

## 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 the City of Pembroke, Georgia," and may be so cited. (Code 1974, Sec. 101)

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 city council:

- (1) City. The words "the city" or "this city" shall be construed as if the words "of Pembroke" 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 City Council of the city of Pembroke.
- (4) County. The words "the county" or "this county" shall mean the County of Bryan.

- (5) Delegation of authority. Whenever a provision of this code requires the head of a department of the city to do some act or perform some duty, it shall be construed to authorize the head of the department to designate, delegate, and authorize subordinates to do the required act or perform the required duty or unless the terms of the provision designate otherwise.
- (6) 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.
- (7) Governing authority, governing body. The words "governing authority or governing body" shall mean the City Council of the City of Pembroke, Georgia.
- (8) 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.
- (9) 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.
- (10) Keeper and proprietor. The words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs and co-partnerships, whether acting by themselves or as a servant, agent or employee.
- (11) Limits or corporation. The words "limits" or "corporation," shall mean the corporate limits (legal boundary) of the city.
- (12) Mayor. Whenever the word "mayor" is used it shall mean the Mayor of the City of Pembroke.
- (13) Month. The word "month" shall mean a calendar month.
- (14) Municipality. Wherever the word "municipality" appears in this code, it shall mean the City of Pembroke, Georgia.
- (15) Name of officer. Whenever the name of an officer is given, it shall be construed as though the words "of the City of Pembroke" were added.

- (16) Non-technical 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.
- (17) 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.
- (18) 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.
- (19) 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.
- (20) 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.
- (21) Personal property. "Personal property" includes every species of property except real property, as herein defined.
- (22) Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.
- (23) Property. "Property" includes real, personal and mixed estates and interests.
- (24) Public place. Public place shall mean any place including, but not limited to, buildings or conveyances to which the public has, or is permitted to have access, including restaurants, soda fountains, hotel dining rooms, lobbies and corridors of hotels, and any highway, street, lane, park or place of public resort or amusement.
- (25) Real property. "Real property" shall include lands, tenements and hereditaments.
- (26) 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.
- (27) Signature or subscription. "Signature" or "subscription" includes a mark

when the person cannot write.

- (28) State. The words "the state" or "this state" shall be construed to mean the State of Georgia.
- (29) Street. The word "street" shall be construed to embrace streets, avenues, boulevards, roads, public alleys, lanes, viaducts and all other public highways in the city.
- (30) Tenant or occupant. The words "tenant" or "occupant," applied to a building or land, shall include any person holding a written or oral lease of, or who occupies the whole or apart of, that building or land, either alone or with others.
- (31) Time. Words used in the past or present tense include the future as well as the past and present.
- (32) Week. The word "week" shall be construed to mean seven (7) days.
- (33) Written, in writing. "Written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.
- (34) Year. The word "year" shall mean a calendar year.

State Law Reference: Construction of statutes generally, O.C.G.A., 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 provided, 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 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, 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 city 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 not to exceed \$1,000 or imprisonment for a term not exceeding 60 days, or work on the public streets or public works of the city for a term not exceeding 60 days, 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.
- 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 city 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 city 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 9.

- Sec. 1-1-8     Effect of repeal of ordinances.  
    (a)     The repeal of an ordinance shall not revive any ordinances 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. (Code 1974, Sec. 1-104).
- Sec. 1-1-9     Provisions considered as continuation of existing ordinances.  
    The provisions appearing in this code, so far as they are the same as ordinances existing at the time of the effective date of this code, shall be considered as continuations thereof and not new enactments. (Code 1974, Sec. 1-106).