

## CHAPTER 1

### GENERAL PROVISIONS

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### ARTICLE I. IN GENERAL.

#### Section 1.1                    Designations and Cites.

The provisions embraced in the following chapters and sections shall constitute and be designated "The Code of Ordinances of the City of Poulan, Georgia, 2000" and may be so cited.

#### Section 1.2                    Rules of Construction.

In the construction of this Code and all ordinances, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the Mayor and City Council:

a.     General Rule. All words and phrases shall be construed and understood 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 the law shall be construed and understood according to such peculiar and appropriate meaning.

b.     Gender - Singular and Plural. Every word in any code provision or ordinance importing the masculine gender shall extend to and be applied to females as well as males; and every word importing the singular number only shall extend and be applied to several persons or things as well as to one person or thing; and every word importing the plural number only shall extend and be applied to one person or thing as well as to several persons or things.

c.     Tenses. The use of any verb in the present tense shall include the future when applicable.

d. Joint Authority. All words purporting to give a joint authority to three or more City officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared in the law giving the authority.

e. Delegation of Authority. Whenever a provision requires the head of a department or other officer of the City to do some act or perform some duty, it shall be construed to authorize subordinates to do the required act or perform the required duty unless the terms of the provision designate otherwise.

f. Computation of Time. The time within which an act is to be done as provided in any code provision or ordinance or in any order issued pursuant to any ordinance, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day be a Sunday or a holiday it shall be excluded; and when any such time is expressed in hours the whole of Sunday, from midnight to midnight, shall be excluded.

g. Overlapping Provisions. Where any provision of this Code imposes greater restrictions upon the subject matter than any general provisions imposed by this Code, the provisions imposing the greater restriction or regulation shall be applicable.

**Section 1.3**                      **Definitions.**

Words and phrases used in this Code shall have the following meanings, unless otherwise specified.

*Advice and consent.* Whenever the term “advice and consent” of the City Council is used in this Code, it shall be construed to mean an affirmative vote of the majority of the entire City Council.

*City.* The words “the City” or “this City” shall mean the City of Poulan, Georgia.

*City Council, Council.* The words “City Council” or “the Council” shall mean the City Council of the City of Poulan, Georgia.

*Corporate limits.* “Corporate limits” shall mean the corporate limits of the City of Poulan, Georgia.

*Court.* “Court” shall mean the court providing by law for the punishment of offenders against the laws or ordinances of the City, whether the same shall be the Municipal Court now constituted or a court hereafter established pursuant to law.

*County.* Whenever the words “county,” “the county” or “this county” are used they shall refer to Worth County, Georgia.

*Governing authority, governing body.* The words “governing authority” or “governing body” shall mean the Mayor and City Council of the City of Poulan, Georgia.

*Legislative intent.* In all interpretations of this Code or of ordinances or resolutions, the courts shall look diligently for the intention of the Mayor and Council, keeping in mind at all times the old law, the evil, and the remedy. Grammatical errors shall not vitiate any provision, and a transposition of words and phrases may be resorted to when a clause or sentence is without meaning as it stands.

*Mayor.* The word “Mayor” shall mean the Mayor of the City of Poulan, Georgia.

*Mayor and Council.* “Mayor and Council” shall mean the Mayor and City Council of the City of Poulan, Georgia.

*Municipality.* The word “municipality” shall be construed as synonymous with the term “city,” “town,” or “municipal corporation.”

*Names or officers, departments.* The name or title of any officer or department shall be read as though the words “of the City of Poulan” 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.* 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 “affirm” and “affirmed” shall be equivalent to the words “swear” or “sworn.”

*Officer.* Officer shall be construed to mean those persons holding paid positions for the purpose of carrying out some of the responsibilities of the elected officials. Examples include Clerk, Treasurer, Marshall, City Attorney, Police.

*Or, and.* “Or” may be read “and” and “and” may be read as “or” if the sense requires it.

*Ordinance.* The word “ordinance” shall mean a legislative act of the municipal governing body of a general and permanent nature.

*Owner.* The word “owner,” when applied to a building or to land, shall include any part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety, of the whole or a 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.

*Preceding, following.* The words “preceding” and “following” shall mean next before and next after, respectively.

*Property.* The term “property” includes real, personal, and mixed estates and interests.

*Real Property.* The words “real property” shall include 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 greater restriction or regulation shall be deemed controlling.

*Signature or subscription.* The words “signature” or “subscription” include the mark of all illiterate or infirm persons.

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

*Street.* The word “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 ordinances amendatory thereof, 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.

*Writing.* Writing includes printing and all numerals, and also pictures, illustrations, and printed or written designs.

**Section 1.4**                      **Headings of Sections.**

The catch lines of the several sections of this Code, whether printed in boldface type or underlined, 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 catch lines, are amended or re-enacted.

**Section 1.5**                    **Effect of Repeal of Ordinances.**

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

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.

**Section 1.6**                    **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, invalid or unenforceable by the valid judgement 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.

**Section 1.7**                    **Amendments to Code; Effect of New Ordinance; Amendatory Language.**

All Ordinances passed subsequent to this Code or 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 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 of Ordinances and subsequent ordinances numbered or omitted are re-adopted as a new Code of Ordinances by the Mayor and Council.

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: "Section \_\_\_\_\_ of the Code of Ordinances, City of Poulan, Georgia, is hereby amended as follows: \_\_\_\_\_." The new provisions shall then be set out in full as desired.

In the event a new section not heretofore existing in the Code is to be added, the following language shall be used: "The Code of Ordinances, City of Poulan, Georgia, is hereby amended by adding a section (division, article, or chapter) to be numbered \_\_\_\_\_, which said section (division, article, or chapter) reads as follows: \_\_\_\_\_." The new section, division, article, or chapter shall then be set out in full as desired.

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.

**Section 1.8**                    **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 such Code in any manner whatsoever which will cause the law of the City of Poulan to be misrepresented thereby. Any person, firm, or corporation violating this section shall be punished as provided in Section 1.9 hereof.

**Section 1.9**                    **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, where no specific penalty is provided therefor, the violation of any such provision of this Code or an Ordinance shall be punished by a fine not exceeding \$1,000 and by imprisonment in the county jail not to exceed 90 days. Any one or more of these punishments may be inflicted, and the fines imposed therefor may be collected by execution. Each day any such violation shall continue shall be a separate offense.

**Sections 1.10 - 1.20**                    **Reserved.**