmental functions in the exercise of the power conferred upon it by this act. For such reasons, the state covenants from time to time with the holders of the bonds issued under this act that such authority shall be required to pay no taxes or assessments imposed by the state or any of its counties, municipal corporations, political subdivisions, or taxing districts upon any property acquired by the authority or under its jurisdiction, control, possession, or supervision or leased by it to others; or upon its activities in the operation or maintenance of any such property or on any income derived by the authority in the form of fees, recording fees, rentals, charges, purchase prices, installments, or otherwise; and that the bonds of such authority, their transfer, and the income therefrom shall at all times be exempt from taxation within the state.

(c) *Definitions.*

(1) As used in this act, the term:

(A) *Authority* means the public corporation created pursuant to this act.

(B) *Cost of the project* shall embrace the cost of construction, the cost of all lands, properties, rights, easements and franchises acquired, the cost of all machinery and equipment, financing charges, interest prior to and during construction, and for one year after completion of construction, the cost of engineering, architectural, fiscal and legal expenses, and of plans and specifications, and other expenses necessary or incident to determining the feasibility or practicability of the project, administrative expense, and

such other expenses as may be necessary or incident to the financing herein authorized, the construction of the project, the placing of the same in operation, and the condemnation of property necessary for such construction and operation. The cost of any project may also include a fund or funds for the creation of a debt service reserve, a renewal and replacement reserve and such other reserves as may be reasonably required by the authority with respect to the financing and operating of its projects and as may be authorized by any bond resolution or trust agreement or indenture pursuant to the provisions of which the issuance of any bonds may be authorized. Any obligation or expense incurred for any of the foregoing purposes shall be regarded as a part of the cost of the project and may be paid or reimbursed as such out of the proceeds of revenue bonds issued under the provisions of this act for such project.

(C) *County* means Camden County.

(D) *Governing body* means the elected or duly appointed officials constituting the governing body of each municipal corporation and Camden County.

(E) *Municipal corporation* means each incorporated municipality within the county.

(F) *Project* means any undertaking authorized under paragraph (4) of O.C.G.A. § 36-82 61.

(G) *Public buildings or facilities* mean any local government capital infrastructure and equipment necessary for the delivery of public services.

(H) *Public service* means an activity that is deemed necessary for the health and welfare of the general public and for the maintenance of an adequate life standard.

(I) *Revenue bonds* and *bond* means revenue bonds authorized to be issued pursuant to this act and revenue bonds may be issued by the authority as authorized in this act without any other actions or proceeding; provided, however, that revenue bonds may be issued only to finance projects.

(J) *Service-related program systems* means those components necessary for the delivery of public services that are not related to or classified as capital infrastructure.

(2) Any project shall be deemed self-liquidating if, in the sole judgment of the authority, the revenues and earnings to be derived by the authority therefrom, including but not limited to any contractual payments, and all properties used, leased and sold in connection therewith, together with any grants, will be sufficient to pay the cost of operating, maintaining, repairing, improving, and extending the project and to pay the principal and interest of the revenue bonds which may be issued for the cost of such project or projects.

(d) [*Purpose, objective.*] The corporative purpose and objective of the authority is to provide the legal, political, developmental, financing, and operational structure and authorization for those projects, public services, and facilities deemed necessary for the public health and welfare that may be undertaken through the cooperative efforts of the board of commissioners of Camden County or one or more of the municipal corporations within said county or such other agencies or organizations authorized to undertake such cooperative activities or projects. Participation of any governmental entity or agency or the inclusion of the residents of a political subdivision into the sphere of services and functions of said authority and the charging and taxing of such entities or residents for such services and functions shall only occur through contractual agreement between the authority and the respective political subdivision or agency.

(e) [*Powers.*] In the exercise of the stated purpose and objective, the authority shall be empowered to undertake any service, function, or activity that is authorized by law for municipalities, counties, and resource recovery authorities, including but not restricted to the development, financing, construction, and operation of public buildings or facilities and service-related program systems such as solid waste collection and disposal services and facilities; resource recovery systems and facilities; recreational, sports and civic-related services and facilities including parks, playgrounds, community centers, pools, auditoriums, stadiums, gymnasiums, and various activity and athletic fields and courts; fire protection services and facilities; emergency medical services and facilities; comprehensive community planning and code enforcement services and programs; economic and industrial development programs and facilities; airports; medical services and facilities including general hospitals, mental health facilities, and nursing or convalescence care facilities; and emergency communication services and systems; provided, however, that revenue bonds may be issued only to finance projects.

(f) [*Members.*] The authority shall be composed of five members: the mayors of the City of Kingsland; City of St. Marys; City of Woodbine; the chairman of the Camden County Board of Commissioners; and one other member of the board of commissioners who shall be designated by said board based on the commissioner representing the district with the largest number of unincorporated residents. Should that commissioner be the chairman of the board of commissioners, the designation shall be one other member from the board of commissioners so designated by said board. Said designation shall be based on the most recent official census of Camden County conducted by the Bureau of the Census, United States Department of Commerce and the commission district reapportionment plan. The mayors of the three respective municipalities shall serve during their tenure as mayor, whereas, the representatives of the county board of commissioners shall serve one year terms. If at the end of any term of office of any member, a successor thereto shall not have been elected, then the member whose term of office shall have expired shall continue to hold office until his successor shall be so elected. Should one or more of said municipalities exercise the option not to participate within the authority, said jurisdiction or jurisdictions shall yield its representation on the authority and in

such case the representation of the board of commissioners shall be increased respectively, but in no case will the membership exceed five.

(g) [*Participation.*] Immediately after the passage of this act, the governing bodies of the City of Kingsland, City of St. Marys, and the City of Woodbine and the Board of Commissioners of Camden County shall indicate by resolution their respective participation within the authority and the designation of their initial representative as provided in this section. Said resolutions shall be certified by the clerks of the respective governing bodies and delivered to the clerk of the superior court of Camden County, who shall call the initial organizational meeting of the authority, at which time said certifications shall be made part of the official records of the authority. At said initial meeting, the designated members shall enter upon their duties and shall hold an organizational meeting, the purpose of which shall include the election of one of their number as chairman and another as vice-chairman. The members shall also elect a secretary and a treasurer, or a secretary treasurer who need not be a member of the authority. An assistant secretary may also be elected at the discretion of the authority. Three members of the authority shall constitute a quorum. No vacancy on the authority shall impair the authority of the quorum to exercise all the rights and powers of and perform all the duties and obligations of the authority. The members of the authority shall not be entitled to any compensation for their services, but shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties. The authority may make rules and regulations and adopt bylaws for its own government. The authority shall have perpetual existence. (1991 Ga. Laws, p. 4189, § 1)

Sec. 402. Powers.

