

**LOCAL AND SPECIAL ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY
OF THE STATE OF GEORGIA 1965**

[missing title]

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Sequential Number: 309

Short Title: CITY OF MARIETTA -- CHARTER AMENDED.

Law Number: No. 419

Origin: (House Bill No. 449).

Full Title: An Act to amend an Act providing a new charter for the City of Marietta, Georgia, approved August 15, 1904 (Ga. L. 1904, p. 519), as heretofore amended so as to change the corporate limits of said city; to provide for the salary of the city councilmen; to provide for four year terms for the mayor and members of council; to provide for additional rules and regulations for employees under civil service; to provide for the payment from the treasury of the City of Marietta premiums on hospitals and life insurance for city employees; to authorize the mayor and council of the City of Marietta, Georgia to provide a pension and retirement system for all of the employees of the City of Marietta, Georgia and the Board of Lights and Waterworks of the City of Marietta, Georgia; to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia:

Section 1. An Act entitled "An Act to create a new charter for the City of Marietta, in the County of Cobb, and to consolidate and declare the rights and powers of said corporation, and for other purposes.", approved August 15, 1904 (Ga. L. 1904, p. 519), as amended, is hereby amended by adding between section 2C and section 3 a new section to be numbered section 2D and to read as follows:

"Section 2D. In addition to that territory presently embraced within the corporate limits of the City of Marietta, the following parcels of land shall be included within the corporate limits of said city;

[Sidenote: Corporate limits.]

- **"Parcel No. 1.** All that tract or parcel of land lying or being in land lots 140, 141 and 17 of the 17th district, 2nd. section, Cobb County, Georgia, and being more particularly described as follows: "Beginning at the intersection of the easterly right-of-way of Hickory Drive with the north right-of-way of Powder Springs Road; running thence northerly along the easterly right-of-way line of Hickory

Drive for a distance of 320 feet; running thence north 67 degrees 50 minutes east for a distance of 81 feet; running thence south 27 degrees 10 minutes east for a distance of 286 feet to a point on the north right-of-way line of Powder Springs Road; running thence southeasterly and crossing Powder Springs Road for a distance of 100 feet to the south right-of-way line Powder Springs Road; running thence southwesterly along the south right-of-way line of Powder Springs Road for a distance of 1720 feet; running thence northwesterly for a distance of 100 feet to the north right-of-way of Powder Springs Road; running thence northeasterly along the north right-of-way line of Powder Springs Road for a distance of 1533.1 feet to the intersection of the westerly right-of-way line of Hickory Drive with the northwesterly right-of-way line of Powder Springs Road; running thence northeasterly and crossing Hickory Drive to the intersection of the easterly right-of-way line of Hickory Drive and the northeasterly right-of-way line of Powder Springs Road, and the point of beginning.

- **"Parcel No. 2.** All that tract or parcel of land lying and being in land lots 147 and 214, 17th District, 2nd. section, Cobb County, Georgia, and being more particularly described as follows: "Beginning at a point on the northwesterly right-of-way line of Powder Springs Street 90 feet northeasterly of the intersection of the northeasterly side of the south fairground entrance road and the northwesterly right-of-way line of Powder Springs Street; said beginning point is also on the present city limit line of Marietta, Georgia; running thence north 43 degrees 0 minutes west for a distance of 200 feet to a point; running thence south 47 degrees 15 minutes west for a distance of 90 feet to a point on the northeasterly side of the south fairground entrance road; running thence northwesterly along the northeasterly side of the south fairground entrance road for a distance of 82.3 feet to a point; running thence north 78 degrees 54 minutes west for a distance of 264.3 feet to a point on the property line of the Cobb County Fair Association property; running thence northeasterly along the property line of the Cobb County Fair Association property for a distance of 553.4 feet

to a point on the south side of the north fairground entrance road; running thence easterly along the south side of the north fairground entrance road for a distance of 712.3 feet to a point 150 feet west of the northwesterly right-of-way line of Powder Springs Street as measured along the south side of the north fairground entrance road; running thence south 39 degrees 0 minutes west for a distance of 118 feet to a point; running thence south 52 degrees 30 minutes east for a distance of 150 feet to a point on the northwesterly right-of-way line of Powder Springs Street; running thence southwesterly along the northwesterly right-of-way line of Powder Springs Street for a distance of 726.2 feet to the point of beginning.

