Chapter 1

GENERAL PROVISIONS

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ARTICLE I. GENERAL PROVISIONS.

Section 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 Ordinances, City of Blakely, Georgia, " and may be so cited.

Section 1.2 Ordinances as Minimum Requirements.

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.

Section 1.3 Definitions.

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

City. The words "the city" or "this city" shall be construed as if the words "of Blakely, Georgia," followed it.

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.

Councilman. The word "councilman" shall mean any person elected to that office.

County. The words "the county" or "this county" shall mean Early County.

Delegation of authority. Whenever a provision appears requiring the head of a department of the city to do some act or make certain inspections, it is to be construed to authorize the head of the department to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise.

Gender. A work importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Health Officer. The county health officer is hereby designated as the city health officer and shall administer and enforce the city, county and state health regulations within the city. Wherever in this Code "the health officer" is used, it shall be deemed to mean the duly appointed county health officer.

Joint authority. All words giving a joint authority to three or more persons shall be construed as giving such authority to a majority of such persons.

Keeper, proprietor. The words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs and partnerships, whether acting by themselves or through a servant, agent or employee.

Limits, corporation, city. The word "limits," "corporation" or "city" shall mean the corporate limits, i.e., the legal boundary, of the City of Blakely.

May. The word "may" is permissive.

Mayor and council or *city council*. Whenever the words "mayor and council" or "city council" are used, they shall mean the city council of the City of Blakely.

Month. The word "month" shall mean a calendar month.

Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Number. A work importing the singular number only may extend and be applied to several persons and things as well as to one person and thing, and a word importing the plural may be applied to one person or thing.

Oath. The word "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 "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

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

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

Person. The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

Personal property. The term "personal property" shall include every species of property except real property, as described in this section.

Preceding, following. The words "preceding" and "following" shall mean next before and next after, respectively.

Premises. Whenever the word "premises" is used it shall mean place or places.

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

Public place. The term "public place" shall mean any park, cemetery, schoolyard or open space adjacent thereto, or any area available and/or accessible to the public.

Real property. The term "real property" shall include lands, tenements and hereditaments.

Residence. The term "residence" shall be construed to mean 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.

Seal. The word "seal" shall mean the city seal, i.e., the seal of this municipal corporation.

Shall. The word "shall" is mandatory.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.

Signature or *subscription*. The "signature" or "subscription" of a person shall include a mark when the person cannot write.

State. The words "the state" shall be construed to mean the State of Georgia.

Street. The word "street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public highways in the city.

Tenant, occupant. The word "tenant" or "occupant," applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or a part of such building or land, either alone or with others.

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

Title of officer. Whenever the title of an officer is given, it shall be construed as though the words "of the City of Blakely" were added.

Week. The word "week" shall be construed to mean seven days.

Written or *in writing*. The term "written" or "in writing" shall be construed to include any representation of words, letters of figures, whether by printing or otherwise.

Year. The word "year" shall mean a calendar year.

Section 1.4 Construction of Ordinances Generally.

The same rules shall be applied in construing ordinances of this city as are applied in construing the statutes of this state, which rules are found in O. C. G. A. § 1-3-1, and the same meanings shall be given words found in the ordinances as are given similar words found in the statutes of this state.

Section 1.5 Catchlines of Sections.

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 un less 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 scatted throughout the Code are for the benefit of the user of the Code and shall have no legal effect.

Section 1.6 Altering Code.

It shall be unlawful for any person in the city 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 such Code in any manner whatsoever which will cause the law of the city to be misrepresented thereby, except by ordinance or resolution or other official act of the city council.

Section 1.7 General Penalty.

The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of $1,000.00 or imprisonment for 180 days or both such fine and imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as now or hereafter provided by law. The maximum punishment for offenses committed under state law shall be those limits as established by general law. Each day any violation of this Code or of any ordinance shall continue shall be a separate offense.

Section 1.8 Nuisances.

In addition to the penalties provided in section 1.7, any condition caused or permitted to exist in violation of any of the provisions of this Code or any ordinance shall be deemed a public nuisance, and may be abated by the city as provided by law or ordinance. Each day that such condition continues shall be regarded as a new and separate offense.

Section 1.9 Severability of Parts of Code.

It is declared to be the intention of the city 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 by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the city council without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 1.10 Certain 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 promising or guaranteeing the payment of money for the city or authorizing the issuance of any bonds for the city or any evidence of the city's indebtedness, or any contract or obligation assumed by the city.

3. Any administrative ordinance of the city not in conflict or inconsistent with the provisions of this Code.

4. Any ordinance fixing the salaries or providing for the retirement of officers or employees of the city.

5. Any appropriation ordinance.

6. Any right or franchise granted by the city council to any person; and any regulations relating to franchises.

7. Any ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the city.

8. Any ordinance establishing and prescribing the street grades of any street in the city.

9. Any ordinance providing for local improvements or assessing taxes therefor.

10. Any ordinance dedicating or accepting any plat or subdivision in the city or providing regulations for the same.

11. Any ordinance annexing property in the city.

12. Any ordinance regulating zoning in the city.

13. Any ordinance regulating the erection, alteration, repair, demolition, moving or removal of buildings or other structures.

14. Any ordinance prescribing traffic regulations for specific locations, prescribing through streets, parking limitations, parking prohibitions, one-way traffic or limitations on loads of vehicles or loading zones, not inconsistent with this Code.

15. Any ordinance fixing utility rates and charges.

16. The city's drug-free workplace policy as set forth in O. C. G. A. § 2-6-90.

All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

Section 1.11 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 in this Code. In the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the 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 by the city 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 the following language: "That section _____ of the Code of Ordinances, City of Blakely, Georgia, is hereby amended to read as follows:...." The new provisions may then be set out in full as desired.

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

d. All sections, articles, chapters or provisions of this Code desired to be repealed should be specifically repealed by section, article or chapter number, as the case may be.

Section 1.12 Effective Date of Ordinances.

Ordinances which do not provide for their taking effect at a different time take effect immediately after their passage, without reference to their publication.

Section 1.13 Effect of Repeal or Ordinances - Other Ordinances.

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

Section 1.14 Same - Past or Pending Proceedings.

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, not any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.

Section 1.15 Supplementation of Code.

a. By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the city council. A supplement to this Code shall include all substantive permanent and general parts of ordinances passed by the city council during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement to this Code shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which 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, agency or organization 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); and

5. Make other nonsubstantive changes necessary to preserve the original meanings of ordinance sections inserted in 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.

Section 1.16 Official City Time.

Time referred to in ordinances, resolutions, rules and regulations of the city shall mean eastern standard time (or eastern daylight saving time, when applicable), and acts and deeds of commission prohibited after a named hour or before a named hour shall be held and made in any of the ordinances and regulations of the city, such rules, ordinances and regulations are hereby amended to provide that the time provided therein shall be and is hereby made eastern standard time in accordance with law.

Sections 1.17 - 1.20 Reserved.