

PART II

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

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Sec. 1-1. Designation and citation of Code.

The ordinances embraced in the following chapters and sections shall constitute and be designated as the "Code of the City of Gray, Georgia," and may be so cited.

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code and of all ordinances and resolutions, the following definitions and rules of construction shall govern, unless such construction would be inconsistent with the manifest intent of the mayor and council:

Bond. When a bond is required by law, an undertaking in writing, without seal, is sufficient; and in all bonds where the names of the obligors do not appear in the bond, but are subscribed to the bond, they shall be bound by the bond.

Charter. The term "charter" shall mean the Charter of the City of Gray, Georgia.

City. The term "city" shall mean the City of Gray, Georgia.

Code. the term "code" shall mean the Code of the City of Gray, Georgia, as designated in section 1-1.

Computation of time. Except as otherwise provided by time period computations specifically applying to other laws, when a period of time measured in days, weeks, months, years or other measurements of time except hours is prescribed for the exercise of any privilege or the discharge of any duty, the first day shall not be counted, but the last day shall be counted; and, if the last day falls on Saturday or Sunday, the party having such privilege or duty shall have through the following Monday to exercise the privilege or to discharge the duty. When the last day prescribed for such action falls on a public and legal holiday as set forth in O.C.G.A. § 1-4-1, the party having the privilege or duty shall have through the next business day to exercise the privilege or to discharge the duty. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

Corporate limits. The term "corporate limits" shall mean the corporate limits of the City of Gray.

County. Whenever the term "county," "the county" or "this county" is used, it shall refer to Jones County, Georgia.

Court. The term "court" shall mean the municipal court provided by law for the punishment of offenders against the laws or ordinances of the city, whether the court shall be the court now constituted or a court hereafter established pursuant to law.

Delegation of authority. Whenever a provision requires the head of a department or an official of the city to do some act or perform some function, it shall be construed to authorize the head of such department or the official to designate, delegate and authorize subordinates to do the required act or perform the required function, unless the terms of the provisions designate otherwise.

Gender. The masculine gender shall include the feminine and neuter.

Interpretation. In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

Joint authority. A joint authority given to any number of persons or officers may be executed by a majority of them unless it is otherwise declared.

Mayor and council. The term "mayor and council" shall mean the mayor and aldermen as provided in section 3 of the Charter.

Month, year. The term "month" and "year" shall mean calendar month and calendar year unless otherwise provided.

Names of officers, departments. The name or title of any officer or department shall be read as though the words "of the City of Gray" were added.

Nontechnical and technical words. The ordinary significance shall be applied to all words, except words of art, or words connected with a particular trade or subject matter, in which case they shall have the significance attached to them by experts in such trade, or with reference to such subject matter.

Number. The singular or plural number shall each include the other unless expressly excluded.

Oath. The term "oath" shall include affirmation.

O.C.G.A. The term "O.C.G.A." shall mean the Official Code of Georgia Annotated, as amended.

Or, and. The term "or" may be read "and," and "and" may be read "or" if the sense requires it.

Person. The term "person" shall extend and be applied to firms, partnerships, associations, organizations, corporations and bodies politic, or any combination, as well as to natural persons.

Preceding, following. The term "preceding" and "following" shall mean generally next before and next after unless the context requires a different significance.

Property. The term "property" shall include real and personal property.

Schedule of fees and charges. The term "schedule of fees and charges" shall mean the official consolidated list compiled and published by the city which contains rates for utility and other public enterprises, fees, deposit amounts and various charges as determined by the mayor and council, an official copy of which is maintained in the office of the city clerk, where it is available for reference and review during normal business hours.

Shall, may. The term "shall" is always mandatory and not merely directory; "may" is permissive.

Signature or subscription. A signature or subscription shall include the mark of all illiterate or infirm persons.

State. Whenever the term "state," "the state" or "this state" is used, it shall refer to the State of Georgia.

Street. The term "street" shall include streets, sidewalks, avenues, boulevards, roads, alleys, lanes and all other public highways in the city, unless otherwise provided.

Substantial compliance. A substantial compliance with any requirement of this Code or amendatory ordinances, especially on the part of public officers, shall be deemed and held sufficient; and no proceeding shall be declared void for want of such compliance unless expressly so provided.

Tense. The present or past tense shall include the future.

Writing. The term "writing" shall include printing and all numerals, and also pictures, illustrations, and printed or written designs.

State law references—Statutory definitions and rules of construction, O.C.G.A. § 1-3-1 et seq.; computation of time, O.C.G.A. § 1-3-1; construction of definitions, O.C.G.A. § 1-3-2; meaning of certain words, O.C.G.A. § 1-3-3; time, O.C.G.A. § 9-11-6.

Sec. 1-3. Catchlines of sections; history notes, references and editor's notes.

(a) The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections nor as any part of the section; nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

(b) The history notes appearing in parentheses after each section and the references and editor's notes scattered throughout the Code are for the benefit of the user of the Code and shall have no legal effect.

State law reference—Notes and catchlines of code sections not part of law, O.C.G.A. § 1-1-7.

Sec. 1-4. Effect of repeal of ordinances.

(a) The repeal of an ordinance shall not revive any ordinance in force before or at the time the ordinance repealed took effect.

(b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or matter covered under the ordinance repealed.

Sec. 1-5. Severability of parts of Code.