Section 3. The authority shall have all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including, but without limiting the generality of the foregoing, the power:

(a) To have a seal and alter the same at its pleasure;

(b) To acquire, in its own name, by purchase, lease, gift or otherwise, and to hold, lease and dispose of real and personal property of every kind and character necessary and convenient for its corporate purposes; and to insure the same against any and all risks as such insurance may, from time to time, be available;

(c) To acquire in its own name by purchase, on such terms and conditions and in such manner as it may deem proper, or by condemnation in accordance with the provisions of any and all existing laws applicable to the condemnation of property for public use, real property or rights and easements therein or franchises necessary or convenient for its corporate purposes, and to use the same so long as its corporate existence shall continue, and to lease or make contracts with respect to the use of, or disposal of the same in any manner it deems to the best advantage of the authority. The authority being under no obligation to accept and pay for any property condemned under this act except from the funds provided under the authority of this act, and in any proceedings to condemn, such orders may be made by the court having jurisdiction of the suit, action or proceedings as may be just to the authority and to the owners of the property to be condemned, provided no property shall be acquired under the provisions of this act upon which any lien or other encumbrance exists, unless, at the time such property is so acquired, a sufficient sum of money be deposited in trust to pay and redeem the fair value of such lien or encumbrance;

(d) To enter into agreements with the City of Kingsland, City of St. Marys, City of Woodbine, or Camden County, or with any other political subdivision or municipal corporation of the state with respect to any aspect of the corporative purpose of the authority or the financing, operation, or administration of same;

(e) To appoint, select and employ, officers agents and employees, and adopt rules and regulations governing their services and fix their respective compensations and terms of employment. With respect to legal counsel, the initial counsel shall be the designated legal counsel to the board of commissioners of Camden County;

(f) To make contracts, leases, and to execute all instruments necessary or convenient relative to any aspect of the corporate purpose of the authority, including contracts for construction of facilities and leases of facilities or contracts with respect to the use of facilities which it causes to be erected or acquired, and any and all persons, firms and corporations and any and all political subdivisions, departments, institutions, or agencies of the state and all municipal corporations located in Camden County are hereby authorized to enter into contracts, leases or agreements as they deem advisable; and without limiting the generality of the above, authority is specifically granted to municipal corporations and counties and to the authority to enter into contracts, lease agreements, or other undertakings relative to the corporative purposes of the authority for a term not exceeding 50 years;

(g) To mortgage, convey, pledge, or assign any properties, revenues, income, tolls, charges or fees owned or received by the authority;

(h) To construct, erect, acquire, own, repair, remodel, maintain, add to, extend, improve, equip, operate, and manage facilities and services, as defined in this act, the cost of any such facilities and services to be paid in whole or in part from the proceeds of user fees, revenues, contractual agreements or from such proceeds and any grant from the United States of America or any agency or instrumentality thereof or from the State of Georgia or any agency, instrumentality or political subdivision thereof;

(i) To construct, erect, acquire, own, repair, remodel, maintain, add to, extend, improve, equip, operate and manage projects, as hereinabove defined, the cost of any such project to be paid in whole or in part from the proceeds of revenue bonds of the authority or from such proceeds and any grant from the United States of America or any agency or instrumentality thereof or from the State of Georgia or any agency, instrumentality or political subdivision thereof;

(j) To make loans with, and accept grants or loans of money or materials or property of any kind from, the United States of America or any agency or instrumentality thereof, upon such terms and conditions as the United States of America or such agency or instrumentality may impose;

(k) To make loans with, and accept grants or loans of money, materials or property of any kind from, the State of Georgia or any agency, instrumentality, or political subdivision thereof, upon such terms and conditions as the State of Georgia or such agency, instrumentality, or political subdivision may impose;

(l) To borrow money for any of its corporate purposes, to issue negotiable revenue bonds payable solely from funds pledged for that purpose, and to provide for the payment of the same and for the rights of the holders thereof;

(m) To prescribe and fix and collect rates, fees, tolls or charges, and to revise from time to time and collect such rates, fees, tolls, or charges for the projects, services, facilities, or commodities furnished, and in anticipation of the collection of the revenues of any such project, to issue revenue bonds as provided in this act to finance in whole or in part the cost of the acquisition, construction, reconstruction, improvement, betterment, or extension of any project relative to the corporative purpose, and to pledge to the punctual payment of said bonds and interest thereon, all or any part of the revenues of such project, including the revenues of improvements, betterments or extensions thereto thereafter made;

(n) To issue revenue anticipation notes with said notes secured by revenues to be received by the authority from any source from which the authority is authorized to receive such funds. These notes may be authorized, sold, executed, and delivered in the same manner as bonds. Bond anticipation notes shall not be issued in an amount exceeding the par value of the bonds in anticipation of which the bonds are to be issued;

(o) To recommend to the board of commissioners of Camden County for creation and implementation of special service tax districts, the purpose of which shall be to provide, in whole or in part, funding for the operation, administration, and maintenance of public services and facilities undertaken within the corporative purpose of the authority and obligated by contract with the several municipal corporations and the county. Said moneys received by the authority pursuant to contract shall be held in trust as provided in section 7 of this act. The creation of any special service tax district and

levy of any taxes there within shall be in accordance with the contractual provisions within section 2(d) of this act;

(p) To exercise any power usually possessed by private corporations performing similar functions, including the power to make short term loans and to approve, execute and deliver appropriate evidence of any such indebtedness, providing no such power is in conflict with the constitution or general laws of this state;

(q) To create, at the discretion of the authority, technical advisory groups or citizen advisory boards or commissions for the purpose of technical or citizen input into authority activities;

(r) To exercise any one or more of the powers, rights, and privileges of an authority created pursuant to O.C.G.A. § 36-63-1 et seq., the "Resource Recovery Development Authorities Law";

(s) To do all things necessary or convenient to carry out the powers set forth in this act.