- **"Parcel No. 3.** All that tract or parcel of land lying and being in land lots 77, 78, 139 and 140 of the 17th district 2nd section, Cobb County, Georgia and being more particularly described as follows: "Beginning at a point on the southwesterly right-of-way line of Oregon Trail 200.8 feet southeasterly of the intersection of the southwesterly right-of-way line of Oregon Trail and the southeasterly right-of-way line of Georgia Highway No. 5, as measured along the southwesterly right-of-way line of Oregon Trail; said beginning point is also on the present city limit line of Marietta, Georgia; running thence south 31 degrees 10 minutes east along said present city limit and southwesterly right-of-way of Oregon Trail for a distance of 16.3 feet to a point; running thence south 30 degrees 41 minutes east along the present city limit line and southwesterly right-of-way line of Oregon Trail for a distance of 176 feet to a point; running thence south 23 degrees 41 minutes east along said present city limit line for a distance of 181.6 feet to a point; running thence south 23 degrees 37 minutes east along the present city limit line for a distance of 1600.8 feet to a point on the south lot line of land lot 139; running thence westerly along the south lot line of land lot 139 for a distance of approximately 606 feet to the southwest corner of land lot 139; said land lot corner is also a point on the present city limit line of Marietta, Georgia; running thence northwesterly along the present city limit line for a distance of approximately 1525 feet to a point; running thence

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northeasterly along the present city limit line of Marietta, Georgia, which is 300 feet southwesterly of and parallel to the southwesterly right-of-way of State Highway No. 5 for a distance of approximately 120 feet to a point; running thence northwesterly at right angles to the previous course, and along the present city limit line for a distance of 100 feet to a point; running thence northeasterly along the present city line which is 200 feet southeasterly of the parallel to the southeasterly right-of-way of State Highway No. 5; for a distance of approximately 450 feet to a point on the southwesterly right-of-way line of Oregon Trail and the point of beginning.

- **"Parcel No. 4.** All that tract or parcel of land lying and being in land lot 146, 17th district, 2nd section, Cobb County, Georgia, and being more particularly described as follows: "Beginning at the northwest corner of land lot 146, said corner being located on the present city limit line; thence running along the present city limit line and north land lot line of land lot 146 in an easterly direction 251 feet more or less to a point; said point being located at the intersection of the north land lot line of land lot 146 and the original one mile radius city limit line; thence running in a southeasterly direction along the original one mile radius city limit line to a point where the original one mile radius city limit line intersects the east land lot line of land lot 146; thence running south 0 degrees 14 minutes east along the east land lot line of land lot 146 511 feet more or less to the southeast corner of land lot 146; thence running south 89 degrees 50 minutes west along the south line of land lot 146 for a distance of 1127.5 feet to a point; thence running north 0 degrees 08 minutes west a distance of 265.7 feet to a point; thence running north 88 degrees 44 minutes west for a distance of 227.2 to a point on the west land lot of land lot

146; thence running in a northerly direction along the west land lot line of land lot 146 to the northwest corner of land lot 146 and the point of beginning.

- **"Parcel No. 5.** All that tract or parcel of land lying and being in land lots 1000 and 1001 16th district, 2nd section, Cobb County, Georgia, and being more particularly

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described as follows: "Beginning at a point located at the intersection of the center line of the L. & N. Industrial Park Spur Track and the northwest right-of-way of Industrial Park Drive; thence running in a northeasterly direction along the northwest right-of-way of Industrial Park Drive to a point where Industrial Park Drive turns in a southeasterly direction; thence running southeasterly along the northeasterly right-of-way of Industrial Park Drive a distance of approximately 1255 feet to a point where the present city limit line of Marietta, Georgia intersects the northeast right-of-way line of Industrial Park Drive; thence running in a southwesterly direction along said present city limit line of Marietta, Georgia and crossing Industrial Park Drive to the southwesterly right-of-way line of Industrial Park Drive; thence running in a northwesterly direction along the northwesterly right-of-way of Industrial Park Drive to a point; said point being located 225 feet southeasterly of the point where Industrial Park Drive turns in a southwesterly direction; thence southwesterly for a distance of 335 feet to a point; said point being located 475 feet southeasterly from the intersection of the center line of the L. & N. Spur Track and the southeast right-of-way of Industrial Park Drive; thence running northeasterly along the center line of the L. and N. Spur Track for a distance of approximately 526 feet to a point on the northwesterly right-of-way line of Industrial Park Drive and the point of beginning.