It is declared to be the intention of the mayor and council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable; and if any phrase, clause, sentence,

paragraph or section of this Code shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

State law reference—Severability, O.C.G.A. § 1-1-3.

Sec. 1-6. Amendments to Code; effect of new ordinances; amendatory language.

(a) All ordinances passed subsequent to this Code of Ordinances which amend, repeal or in any way affect this Code of Ordinances may be numbered in accordance with the numbering system of this Code and printed for inclusion in the Code. In the case of the repeal of chapters, sections and subsections or any part by subsequent ordinances, such repealed portions may be excluded from this Code by omission from affected reprinted pages. The subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code of Ordinances and subsequent ordinances numbered or omitted are readopted as a new code of ordinances by the mayor and council.

(b) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in substantially the following language: "That section _____ of the Code of the City of Gray, Georgia, is hereby amended to read as follows:" The new provisions shall then be set out in full as desired.

(c) If a new section not heretofore existing in the Code is to be added, substantially the following language shall be used: "That the Code of the City of Gray, Georgia, is hereby amended by adding a section (division, article or chapter) to be numbered _____, which section (division, article or chapter) reads as follows:" The new section, division, article or chapter shall then be set out in full as desired.

(d) All sections, divisions, articles, chapters or provisions desired to be repealed must be specifically repealed by section, division, article or chapter number, as the case may be.

Sec. 1-7. Altering Code.

It shall be unlawful for any person to change or amend, by additions or deletions, any part or portion of this Code, or to insert or delete pages or portions of the pages, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the city to be misrepresented. Any person violating this section shall be punished as provided in section 1-12.

State law reference—Altering, falsifying or stealing public records unlawful, O.C.G.A. § 45-11-1.

Sec. 1-8. Supplementation of Code.

(a) By contract or by city personnel, supplements to this Code shall be prepared on an annual basis. A supplement to the Code shall include all substantive, permanent and general parts of ordinances passed by the mayor and council during the period covered by the

supplement and all changes made by the supplement in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete; and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by their omission from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions.
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles.
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers.
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code).
- (5) Make other nonsubstantive changes necessary to preserve the original meanings of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Sec. 1-9. Liability for violations by corporations, other associations.

(a) Any violation of this Code by any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization, while acting within the scope of his office or employment, shall in every case also be deemed to be a violation by such corporation, association or organization.

(b) Any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization shall be subject and liable to punishment as well as such corporation or unincorporated association or organization for the violation by it of any provisions of this Code, where such violation was the act or omission, or the result of the act, omission or order, of any such person.

Sec. 1-10. Provisions considered continuations of existing ordinances.

The provisions appearing in this Code, so far as they are the same as ordinances adopted prior to this Code and included in such Code, shall be considered as continuations of this Code and not as new enactments.

Sec. 1-11. Ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

- (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code.
- (2) Any ordinance or resolution promising or guaranteeing the payment of money for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness.
- (3) Any contract or obligation assumed by the city.
- (4) Any ordinance fixing the salary of any city officer or employee.
- (5) Any right or franchise granted by the city.
- (6) Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the city.
- (7) Any appropriation ordinance.
- (8) Any ordinance which, by its own terms, is effective for a stated or limited term.
- (9) Any ordinance providing for local improvements and assessing taxes for such improvements.
- (10) Any zoning ordinance.
- (11) Any ordinance dedicating or accepting any subdivision plat.
- (12) Any ordinance describing or altering the boundaries of the city.
- (13) The administrative ordinances or resolutions of the city not in conflict or inconsistent with the provisions of this Code.
- (14) Any ordinance levying or imposing taxes not included in this Code.
- (15) Any ordinance establishing or prescribing street grades in the city.
- (16) The city's development regulations.

No such ordinance shall be construed to revive any ordinance or part of an ordinance that has been repealed by a subsequent ordinance which is repealed by this chapter, and all such ordinances are recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

Sec. 1-12. General penalty.

Whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of an act is required or the failure to do an act is declared to be unlawful, unless otherwise provided by state law, where no specific penalty is provided, the violation of any such provision of this Code or any ordinance shall be punished by a fine not exceeding \$1,000.00, and by imprisonment in the city or county jail not to exceed six months, and to work on the city streets and public works not exceeding 90 days. Any one or more of these punishments may be inflicted, and the fines imposed may be collected by execution. The municipal court judge shall have power to punish for contempt by fine not exceeding \$200.00 and imprisonment not exceeding ten days. Each day any such violation shall continue shall be a separate offense.

State law references—Additional penalty to be imposed in criminal and traffic cases to provide training to law enforcement officers and prosecuting officials, O.C.G.A. § 15-21-73; additional penalty assessments for jail construction and staffing, O.C.G.A. § 15-21-93; imposition of additional penalty for certain drug offenses, O.C.G.A. § 15-21-100; imposition of additional penalty for offense of driving under the influence of alcohol or drugs, O.C.G.A. § 15-21-112; display of driver's license for violations of laws pertaining to traffic and motor vehicles, O.C.G.A. § 17-6-11; punishment for misdemeanors generally, O.C.G.A. § 17-10-3; alternative punishments for violations involving a traffic offense, O.C.G.A. § 17-10-3(e); payments to peace officers annuity and benefit fund from revenues collected from fines and fees, O.C.G.A. § 47-17-60 et seq.