Sec. 403. Fiscal year.

Section 4. The fiscal (accounting) year of the authority shall run from October 1 of a given calendar year to September 30 of the succeeding calendar year.

Sec. 404. Budget.

Section 5. The authority shall develop a financial and program work plan for both capital and operational requirements for the authority's activities for each fiscal year. Said plan shall be known as the "Annual Operating and Capital Budget of the Camden County Public Service Authority." The plan shall be adopted on or before September 30 of any given year, with an effective date of October 1. All projected revenues and estimated expenditures shall be clearly outlined as to source and expenditure classification and purpose. The authority shall give at least two weeks public notice, by way of publication in the legal organ of the county, prior to adopting the annual budget. Said notice shall clearly state all proposed fees, charges, taxes, and other sources of revenue and their proposed usage. Prior to budget adoption, the authority shall hold a public hearing for the purpose of receiving public comment. Said hearing date, time, and place shall be so noted in the required public notice.

Sec. 405. Annual audit.

Section 6. Each year the authority shall have made an independent audit and examination of the authority's financial records and transactions. Said audit shall be made in accordance with established national audit and accounting standards. Copies of said audit shall be available for public review and provided to each participating jurisdiction.

Sec. 406. Monies received and considered trust funds.

Section 7. All monies received pursuant to the authority of this act, whether as proceeds from the sale of revenue bonds, as proceeds of short-term loans, as grants or other contributions, or as revenues, fees, taxes, and earnings, shall be deemed to be trust funds to be held and applied solely as provided in this act.

Sec. 407. Revenue bond.

Section 8. (a) Financing; revenue bonds. The authority, or any authority or body which has or which may in the future succeed to the powers, duties and liabilities vested in the authority created hereby, shall have power and is hereby authorized at one time, or from time to time, to borrow money for the purpose of paying all or any part of the cost, as herein defined, of any one or more projects and to provide by resolution for issuance of negotiable revenue bonds for that purpose. The principal and interest of such revenue bonds shall be payable solely from the special fund herein provided for such payment. The bonds of each issue shall be dated, shall mature at such time or times not exceeding 30 years from their date or dates, shall be made payable in such medium of payment as to both principal and interest as may be determined by the authority, and may be made redeemable before maturity, at the option of the authority, at such price or prices and under such terms and conditions as may be fixed by

the authority in the resolution providing for the issuance of the bonds. In lieu of specifying the rate or rates of interest which revenue bonds to be issued by the authority are to bear, the notice to the district attorney or the attorney general and the notice to the public of the time, place, and date of the validation hearing may state that the bonds, when issued, will bear interest at a rate not exceeding a maximum per annum rate of interest specified in such notices or, in the event the bonds are to bear different rates of interest for different maturity dates, that none of such rates will exceed the maximum rate specified in the notices; provided, however, that nothing contained in this paragraph shall be construed as prohibiting or restricting the right of the authority to sell such bonds at a discount, even if in so doing the effective interest cost resulting there from would exceed the maximum per annum interest rate specified in such notices. The interest rate or rates to be borne by any bonds and the time of payment of such interest shall be fixed, and with respect to any interest rate which floats in response to a variable the method of calculation shall be fixed, by the authority in the resolution providing for the issuance of the bonds. Any bonds issued by the authority shall be exempt from all laws of the State of Georgia governing usury or prescribing or limiting interest rates to be borne by bonds or other obligations.

(b) *Form; denomination; registration; place of payment.* The authority shall determine the form of the bonds and shall fix the denomination or denominations of the bonds and the place and places of payment of principal and interest thereof, which may be at any bank or trust company within or without the state. The bonds shall be issued and provision may be made for registration, conversion and exchangeability privileges, rights of redemption, and may contain such other terms, covenants, assignments and conditions as the resolution or resolutions authorizing the issuance of such bonds may provide.

(c) *Signature; seals.* All bonds shall bear the manual or facsimile signature of the chairman or vice-chairman of the authority, the attesting manual or facsimile signature of the secretary, assistant secretary or secretary-treasurer of the authority, and the official seal of the authority shall be affixed thereto, either manually or by facsimile. In case any officer whose signature shall appear on any bonds shall cease to be such officer before the delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery.

(d) *Negotiability; exemption from taxation.* All revenue bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the laws of the State of Georgia pertaining to negotiable instruments. Such bonds are declared to be issued for an essential public and governmental purpose and the said bonds, their transfer and the income therefrom shall be exempt from all taxation within the state.

(e) *Sale; price.* The authority may sell such bonds in such manner and for such price as it may determine to be for the best interest of the authority.

(f) *Proceeds of bonds.* The proceeds of such bonds shall be used solely for the payment of the cost of the project or projects, and unless otherwise provided in the resolution authorizing the issuance of the bonds or in any trust indenture, additional bonds may in like manner be issued to provide the amount of any deficit, which unless otherwise provided in the resolution authorizing the issuance of the bonds or in any trust indenture, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same purpose. If the proceeds of the bonds of any issue shall exceed the amount required for the purpose for which such bonds are issued, the surplus shall be used for paying the principal of and the interest on such bonds.

(g) *Interim receipts and certificates or temporary bonds.* Prior to the preparation of definitive bonds, the authority may, under like restriction, issue interim receipts, interim certificates or temporary bonds, exchangeable for definitive bonds upon the issuance of the latter.

(h) *Replacement of lost or mutilated bonds.* The authority may also provide for the replacement of any bonds which shall become mutilated or be destroyed or lost.

(i) *Conditions precedent to issuance; object of issuance.* Such revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions and things which are specified or required by this act. In the discretion of the authority, revenue bonds of a single issue may be issued for the purpose of any particular project. Any

resolution providing for the issuance of revenue bonds under the provisions of this act shall become effective immediately upon its passage and need not be published or posted, and any such resolution may be passed at any regular, special or adjourned meeting of the authority by a majority of the quorum as in this act is provided.