- **"Parcel No. 6.** All that tract or parcel of land lying and being in land lots 1239 and 1240, 16th district, 2nd section, Cobb County, Georgia and being more particularly described as follows: "Beginning at a point on the northwesterly right-of-way line of Wylie Drive and the present city limit line of Marietta, Georgia; said beginning point is 250 feet southwest of the intersection of the southwest right-of-way of Powers Ferry Road and the northwest right-of-way of Wylie Drive; running thence southwesterly along the northwesterly right-of-way line of Wylie Drive for a distance of 245.5 feet to a point; running thence north 33 degrees 24 minutes west for a distance of 179 feet to a point; running thence north 56 degrees 08 minutes east for a distance of 152 feet to a point on the present

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city limit line of Marietta, Georgia; running thence south 70 degrees 8 minutes east, along said present city limits line, for a distance of 58 feet to a point; running thence south 57 degrees 54 minutes east along said present city limit line for a distance of 142 feet to a point on the northwest right-of-way of Wylie Drive and the point of beginning.

- **"Parcel No. 7.** All that tract or parcel of land lying and being in land lot 1153, 16th district, 2nd section, Cobb County, Georgia and being more particularly described as follows: "Beginning at point at the intersection of the west right-of-way line of Mountain View Road and the north right-of-way line of Mountain View Ridge Road, said point being located on the present city limit line of Marietta, Georgia; thence running in a westerly direction along the north right-of-way line of Mountain View Ridge Road and said present city limit line of Marietta, Georgia for a distance of approximately 338 feet to a point where Mountain View Road makes a bend in a northerly direction; thence continuing in a straight line and crossing Mountain View Ridge Road to a point on the west right-of-way line of Mountain View Ridge Road; thence running along the west right-of-way line of Mountain View Ridge Road in a northerly direction for a distance of 187 feet to a point; thence running in a easterly direction crossing Mountain View Ridge Road to a point where the present city limit line of Marietta, Georgia intersects the east right-of-way line of Mountain View Ridge Road; thence running along the present city limit line of Marietta, Georgia in an easterly direction for a distance of 325 feet to a point on the west right-of-way line of Mountain View Road and present city limit line of Marietta, Georgia; thence running in a southerly direction along the present city limit line and the west right-of-way line of Mountain View Road for a distance of 187 feet to a point and the point of beginning.
- **"Parcel No. 8.** All that tract or parcel of land lying and being in land lot 1014, 16th district, 2nd section, Cobb County, Georgia, and being more particularly described as follows: "Beginning at a point on the present city limit line of Marietta, Georgia, 84.7 feet east of the intersection

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of the north right-of-way line of Tower Road and the east right-of-way line of White Street; thence running west along the present city limit line of Marietta, Georgia and the north right-of-way of Tower Road to the intersection of the north right-of-way line of Tower Road and the east right-of-way line of White Street; thence in a northerly direction along the east right-of-way line of White Street to the intersection of the east right-of-way line of White Street and the south right-of-way line of Florence Street; running thence in a northeasterly direction along the south right-of-way of Florence Street to the intersection of the south right-of-way line of Florence Street and the west right-of-way line of Campbell Hill Street; thence running in a southerly direction along the west right-of-way of Campbell Hill Street for a distance of approximately 375 feet to the point where the present city limit line of Marietta, Georgia intersects the west right-of-way of Campbell Hill Street; thence running westerly along the present city limit line of Marietta, Georgia for a distance of approximately 600 feet to a point; thence running in a southerly direction along the present city limit line of Marietta, Georgia, for a distance of approximately 425 feet to a point on the north right-of-way line of Tower Road and the point of beginning.

