

TITLE 1

General Provisions

Chapter 1 Use of Code and Penalties

CHAPTER 1

Use of Code and Penalties

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Sec. 1-1-1 How code designated and cited.

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

Sec. 1-1-2 Rules of construction.

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

(1) City. The words "the city" or "this city" shall be construed as if the words "of Sardis" followed.

(2) Computation of time. When a number of days is prescribed for the exercise of any privilege, or the discharge of any duty, only the first or last day shall be counted; and if the last day shall fall on Saturday or Sunday, the party having that privilege or duty, shall have through the following Monday to exercise that privilege or to discharge such duty.

(3) Council. The word "council" shall mean the Council of the City of Sardis.

(4) County. The words "the county" or "this county" shall mean the County of Burke.

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

(6) 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 this code imposes greater restrictions upon the subject matter than the general provision imposed by this code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

(7) Joint authority. All words giving a joint authority to three (3) or more persons or officers shall be construed as giving that authority to a majority of those persons or officers.

(8) Keeper and proprietor. The words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or as a servant, agent or employee.

(9) Limits or corporation. The words "limits" or "corporation," shall mean the corporate limits (legal boundary) of the city.

(10) Mayor. Whenever the word "mayor" is used it shall mean the Mayor of the City of Sardis.

(11) Month. The word "month" shall mean a calendar month.

(12) Municipality. Wherever the word "municipality" appears in this code, it shall mean the City of Sardis, Georgia.

(13) Name of officer. Whenever the name of an officer is given, it shall be construed as though the words "of the City of Sardis" were added.

(14) 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 any others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to that meaning.

(15) Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one (1) person and thing.

(16) Oath. The word "oath" includes affirmation. When an oath is required or authorized by law, an affirmation in lieu thereof may be taken. An affirmation has the same force and effect as an oath.

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

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

ADOPTING ORDINANCE

ALL ORDINANCE OF THE CITY OF SARDIS, GEORGIA, ADOPTING AND ENACTING A NEW CODE FOR SARDIS, GEORGIA; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE; PROVIDING CERTAIN PENALTIES; AND FOR OTHER PURPOSES.

The Mayor and Council of the City of Sardis, Georgia, hereby ordains:

Section 1. The document entitled "Code of the City of Sardis, Georgia," a copy of which accompanies this ordinance and is incorporated herein and made a part hereof, is hereby adopted and shall be treated and considered as a new and original comprehensive ordinance.

Section 2. All ordinances and resolutions of a general and permanent nature of this city enacted on final passage on or before April 15, 1983, and not in the code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided.

Section 3. The repeal provided for in section 2 hereof shall not affect 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 ordinance; nor shall this repeal affect any ordinance or resolution of the city promising or guaranteeing the payment of money by or to the city, or authorizing the issuance of any bonds of the city, or any evidence of the city's indebtedness, or any contract or obligation assumed by the city; nor shall this repeal affect any rights or franchise granted by any ordinance or resolution of the city to any person, firm or corporation; nor shall this repeal affect any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the city; nor shall this repeal affect the present annual appropriation of the city; nor shall this repeal affect any ordinance or resolution levying or imposing charges, fees or taxes now due or accrued; nor shall this repeal affect any zoning ordinance of the city or amendments thereto; nor shall this repeal be construed to revive any ordinance or resolution or part thereof that has been repealed by a subsequent ordinance or resolution which is repealed by this ordinance.

Section 4. The provisions appearing in this code, so far as they are the same as provisions of ordinances and resolutions existing at the time of the effective date of this code, are intended, and shall be considered as continuations thereof and not as new enactments.

Section 5. Any and all additions or amendments to the code, when passed in such form as to indicate the intention of the mayor and council to make the same a part thereof, shall be deemed to be incorporated into the code so that reference to "The Code of the City of Sardis, Georgia," shall be understood and intended to include such additions and amendments.

Section 6. A copy of the code shall be kept on file in the office of the city clerk, and preserved in loose-leaf form, or in such other form as the city clerk may consider most expedient. It shall be the express duty of the city clerk or someone authorized by the city clerk, to insert in their designated places all amendments, ordinances or resolutions which indicate the intention of the city governing authority to make those provisions a part of the code, when those provisions have been reprinted in page form, and to extract from the code all provisions which may be from time to time repealed. A copy of the code shall be available for all persons desiring to examine it and shall be considered the official code of the city.

Section 7. As pages of the code are replaced because the matter contained on them shall have been repealed, amended or otherwise shall have been superseded or rendered obsolete or inoperative, the city clerk shall retain copies of the pages of the code so superseded, rendered obsolete or otherwise rendered inoperative in a file so that the former provisions of the code may be readily available and easily found. The purpose of this section is to permit anyone desiring to do so to ascertain the precise status of any section of the code as of any given date.

Section 8. In case of the amendment of any section of the code for which a penalty is not provided, the general penalty as provided in the city charter or the code shall apply to the section as amended; or in case the amendment contains provisions for which a penalty, other than the aforementioned general penalty, is provided in another section in the same chapter, the penalty so provided in the other section shall be held to relate to the section so amended, unless the penalty is specifically repealed therein.

Section 9. It shall be unlawful for any person, firm or corporation to change or amend by additions or deletions, any part or portion of the code, or to insert or delete pages or portions thereof, or to alter or tamper with the code in any manner whatsoever which may cause the law of the city to be misrepresented thereby.

Section 10. All ordinances or parts of ordinances in conflict herewith are, to the extent of any conflict, hereby repealed.

(32) Written, in writing. "Written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

(33) Year. The word "year" shall mean a calendar year.

State Law Reference: Construction of statutes generally, OCGA, Secs. 1-3-1, 1-3-2.

Sec. 1-1-3 Catchlines of sections.

The catchlines of the several sections of this code are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of those sections nor as any part of the section, nor, unless expressly so provide, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Sec. 1-1-4 Severability of parts of code.

It is hereby 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 by the valid judgment of decree of any court of competent jurisdiction, that 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 mayor and council without the incorporation in this code of any such unconstitutional phrase, clause, sentence, paragraph or section.

Sec. 1-1-5 General penalty; continuing violations.

(a) 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 this code or in any ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of that provision of this code or that ordinance shall be punished by a fine of not less than \$25.00 and not to exceed \$1,000.00 or imprisonment for a term not exceeding 30 days, or work on the public streets or public works of the city for a term not exceeding six (6) months, subject to all limitations contained in the charter of the city. Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense.

(b) The infliction of a penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the city's charter or code. (Ord. dated March, 1994)

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

(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. Chapters, sections and subsections or any part thereof, repealed by subsequent ordinances, 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 these subsequent ordinances until such time that the code and subsequent ordinances numbered or omitted are readopted as a new code by the mayor and council.

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

(c) When necessary, sections and subsections to the code may be renumbered by the official codifier for the city to fulfill the intent of the governing body but all such changes shall be approved in advance by the city attorney.

Sec. 1-1-7 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 this code in any manner except by ordinance or other official act of the mayor and council which will cause the law of the city to be misrepresented thereby. Any person violating this section shall be punished as provided in section 1-1-5.

Cross Reference: Offenses, generally, Title 3, Chapter 2.