(j) *Credit not pledged.* Revenue bonds issued under the provisions of this act shall not be deemed to constitute a debt of the State of Georgia, the City of Kingsland, the City of St. Marys, the City of Woodbine, or of Camden County, nor a pledge of the faith and credit of the said state, cities or county, but such bonds shall be payable solely from the fund hereinafter provided for, and the issuance of such revenue bonds shall not directly, indirectly or contingently obligate said state, cities or county to levy or to pledge any form of taxation whatever therefore or to make any appropriation for their payment, and all such bonds shall contain recitals on their fact covering substantially the foregoing provisions of this section.

(k) *Trust indenture as security.* In the discretion of the authority, any issue of such revenue bonds may be secured by a trust indenture by and between the authority and a corporate trustee, which may pledge or assign fees, tolls, charges, revenues and earnings to be received by the authority. Either the resolution providing for the issuance of revenue bonds or such trust indentures may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the authority in relation to the acquisition of property, the construction of the project, the maintenance, operation, repair and insurance of the project, and the custody, safeguarding, and application of all monies, and may also provide that any project shall be construed and paid for under the supervision and approval of consulting engineers or architects employed or designated by the authority, and satisfactory to the original purchasers of the bonds issued therefore and may also require that the security given by contractors and by any depository of the proceeds of the bonds or revenues or other moneys be satisfactory to such purchasers, and may also contain provisions concerning the conditions, if any, upon which additional revenue bonds may be issued. It shall be lawful for any bank or trust company incorporated under the laws of this state to act as such depository and to furnish such indemnifying bonds or pledge such securities as may be required by the authority. Such indenture may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of private corporations. In addition to the foregoing, such trust indenture may contain such other provisions as the authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance, operation and repair of the project affected by such indenture.

(l) *To whom proceeds of bonds shall be paid.* The authority shall, in the resolution providing for the issuance of revenue bonds or in any trust indenture, provide for the payment of the proceeds of the sale of the bonds to any officer or person who or any agency, bank or trust company which shall act as trustee of such funds and shall hold and apply the same to the purposes hereof, subject to such regulations as this act and such, resolution or trust indenture may provide.

(m) *Sinking fund.* The revenues, fees, tolls, charges, and earnings derived from any particular project or projects, regardless of whether or not such fees, tolls, charges, earnings and revenues were produced by a particular project for which bonds have been issued, unless otherwise pledged and allocated together with any grant funds, may be pledged and allocated by the authority to the payment of the principal of and interest on revenue bonds of the authority as the resolution authorizing the issuance of the bonds or in the trust instrument may provide, and such funds so pledged from whatever source received, which said pledge may include funds received from one or more or all sources, shall be set aside at regular intervals as may be provided in the resolution or trust indenture, into a sinking fund which said sinking fund shall be pledged to and charged with the payments of:

- (1) The interest on such revenue bonds as such interest shall fall due;
- (2) The principal of the bonds as the same shall fall due;
- (3) The necessary charges of paying agents for paying principal and interest; and

(4) Any premium upon bonds retired by call or purchase as hereinabove provided.

The use and disposition of such sinking fund shall be subject to such regulations as may be provided in the resolution authorizing the issuance of the revenue bonds or in any trust indenture, but, except as may otherwise be provided in such resolution or trust indenture, such sinking fund shall be a fund for the benefit of all revenue bonds without distinction or priority of one over another. Subject to the provisions of the resolution authorizing the issuance of the bonds or in any trust indenture, surplus monies in the sinking fund may be applied to the purchase or redemption of bonds and any such bonds so purchased or redeemed shall forthwith be cancelled and shall not again be issued.

(n) *Remedies of bondholders.* Any holders of revenue bonds issued under the provisions of this act or any of the coupons appertaining thereto, and the trustee under the trust indenture, if any, except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by any trust indenture, may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect and enforce any and all rights under such resolution or trust indenture, and may enforce and compel performance of all duties required by this act or by resolution or trust indenture, including the fixing, charging, and collecting of revenues, fees, tolls, and other charges for the use of the facilities and services furnished.

(o) *Refunding bonds.* The authority is hereby authorized to provide by resolution for the issuance of refunding bonds of the authority for the purpose of refunding any revenue bonds issued under the provisions of this act and then outstanding, together with the accrued interest thereon. The issuance of such revenue refunding bonds, the maturities and all other details thereof, the rights of the holders thereof and the duties of the authority in respect to the same, shall be governed by the foregoing provisions of this act insofar as the same may be applicable.

(p) *Venue and jurisdiction.* Any action to protect or enforce any rights under the provisions of this act or any suit or action against such authority shall be brought in the superior court of Camden County, Georgia, and any action pertaining to validation of any bonds issued under the provisions of this Act shall likewise be brought in said court which shall have exclusive, original jurisdiction of such actions.

(q) *Validation.* Bonds of the authority shall be issued, confirmed and validated in accordance with the procedure of the Revenue Bond Law, as now or hereafter amended. All revenue bonds shall bear a certificate of validation. The signature of the clerk of the superior court of Camden County may be made on the certificate of validation of such bonds by facsimile or by manual execution, stating the date on which such bonds were validated; and such entry shall be original evidence of the fact of judgment and shall be received as original evidence in any court in this state. The petition for validation shall also make party defendant to such action any municipality, county, authority, subdivision, or instrumentality of the State of Georgia or any other party which has contracted with the authority to furnish or receive the services and facilities of the public service systems deemed appropriate upon agreement of the county and the participating municipalities for which bonds are to be issued and sought to be validated and such municipality, county, authority, subdivision or instrumentality or other party shall be required to show cause, if any exist, why such contract or contracts and the terms and conditions thereof should not be inquired into by the court and the validity of the terms thereof be determined and the contract or contracts adjudicated as security for the payment of any such bonds of the authority. The bonds when validated, and the judgment of validation, shall be final and conclusive with respect to such bonds, against the authority issuing the same, and any municipality, county, authority, subdivision, instrumentality or other party contracting with the said authority.

(r) *Interest of bondholders protected.* While any of the bonds issued by the authority remain outstanding, the powers, duties or existence of said authority or of its officers, employees or agents shall not be diminished or impaired in any manner that will affect adversely the interests and

rights of the holders of such bonds, and no other entity, department, agency or authority will be created which will compete with the authority to such an extent as to affect adversely the interests and rights of the holders of such bonds. The provisions of this act shall be for the benefit of the authority and the holders of any such bonds, and upon the issuance of bonds under the provisions hereof, shall constitute a contract with the holders of such bonds.