- **"Parcel No. 9.** All that tract or parcel of land lying and being in land lot 41, 19th district, 2nd section, Cobb County, Georgia, and being more particularly described as follows:

"Beginning at the southwest corner of land lot 34, said corner is also on the present city limit line; running thence easterly along the south land lot of land lot 34 and the present city limit line for a distance of 664.2 feet to a point; running thence south 0 degrees 23 minutes East for a distance of 1367.7 feet to a point on the south lot line of land lot 41; running thence north 88 degrees 38 minutes west along the south lot line of land lot 41 for a distance of 653.9 feet to the southwest corner of land lot 41; running thence north 0 degrees 03 minutes west along the west lot line of land lot 41 for a distance of 1355.8 feet to the northwest corner of land lot 41 and the point of beginning.

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- **"Parcel No. 10.** All that tract or parcel of land lying and being in land lots 1150 and 1155 of the 16th district, 2nd section, Cobb County, Georgia, and being more particularly described as follows: "Beginning at the Northwest corner of land lot 1150 on the present city limit line of Marietta, Georgia; running thence southerly along the west lot lines of land lots 1150 and 1155 to the south right-of-way of Stewart Avenue and the present city limit line of Marietta, Georgia; running thence easterly along the south right-of-way of Stewart Avenue and the present city limit line of Marietta, Georgia, to the east lot line of land lot 1155; running thence northerly along the east lot lines of land lots 1155 and 1150 and said present city limit line to the northeast corner of land lot 1150; running thence Westerly along the north lot line of land lot 1150 and said present city limit line to the northwest corner of land lot 1150 and point of beginning.
- **"Parcel No. 11.** All that tract or parcel of land lying and being in land lot 573, 17th district, 2nd section, Cobb County, Georgia, and being more particularly described as follows: "Beginning at a point on the western right-of-way line of the U. S. 41 Four Lane Highway, said beginning point is 144.0 feet north of the south lot line of land lot 573 as measured along the western right-of-way line of the U. S. 41 Four Lane Highway; running thence south 75 degrees 0 minutes west for a distance of 364.5 feet to a point on the present city limit line of Marietta, Georgia; running thence north 26 degrees 15 minutes west, along said present city limit line, for a distance of 200 feet to a point; running thence north 76 degrees 0 minutes east for a distance of 369 feet to a point on the western right-of-way line of the U. S. 41 Four Lane Highway; running thence south 24 degrees 55 minutes east, along the western right-of-way line of the U. S. 41 Four Lane Highway, for a distance of 200.0 feet to the point of beginning."

Section 2. Said Act is further amended by striking section 3 (Ga. L. 1962, p. 2110, 2116), as amended in its entirety and inserting in lieu thereof a new section 3 to read as follows:

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"Section 3. The present mayor and councilmen of the City of Marietta shall continue in office during the terms for which they were elected, and on the second Wednesday in October, 1965, and every four years on said day thereafter an election shall be held in said city for a mayor and seven councilmen. Said election shall be held by a justice of the peace, or ex-officio justice of the peace, and two freeholders of said city, or by three freeholders of said city; but no person who is a candidate for office at said election shall act as a manager, or clerk, thereof. The polls at the city hall shall be opened at 7:00 a.m. and shall be kept open until 7:00 p.m., and the person receiving the highest number of votes for the office voted for shall be declared duly elected, subject to the run-off provisions hereinafter set forth for councilmen who do not receive a majority of the votes in their respective wards, and the managers of the election shall give a certificate to that effect, which shall be recorded by the clerk of city council on the book of minutes, or other book kept for such purpose. The mayor and city council, in their discretion, may authorize a poll for each city ward for any election. The record aforesaid shall be evidence of the result of the said election, and the authority of those elected to act. No person shall be allowed to vote in said elections except to be eligible under the provisions of the Constitution of the State of Georgia to vote for the members of the General Assembly, and unless he shall have bona fide and continuously resided in said city as a citizen thereof for six months next preceding said election at which he offers to vote, and shall have registered for said election as provided for in the charter of Marietta. Any person voting at such election in violation of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as for a misdemeanor. The mayor shall be elected by the voters of the entire city and this shall apply to all primary, general and special elections. The mayor and all members of council shall serve for terms of four years. Neither the person serving as mayor nor any person serving as a member of council shall be eligible to serve as city manager during the term for which any such person is elected mayor or member of council. In order to be

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eligible to serve as mayor or as a member of council a person must be a freeholder of the city."
[Sidenote: Major and councilmen.]

