

PART II
CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

- Sec. 1-1. Designation and citation of Code.
- Sec. 1-2. Definitions and rules of construction.
- Sec. 1-3. Catchlines of sections; history notes and references.
- Sec. 1-4. Ordinances not affected by Code.
- Sec. 1-5. Provisions considered continuations of existing ordinances.
- Sec. 1-6. Effect of repeal of ordinances.
- Sec. 1-7. Amendments to Code.
- Sec. 1-8. Supplementation of Code.
- Sec. 1-9. Liability for violations by corporations, other associations.
- Sec. 1-10. Severability of parts of Code.
- Sec. 1-11. Altering Code.
- Sec. 1-12. General penalty.

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

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, Grady County, Georgia," and may be so cited.

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

In the construction of this Code and of all ordinances, the following definitions and rules of construction shall be observed, unless inconsistent with the manifest intent of the board of commissioners or the context clearly requires otherwise:

Board, board of commissioners. "Board" or "board of commissioners" means the board of commissioners of Grady County, Georgia.

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

Code. "Code" means the Code of Ordinances, Grady County, 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, 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.

County. Whenever the words "county," "the county" or "this county" are used they shall refer to Grady County, Georgia.

Court. "Court" means the court provided by law for the punishment of offenders against the laws or ordinances of the county, whether the same 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 county 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.

Governor. "Governor" means the governor of the State of Georgia.

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.

Month, year. "Month" and "year" 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 Grady County" were added thereto.

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. "Oath" shall be construed to include an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases the words "affirm" and "affirmed" shall be equivalent to the words "swear" and "sworn."

Officer. "Officer" includes those officials appointed by the board of commissioners on a parttime or temporary basis, including the county attorney and probate court judge.

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

Owner. "Owner," when applied to buildings or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such building or land.

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

Personal property. "Personal property" includes every species of property except real property, as defined in this section.

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

Property. "Property" includes real and personal property.

Real property. "Real property" includes lands, tenements and hereditaments.

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

Residence. "Residence" means the place adopted by a person as his place of habitation and to which, whenever he is absent, he has the intention of returning. When a person eats at one place and sleeps at another, the place where such person sleeps shall be deemed his residence.

Right-of-way. "Right-of-way" means land that is dedicated or otherwise legally established for public use.

Roadway. "Roadway" means that portion of a street improved, designed or ordinarily used for vehicular traffic.

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

Sidewalk. "Sidewalk" means that portion of the street right-of-way which is improved and designated for the use of pedestrians.

Signature or subscription. A "signature" or "subscription" includes the mark of an illiterate or infirm person.

State. Whenever the words "state," "the state" or "this state" are used, they shall refer to the State of Georgia.

Statute references. Whenever reference is made, for example, to O.C.G.A. § 1-3-3, it shall be construed to refer to the Official Code of Georgia Annotated, § 1-3-3, as amended, or to whatever section is cited.

Street. "Street" means and includes any public way, road, highway, street, avenue, boulevard, parkway, lane, path, viaduct, bridge or any other name a street is commonly known by, or any public place and the approaches thereto within the county when any part thereof is open to the use of the public and established for purposes of vehicular traffic.

Substantial compliance. A substantial compliance with any requirement of this Code or ordinances amendatory hereof, 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.

Tenant, occupant. The word "tenant" or "occupant," applied to a building or land, includes any person who occupies the whole or part of such building or land, whether alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and the present.

Title of office. The title of any office shall be construed to include the words "of Grady County, Georgia."

Writing, written. The word "writing" or "written" includes printing and all numerals, and also pictures, illustrations and printed or written designs.

Year. "Year" means calendar year.

State law references—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.

Sec. 1-3. Catchlines of sections; history notes and references.

(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. 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 county or authorizing the issuance of any bonds of the county or any evidence of the county's indebtedness.
- (3) Any contract or obligation assumed by the county.
- (4) Any ordinance fixing the salary of any county officer or employee.
- (5) Any right or franchise granted by the county.
- (6) Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the county.
- (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 therefor.
- (10) Any zoning ordinance.
- (11) Any ordinance dedicating or accepting any subdivision plat.
- (12) Any ordinance describing or altering the boundaries of the county.
- (13) The administrative ordinances or resolutions of the county not in conflict or inconsistent with the provisions of this Code.

(14) Any ordinance levying or imposing taxes not included herein.

(15) Any ordinance establishing or prescribing street grades in the county.

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

Sec. 1-5. 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 thereof and not as new enactments.

Sec. 1-6. 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. 1-7. Amendments to Code.

(a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of the repeal of chapters, sections and subsections or any part thereof by subsequent ordinances, such repealed portions may be excluded from this Code by omission from reprinted pages affected thereby. 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 and subsequent ordinances numbered or omitted are readopted as a new Code of Ordinances by the board of commissioners.

(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 the following language: "That section _____ of the Code of Ordinances, Grady County, 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, the following language shall be used: "That the Code of Ordinances, Grady County, 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. 1-8. Supplementation of Code.

(a) By contract or by county 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 board of commissioners during the period covered by the supplement and all changes made thereby 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 the omission thereof 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. Severability of parts of Code.

It is hereby declared to be the intention of the board of commissioners 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 is 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. 1-11. 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 thereof, or to alter or tamper with this Code in any manner whatsoever which will cause the law of the county to be misrepresented thereby. 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. 1-12. General penalty.

Whenever in this Code or in any ordinance of the county 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, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be punished by a fine not exceeding \$1,000.00 or 60 days imprisonment, or both, except as otherwise provided by general law. The fines imposed therefor may be collected by execution. Each day any violation continues shall be a separate offense.

State law references—Magistrate courts, O.C.G.A. § 15-10-1 et seq.; violation of county ordinances, O.C.G.A. § 15-10-60 et seq.; punishment for misdemeanors, O.C.G.A. § 17-10-3; county responsibility for sentencing and maintenance of inmates, O.C.G.A. § 42-5-51(a).