Sec. 408. Rules and regulations for operation of projects and services.

Section 9. It shall be the duty of the authority to prescribe rules and regulations for the operation of projects and services undertaken under the provisions of this act.

Sec. 409. Powers declared supplemental and additional.

Section 10. The foregoing sections of this act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing.

Sec. 410. Liberal construction of act.

Section 11. This act, being for the welfare of various political subdivisions of the state and its inhabitants, shall be liberally construed to effect the purposes hereof.

Sec. 411. Effect of partial invalidity of act.

Section 12. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of any competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Sec. 412. Repeal.

Section 13. This act does not in any way take from the City of Kingsland, City of St. Marys, City of Woodbine or from the board of commissioners of Camden County or any municipality located therein or in any adjoining county the authority to exercise their legal functions as provided by law or issue revenue bonds as is provided by the Revenue Bond Law of Georgia.

Secs. 413--500. Reserved.

**ARTICLE V.
TAXATION
DIVISION 1.
BUSINESS AND OCCUPATIONAL LICENSE TAXES**

* **Editors Note:** Printed herein is 1986 Ga. Laws, page 4558, which authorizes the imposition of business and occupation license taxes and fees in Camden County.

Sec. 501. Authorized.

Section 1. The governing authority of Camden County is authorized to levy, assess, and collect business and occupational license taxes and license fees from all persons, firms, and corporations doing business in the unincorporated area of Camden County, except those businesses specifically exempted by this act.

Sec. 502. Exempt businesses.

Section 2. The following businesses shall be exempt from taxes and fees imposed under this act:

- (1) Those businesses regulated by the Georgia Public Service Commission;
- (2) Those electrical service businesses organized under O.C.G.A. § 46-3-1 et seq.; and

(3) Those businesses upon which local license taxes or license fees are imposed under general laws authorizing such local license taxes and license fees, unless such general law specifically authorizes local license taxes and license fees other than those to which it specifically relates.

Sec. 503. Classification of businesses.

Section 3. The governing authority of Camden County is authorized to classify businesses and to assess different taxes and fees against different classes of businesses being carried on in the unincorporated area of the county.

Sec. 504. Enactment of ordinances authorized.

Section 4. The governing authority of Camden County is authorized to enact ordinances for the enforcement of this act and to provide for the punishment of violations of such ordinances.

Sec. 505. Church festivals.

(a) The county commissioners of Camden County be, and they are hereby authorized to charge a license fee of one hundred dollars to all persons or corporations conducting church festivals or other hot suppers or like entertainments in said county for purposes of making money, and to issue license for that purpose in appropriate terms.

(b) All moneys arising from said licenses shall be added to the school funds of said county and paid over accordingly.

(c) All persons conducting any such festival, supper or entertainment aforesaid in said Camden County, without first procuring such license, shall be guilty of a misdemeanor.

Editors Note: Printed herein as section 505 is 1910 Ga. Laws, page 248, which provides for licenses for church festivals in Camden County.

Secs. 506--550. Reserved.

**DIVISION 2.
TAX COMMISSIONER***

* *Editors Note: Printed herein is 1970 Ga. Laws, page 3278, which provides for the tax commissioner of Camden County.*

Sec. 551. Office created.

Section 1. At the expiration of the terms of office of the present tax receiver and tax collector of Camden County, such offices shall be abolished, consolidated and combined into the one office of the tax commissioner of Camden County. The rights, duties and liabilities of the tax commissioner, except as otherwise provided herein, shall be the same as those imposed upon tax receivers and tax collectors by the laws of this state.

Sec. 552. Term.

Section 2. The first election for the office of tax commissioner created herein shall be held at the same time as the election of other county officers for Camden County in 1972. The person so elected shall take office on the first day of January following his election, and he shall serve a term of office of four years and until his successor is duly elected and qualified. All future elections for tax commissioner shall be held at the same time as elections for other county officers, and all future tax commissioners shall take office on the first day of January following their election and shall serve a term of office of four years and until their successors are duly elected and qualified. Nothing herein shall affect the term of office of the present tax collector and tax receiver of Camden County, and their terms of office shall continue through December 31, 1972. Should any vacancy occur in the office of tax commissioner, such

vacancy shall be filled in accordance with the provisions of law for filling vacancies in the office of tax collector.

Sec. 553. Salary.

Section 3. (a) The tax commissioner of Camden County shall receive, effective July 1, 1979, a base salary of \$13,000.00 per annum, to be paid in equal monthly installments from the funds of Camden County.

(b) Effective January 1, 1980, and each year thereafter, the tax commissioner of Camden County shall receive a cost-of-living increase. Such cost-of-living increase shall be computed in December and shall be payable in equal monthly installments from county funds beginning in the month of January next following such computation. Any such cost-of-living increase shall be derived by multiplying the salary for the year in which such computation is made by three percent; provided, however, that such cost-of-living increase shall cease upon the tax commissioner attaining a salary of \$20,000.00 per annum, or until such salary is increased by a local act of the general assembly.

(c) Anyone assuming the position or duties of tax commissioner shall begin at the base salary as provided in subsection (a) of section 3 of this act.

(d) The board of commissioners of Camden County is authorized to supplement the salary of the tax commissioner of Camden County. Any supplement shall be in addition to the salary provided in subsections (a), (b), and (c) of section 3 of this act. (*1979 Ga. Laws, p. 3285, § 1; 1981 Ga. Laws, p. 3043, § 1*)

Sec. 554. Fees.

Section 4. All fees, commissions, costs, fines, emoluments and perquisites of whatever kind received and collected by the tax commissioner shall be received, collected and held by him as public funds belonging to Camden County. Once each month the tax commissioner shall turn over to the fiscal authority of said county all funds collected by him with a detailed itemized statement showing the sources from which such funds were collected. It is specifically provided that the salary provided herein for the tax commissioner shall be in lieu of all fees, commissions, costs, fines, emoluments and perquisites of whatever kind, including those commissions allowed by an act approved March 9, 1955 (*1955 Ga. Laws, page 659*), as amended, relating to the sale of motor vehicle license plates by local tax officials, notwithstanding the fact that such services for which the commissions are derived may have been performed in the capacity of an agent for the state revenue department, and an act relating to the commission on taxes collected in excess of a certain percentage of the taxes due according to the tax net digest, approved January 17, 1938 (*1937-38 Ga. Laws, Ex. Sess., page 297*), as amended.