Section 3. Said Act, as amended, is hereby further amended by striking from section 28 of an amendatory Act thereof of 1959 (Ga. L. 1959, p. 2111, 2151), the following: "January 1, 1960" and inserting in lieu thereof the following: "January 1, 1965" and by striking the following: "twelve hundred dollars (\$1,200.00)" and inserting in lieu thereof the following "twenty-four hundred dollars (\$2,400.00)" so that as amended said section shall read as follows:

"Section 28. In addition to the salary, or compensation as now provided for in and by the charter of the City of Marietta for the councilmen for `council meetings', each councilman shall receive from and after January 1, 1966, for attending council-committee meetings and for his expenses in attending to city business affairs such sum, when added to the total salary as now authorized by the charter for `council meetings' shall equal but not exceed the combined sum of twenty-four hundred (\$2,400.00) dollars per year, and such combined, or total, sum may be paid in equal installments, monthly. Until January 1, 1966 the said councilmen shall continue to receive their

present compensation not exceeding twelve hundred (\$1,200.00) dollars per year."
[Sidenote: Salaries.]

Section 4. Said Act is further amended by striking section 9 (Ga. L. 1959, p. 2111, section 9) in its entirety and substituting in lieu thereof the following:

"Section 9. The Civil Service Board shall make rules and regulations to carry out the purpose of this Act, and for examinations, appointments and removals in accordance with its provisions, and the board may, from time to time, make such changes in such rules. The chiefs of the fire and police departments, respectively, shall, from the membership of their departments, recommend for promotion such persons as the occasion may call for to fill any vacancy or vacancies that may occur in said departments and all such vacancies shall be filled and promotions shall

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be made by the Civil Service Board, and any person promoted shall serve a probationary period of twelve (12) months during which time he may be demoted to his former position without a trial by the chiefs of the fire and police departments, respectively. Said board shall make rules and regulations relating to the eligibility for promotion. The chiefs of the fire and police departments shall have authority to demote any member of their respective departments by and with the consent and approval of the Civil Service Board; provided, however, that upon written demand filed with the Civil Service Board within five days from the date of the order of demotion the person proposed to be demoted shall be given a public hearing by the Civil Service Board before any order of demotion shall be final. The chiefs of the fire and police departments shall have the authority to suspend without pay any member of their respective departments upon cause for periods not to exceed 15 days without a hearing by the Civil Service Board. Suspensions for periods in excess of 15 days shall be given pending hearing by the Civil Service Board. In the event there is a reduction in the number of firemen or policemen employed by the City of Marietta (such number is to be fixed by the mayor and council of the City of Marietta), the men last employed shall be the first to be dropped, and so on in succession."
[Sidenote: Civil Service Board.]

Section 5. Said Act is further amended by striking section 27 (Ga. L. 1959, p. 2141, 2111, 2147) in its entirety and substituting a new paragraph 27 to read as follows:

"Section 27. The Civil Service Board shall, within ninety (90) days from their appointment, adopt and have printed such rules and regulations for the government of the fire and police departments, in accordance with the provisions of this Act, as they may deem necessary. Said board shall have the power and authority to fix the maximum and minimum age limits of applicants for examinations, and may specify the weight, heights, and other physical requirements of all applicants. All such rules, regulations and qualifications shall be subject to approval by the mayor and council of the City of Marietta and shall only be effective on and after the date of such approval.
[Sidenote: Same.]

"The power of the Civil Service Board is hereby limited to the power expressly conferred by the charter of the City of Marietta, as amended, and said board nor any of its members have any power or authority to give instructions to any member of any department under its jurisdiction with reference to the performance of their duties and the authority of said board is restricted to the specific provisions of this charter."

Section 6. Said Act is further amended by inserting a new paragraph 12A to follow paragraph 12 of Ga. L. 1959, p. 2111, 2142, said new paragraph 12A to read as follows:

"Section 12A. Applications for reemployment shall be restricted to fire and police personnel who have four or more years accumulated service, without an entrance examination, and these applications shall be filed in writing with the Civil Service Board, and the prerequisites for consideration for employment are:

[Sidenote: Employment.]

- 1. (a) The applicant shall not have been away from the respective department in excess of twelve months.