Sec. 555. Payment of expenses.

Section 5. All expenses incurred by the tax commissioner in operating and discharging the official duties of his office, including, but not limited to, office equipment, supplies, fixtures, and utility expenses shall be paid by the county from county funds. (*1973 Ga. Laws, p. 2495, § 1; 1979 Ga. Laws, p. 3285, § 2*)

Sec. 556. Taxes due.

Section 6. All taxes due and payable Camden County at the time the tax commissioner takes office shall continue to be due and payable until paid. All tax fi. fas. heretofore issued shall have full force and effect and shall be collectible as issued.

Secs. 557--600. Reserved.

ARTICLE VI.
ZONING AND PLANNING*

* *Editors Note: Printed herein is 1939 Ga. Laws, page 520, which authorizes Camden County to enact zoning provisions.*

Sec. 601. Building regulations and zoning.

Section 1. Grant of power. Be it enacted by the general assembly of the State of Georgia, and it is hereby enacted by the authority of the same, that the commissioners of roads and revenue of Camden County in addition to all other powers delegated to them, are hereby empowered to regulate the height, number of stories, and size of buildings and other structures, the percentage of lots which may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings and other structures, for trade, industry, residence, recreation, public activities or other purposes, the use and conditions of use or occupancy of land for trade, industry, residence, soil conservation, forestry or other purposes, within two ways; and to establish setback lines for buildings and structures along the said streets and roads.

Sec. 602. Purposes of act.

Section 2. Purpose in view. Be it further enacted by the authority aforesaid, that such regulation shall be made in accordance with a comprehensive plan and design for the purpose of promoting health, safety, morals or the general welfare of the people of the county, including among other things lessening congestion in the streets and roads, protecting the development of both urban and nonurban areas, securing safety from fires, panic and other dangers; providing adequate light and air, promoting health and general welfare and providing such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate economical and adequate provision for transportation, roads, soil conservation, water supply, drainage, sanitation, education, recreation or other public requirements, conserving and developing the natural resources, fostering the state's agriculture and other industries, and protecting the food supply. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a general view to conserving property values, including the tax base, securing economy in governmental expenditure and encouraging the most appropriate use of land in said territory.

Sec. 603. Planning board; members terms; regional planning board; vacancies.

Section 3. The planning board. Be it further enacted by the authority aforesaid, that in order to avail themselves of the powers conferred by this act, the commissioners of roads and revenue of the aforesaid county, are hereby given the power and authority to appoint for the said county a board of five members to be known as the county planning board. In addition to the chairman and clerk of the commissioners of roads and revenue of such county who shall be ex officio members of said planning board, there shall be three members for one year, one member for two years and one member for three years, all to serve until their successors are appointed and qualified. As each member's term expires his successor shall be appointed for the full term of three years. If the commissioners of roads and revenue of the county aforesaid so desire, they may in conjunction with another county or counties form a regional planning board or boards and thereupon may delegate to said regional planning board or boards all of the powers and duties which under the terms of this act are conferred upon the county planning board. The commissioners of roads and revenue of the said county may delegate to such regional planning board or boards jurisdiction over all or part of said territory as they see fit and may provide for a county planning board as well as a regional planning board or boards. The commissioners of roads and revenue shall provide for the filling of vacancies in such board or boards. The commissioners may remove any member for cause upon written charges after a public hearing.

Sec. 604. Board employees; state agencies to aid.

Section 4. Personnel; assistance from state agencies. Be it further enacted, by the authority aforesaid, that the county planning board may, with the consent and approval of said commissioners hire such employees as are necessary, but the compensation of said employees shall be fixed by said commissioners of roads and revenue and no expense shall be created or obligations incurred by said county planning board without the consent and approval of said commissioners. All state officials, departments and agencies having information maps and data pertinent for county zoning and planning are hereby authorized and directed to make such available for the use of the planning board as well as furnish such technical assistance and advice as they may have available for the purpose.

Sec. 605. Zoning plans; public hearing on tentative plan.

Section 5. Preparation of zoning plan. Be it further enacted by the authority aforesaid, that the said county planning board shall make for certification to the commissioners of roads and revenue of their county, a zoning plan or plans, including both the full text of the zoning ordinance or ordinances and the maps representing the recommendations of the board for the regulation by districts or zones of the location, height, bulk and size of buildings and other structures, percentage of lot which may be occupied, the size of lots, courts and other open spaces, the density and distribution of population, the location and use of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the use of land for trade, industry, recreation, agriculture, forestry, soil conservation, water supply conservation or other purposes; provided that the authority herein granted shall extend only to the territory embraced within two hundred feet of the center line of the roads, now or hereafter included in the state highway system. When the efforts of such board shall have reached the stage of a tentative plan, the board shall hold at least one public hearing on each tentative plan to be separately submitted, notice of which hearing shall be given by publishing notice thereof in the official gazette of the county at least fifteen days before the date of the hearing. The notice shall contain the time and place of hearing, and shall specify the place and times at which the tentative text and maps of the zoning ordinance may be examined. For the purpose of its public hearing or hearings, the boards shall have the power to summon witnesses, administer oaths and compel the giving of testimony. In the event that, after such public hearing or hearings, the planning board, in the light of developments at such hearing or hearings, make changes in their tentative plan, no further hearings shall be required.

Sec. 606. Ordinance; publication of regulations.

Section 6. Zoning ordinance. Be it further enacted by the authority aforesaid, that from and after the time when the planning board, in accordance with the procedure under section 5 makes, adopts and certifies to the commissioners of roads and revenue of their respective county each zoning plan, including both the full text of a zoning ordinance and the maps then the commissioners of roads and revenue may, by ordinance, divide such territory of their respective county, into districts or zones of such number, shape or area as it may determine and within such districts, or any of them, may regulate the location, erection, construction, reconstruction, alteration and uses of buildings and structures and uses of land, and may require and provide for the issuance of building permits as a condition precedent to the right to erect, construct, reconstruct, or alter any building or structure within any district covered by such zoning ordinance. All such regulations shall be uniform for each class or kind of buildings throughout any district, but the regulations in one district may differ from those in other districts. The commissioners of roads and revenue of such county shall within fifteen days after the adoption of any regulation or map cause publication to be made thereof in the official gazette of the county, provided that instead of publication of maps reference may be made to the office where they are officially filed and may be examined.

Sec. 607. Public hearing before ordinance passed.

Section 7. Method of procedure. Be it further enacted by the authority aforesaid, that after receiving the certification of zone plan from the planning board and before the enactment of any zoning

ordinance, the commissioners of roads and revenue shall hold a public hearing thereon, of the time and place of which at least thirty days' notice shall be given in the official gazette of the county. Such notice shall state the place at which the text and maps as certified by the planning board may be examined. No change in or departure from the text or maps, as certified by the planning board, shall be made unless such change or departure shall first be submitted to the planning board for its approval or disapproval or suggestions. The planning board shall have thirty days from and after such submission within which to send its report to the commissioners of roads and revenue; provided, however, that no approval, disapproval or suggestion of the planning board shall have more than advisory effect or shall in anywise bind the commissioners of roads and revenue.

Sec. 608. Method of amending ordinance.

Section 8. Amendments. Be it further enacted by the authority aforesaid, that the commissioners of roads and revenue may, from time to time, amend the number, shape, boundary or area of any district or districts, or any regulation of, or within such district or districts, or any other provisions of any zoning ordinance, but no such amendment shall be made or become effective until the same shall have been proposed by or be first submitted for approval, disapproval, or suggestions to the planning board. Any proposal, approval, disapproval or suggestions of the planning board shall have advisory effect only and not be binding on the commissioners of roads and revenue, and, unless such planning board shall have transmitted its report upon the proposed amendment within thirty days after the submission thereof to it, the commissioners of roads and revenue shall be free to proceed to the adoption of the amendment without further awaiting the receipt of the report of the planning board. Before finally adopting any such amendment, the commissioners of roads and revenue shall hold a public hearing thereon, at least thirty days' notice of the time and place of which shall be given by at least one publication in the official gazette of the county?

Sec. 609. County cooperation.

Section 9. Cooperation between counties. Be it further enacted by the authority aforesaid, that the said planning board shall have the authority to cooperate with the planning and zoning boards of other counties, cities, villages or other municipalities, either within or without such county, and with municipal and state authorities, with view to coordinating and integrating the planning and zoning program and to appoint such committees and adopt such rules as may be thought proper to effect such cooperation.

Sec. 610. Board of appeals; organization; meetings; method of appeal; hearings; powers; quorum; appeal to superior court; procedure; review by appellate court; supersedeas.

Section 10. Board of appeals. Be it further enacted by the authority aforesaid that the commissioners of roads and revenue of said county exercising authority hereunder shall provide for a board of appeals of three members and for the manner of appointment thereof. The said commissioners of roads and revenue shall fix the terms of the members of such board, which term shall be of sufficient length and so arranged that the term of at least one member shall expire each year. The said commissioners may remove any member for cause on written charges after a public hearing. Any vacancy shall be filled by the commissioners for the unexpired term. The commissioners of roads and revenue may appoint associate members of such board and in the event that any member be temporarily unable to act, due to absence from the county, illness, interest in a case before the board, or any other cause, his place may be taken during such temporary absence or disability by any associate member designated for the member. The commissioners of roads and revenue may specify and provide general rules to govern the organization, procedure and jurisdiction of such board of appeals, which rules shall not be inconsistent with the provisions of this act; and the board of appeals may adopt supplemental rules of procedure not inconsistent with this act or such general rules. The board shall elect one of its number as chairman and shall appoint a secretary. The secretary may be an employee of the county. Meetings of the board shall be held at the call of the chairman and at such other times as the board may

determine. The members of such board shall have the power to summon witnesses, administer oaths and compel the giving of testimony. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the board and shall be a public record. Appeals to the board of appeals may be taken by an officer, department, board or bureau of the respective counties, and also by any person or persons having a substantial interest in any decision of an administrative officer or agency seeking to function under authority thereof or to enforce any ordinance enacted pursuant to this act. Such appeals shall be taken as provided by the rules of the board of appeals and shall be evidenced by filing with the secretary a written notice of appeal specifying the grounds thereof, and what modification of its decision is sought. The officer or agency from whose decision the appeal is taken shall forthwith transmit to the secretary of the board of appeals all documents pertinent to the decision appealed from. The filing of such appeal shall stay all proceedings in furtherance of the actions or decisions appealed from, until it shall be passed upon by the board of appeals. After such decision proceedings in conformity herewith shall not be further stayed except as hereinafter provided.

The board of appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by an attorney at law. The board of appeals shall, subject to such appropriate conditions and safeguards as may be established by the commissioners of roads and revenue, have the following powers:

1. To hear and decide appeals where it is alleged by appellant that there is an error in any order, requirement, decision or determination made by an administrative official or agency in the enforcement of this act or of any ordinance or regulation adopted pursuant thereto.

2. To authorize upon appeal in specific cases such variance from the terms of such ordinance or regulations as will not be contrary to the public interest, where, owing to special conditions fully demonstrated on the basis of the facts presented, literal enforcement of the provisions of the ordinance or regulation will result in great practical difficulties or unnecessary hardship, and so that the spirit of the ordinance or regulation shall be observed and substantial justice done. In exercising the above mentioned powers such board may, in conformity with the provisions of this act, reverse or affirm wholly or partly or may modify the order, requirement, decision or determination appealed from and may take such order, requirement, decision and determination as ought to be made, and to that end shall have all the powers of the officer or agency from whom the appeal is taken. A majority of the board of appeals shall constitute a quorum and a majority vote of the members hearing the appeal shall be sufficient to determine the appeal. Any person or persons who may have a substantial interest in any decision of the board of appeals, or any officer, board or bureau of the county, may appeal from any decision of the board of appeals to the superior court in and for such county by filing with the clerk of the said court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal will be filed within thirty days after the decision of the board of appeals is rendered. Upon the filing of such an appeal the clerk of the superior court shall give immediate notice thereof to the secretary or the board of appeals, and within thirty days from the time of such notice the board of appeals shall cause to be filed with the said clerk a duly certified copy of the proceedings had before the said board of appeals, including a transcript of the evidence heard before it, if any, and the decision of the said board. Thereafter at the next term of the superior court, or in vacation upon ten days' notice to the parties, the judge of the superior court of said county shall proceed to hear and pass upon the said appeal. The findings of fact by the said board of appeals shall be final and conclusive on the hearing of such appeal. In determining the questions presented by the appeal the court shall determine only whether the decision of the board of appeals is correct as a matter of law. Any party at interest who is aggrieved by the judgment rendered by the superior court upon such appeal may have the same reviewed by bill of exception in the same manner as now provided by law for fast bills of exceptions to other judgments, orders and decrees of the superior courts. The filing of an appeal in the superior court from any decision of the said board of appeals shall not ipso facto act as a supersedeas but

the judge of the superior court may in his discretion grant a supersedeas upon such terms and conditions as may seem reasonable and proper. In the event that the decision of the board of appeals should be reversed by the superior court the said board of appeals shall be cast with the costs and the same shall be paid by the county at interest.