(b) The applicant shall have left the service in good standing.

(c) The respective chief must recommend that the applicant be reemployed.

(d) The applicant shall pass a physical examination.

(e) No one convicted of a felony can be reinstated.
- 2. Upon application for reemployment, and having met the prerequisites listed above, the person shall be placed on the current eligibility list with a numerical value score equal to the third highest man on the eligibility list.
- 3. Any person reemployed by the fire or police department shall be employed as a Grade 16, Step 4, Fireman or Patrolman.
- 4. Seniority begins as of the date of reemployment.

- 5. Seniority for pension purposes may be regained in accordance with the Pension Fund Law.
- 6. Persons reemployed shall serve a probationary period of twelve months and may be removed from the department during such probationary period in accordance with the Civil Service provisions relating to probationers."

Section 7. Said Act is further amended by striking section 23 (Ga. L. 1959, p. 2111, 2146) therefrom in its entirety and inserting in lieu thereof a new section 23 to read as follows:

"Section 23. Any member of the fire or police departments, by appointment under the Civil Service rules who shall wilfully, or through culpable negligence violate any provisions of this Act, or any criminal statute of this State, or such ordinances of this city, or the rules of said Civil Service Board or of said fire or police departments shall be dismissed from the services of the city, as hereinbefore provided."

[Sidenote: Dismissals.]

Section 8. Said Act is further amended and more particularly an Act approved February 4, 1949 (Ga. L. 1949, p. 238) by the addition following section 1K thereof of three new sections to be known as sections 1L, 1M, and 1N which shall read as follows:

"Section 1L. The governing authority of the City of Marietta, Georgia, is hereby authorized to create an employees' pension fund for all employees of the City of Marietta and the Board of Lights and Water Works of Marietta and to provide for the participation and payment of employees into such fund and to fix and prescribe rules and regulations governing retirement and to provide for contribution to such fund from the City treasury and the treasury of the Board of Lights and Water Works provided, however, that payments into such fund from the treasury of the Board of Lights and Water Works shall be governed by its board.

[Sidenote: Employees' Pension Fund.]

"Section 1M. Be it further provided that those employees now covered under the provisions of the policemen and fireman's pension fund may elect to come under the provisions of the employees' pension fund herein created, said election to be held on May 14, 1965. In the event said election does carry, the officers of the policemen and firemen's pension fund are hereby authorized to pay into the employees' pension fund such sums as have been accrued in the policemen's and firemen's pension fund, except for the members contributions with interest earned thereon. Said members contributions may be returned to the members.

"Section 1N. Be it further provided that the governing authority of the City of Marietta may cause to be paid from the treasury of the City of Marietta payments of premiums on life insurance and hospitalization insurance for any or all of the employees of the City of Marietta

and is hereby authorized to pay such premium in whole or in part. The Board of Lights and Water Works is hereby authorized to pay from its treasury premiums on life and hospitalization insurance for any or all of its employees."

Section 9. 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.

[Sidenote: Severability.]

Section 10. All laws and parts of laws in conflict with this Act are hereby repealed.

Georgia, Cobb County.

Personally appeared before me, the undersigned authority, duly authorized to administer oaths, Brooks P. Smith, who, on oath, deposes and says that he is the publisher of the Marietta Daily Journal and the Cobb County Times, and the attached copy of Notice of Intention to Introduce Local Legislation was published in the Marietta Daily Journal, the official organ of Cobb County, in its editions for the

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following dates: January 8, 1965, January 15, 1965 and January 22, 1965.

Brooks P. Smith Publisher Marietta Daily Journal and Cobb County Times Sworn to and subscribed before me,

this 17th day of February, 1965.

/s/ Margaret H. Smith

Notary Public, Cobb County, Georgia.

My Commission Expires Oct. 30, 1965.

(Seal).

Notice of Intention to Introduce Local Legislation.

Notice is hereby given that there will be introduced at the regular January-February 1965 session of the General Assembly of Georgia, a bill to amend the charter of the City of Marietta, Georgia (Ga. L. 1904, p. 519, et seq.) as heretofore amended, and for other purposes.

This 6th day of January 1965.

Ben F. Smith, Attorney for the City of Marietta, Georgia

Approval Date: Approved April 1, 1965.