Sec. 611. Joint board of appeals.

Section 11. Joint board of appeals. Be it further enacted by the authority aforesaid, that in lieu of a separate board of appeals for such county, it may join with one or more counties having similar zoning and planning authority in the establishment of a joint board of appeals of five members having all of the jurisdiction, powers and incidence of the boards of appeals for the several respective counties. Such joint board of appeals may hold its hearings at such place or places in any of the counties within its jurisdiction as it may determine but the jurisdiction for appeal from such joint board of appeals shall lie in the superior court of the county in which the particular question arose.

Sec. 612. Violations of act--Punishment; injunction, other actions.

Section 12. Violations; enforcement. Be it further enacted by the authority aforesaid, that in case any building or structure is erected, constructed, reconstructed, altered, or repaired, converted, or maintained, or any structure or land is used in violation of this act, or of any ordinance or other regulation duly made under the authority conferred by, or in the event of the violation by any person or persons of any of the provisions of this act, such violation in any respect shall be held to be a misdemeanor under the laws of the state, and the offender upon conviction shall be punished as for a misdemeanor, and any court of the county having jurisdiction of misdemeanor cases shall have jurisdiction to try such offenders and upon conviction to so punish them; and provided further that each day that any structure or land is used in violation of this act shall constitute a separate offense. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is or is proposed to be used in violation of this act or of any regulation or provision of any ordinance, or amendment thereof, enacted under the authority granted by this act, such commissioners, the county attorney or any owner of real estate within the district in which such buildings, structure or land is situated, may, in addition to other remedies provided by law, institute injunction, mandamus abatement or any appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

Sec. 613. Nonconforming uses.

Section 13. Nonconforming uses. Be it further enacted by the authority aforesaid, that the lawful use of a building or structure, or the lawful use of any land, as existing and lawful at the time of the enactment of a zoning ordinance, or in the case of an amendment of an ordinance, then at the time of such amendment may, except as hereinafter provided, be continued although such does not conform with the provision of such ordinance of amendment, and such may be extended throughout the same building provided no structural alteration of such building is proposed or made for the purpose of such extension. The commissioners of roads and revenue may provide in any zoning ordinance for the restoration, construction, reconstruction, extension or substitution of nonconforming uses upon such terms and conditions as may be set forth in the zoning ordinance. The commissioners of roads and revenue may in any zoning ordinance provide for the termination of nonconforming uses, either by specifying the period or periods in which nonconforming uses shall be required to cases, or by providing a formula or formulae whereby the compulsory termination of nonconforming uses may be so fixed as to allow for the recovery or amortization of the investment in the nonconformance.

Sec. 614. Funds; grants of money.

Section 14. Finances. Be it further enacted by the authority aforesaid, that the commissioners of roads and revenue of the respective counties are authorized and empowered to provide funds to finance

the work of the county planning board and the board of appeals and to enforce the zoning regulations and restrictions which are adopted; and to accept grants of money, for those purposes, from either private or public sources, state or federal.

Sec. 615. Contempt before planning board or board of appeals.

Section 15. Punishment of contempt. Be it further enacted by the authority aforesaid, that in case of contempt by any party witness or other person before either the planning board or the board of appeals, such board may certify such fact to the superior court of the county wherein such contempt occurs and the judge of said court, either in term time or vacation, after hearing, may impose such penalty as the facts authorize or require, and shall have the same powers and authority over parties and witnesses as are given by section 10-103 of the Code [O.C.G.A. §§ 9-7-6 and 9-7-7] to auditors appointed by the superior court.

Sec. 616. Intent.

Section 16. Legislative intent. It is the legislative intent that the powers conferred by this act may be exercised by Camden County, in the discretion of its governing authority.

Secs. 617--700. Reserved.

**ARTICLE VII.
MISCELLANEOUS***

***Editors Note:** This article is a compilation of various special acts of the Georgia General Assembly which do not justify treatment as an article or division of this part I of the Official Code.

Sec. 701. Registration of vehicles.

Section 1. Effective January 1, 1987, vehicles shall be registered and licensed to operate for the ensuing calendar year and thereafter in Camden County during designated registration periods as provided in O.C.G.A. § 40-2-20.1. (1986 Ga. Laws, p. 5647)

Sec. 702. Historical commission.

Section 1. Created, members. There is hereby created the Camden County Historical Commission which shall be composed of 7 members. The initial members of the commission shall be as follows:

Mr. Howard H. Davis

Mrs. Wilbur Bailey

Mrs. L. B. Proctor

Mr. Lee Berry

Mr. Burwell Atkinson

Mr. Duncan Buie

Mr. John H. McCollough

The initial members of the commission shall serve for terms of office of two years and until their successors are duly approved and qualified. The governing authority of Camden County shall be authorized to appoint successors to the initial members of the commission and shall fill any vacancies which occur thereon.

Section 2. Powers. The commission shall be authorized to engage in the necessary research and documentation in order to compile, publish and print a history of Camden County. The commission shall further be authorized to act as the depository for the collection of any historical artifacts collected by the commission or donated to the commission and shall preserve and house such artifacts.

Section 3. Funds. The governing authority of Camden County shall make available to the commission such funds of Camden County as said governing authority shall deem necessary and sufficient in order for the commission to carry out the powers, duties and responsibilities imposed upon it by the provisions of this act. (1970 Ga. Laws, p. 2724)