

GENERAL PROVISIONS

CODE

Chapter 1

GENERAL PROVISIONS

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

The ordinances included in the following chapters and sections shall constitute and be designated, the “Code of the City of Forsyth, Georgia,” and may be so cited. Such Code may also be cited as the “Forsyth City Code.”

Charter reference - General power and authority of the city council, § 2.16.

Sec. 1-2. General definitions and rules of construction.

(a) Unless otherwise indicated, the same rules shall be applied in construing this Code and other ordinances of the city as are applied in construing the statutes of the state, and the same meanings are to be given to words found in this Code and other ordinances as are given similar words found in the statutes of the state.

(b) This Code 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.

State law reference – Construction of statutes generally, O.C.G.A. § 1-3-1 et seq.

Sec. 1-3. Specific definitions and rules of construction.

In the construction of this Code and of all other ordinances of the city, the following definitions and rules shall apply, unless they are inconsistent with the manifest intent of the city council:

Council member. The term “council member” shall mean a member of the city council.

Charter. The word “charter” means the charter of the city as the same now exists or is hereafter amended.

City. The words “the city” or “this city” shall mean the City of Forsyth, Georgia.

City council. The terms “city council,” “council,” “mayor and council” or “mayor and council members” shall mean the City Council of the City of Forsyth, Georgia.

City limits; corporate limits. The words “city limits” or “corporate limits” shall mean the corporate limits or legal boundary of the city.

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Code. Wherever the term “Code” or “this Code” is used without further qualification, it shall mean the Code of the City of Forsyth, Georgia, as designated in Section 1-1.

Computation of time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given or such act is done shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.

County. The words “the county” or “this county” shall mean the County of Monroe in the State of Georgia.

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

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

Keeper; proprietor. The words “keeper” and “proprietor” shall mean the person owning, operating or otherwise in charge of the premises involved, whether acting by himself or through an agent or employee.

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 word importing the singular number may extend and be applied to several persons or things, as well as to one (1) person or thing; and a word imparting the plural number may extend and be applied to one (1) person or thing, as well as to several persons or things.

Oath. The word “oath” shall be construed to include an affirmation in all cases in which, by law, and 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.”

O.C.G.A. The letters “O.C.G.A.” when used in the text or footnotes in this Code, refer to and shall mean the Official Code of Georgia Annotated.

Officers, departments, etc. Whenever reference is made to a particular officer, department, board, commission or other agency, without further qualification, such reference shall be construed as if followed by the words “of the City of Forsyth, Georgia.”

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Official time standard. Whenever particular hours are referred to, the time applicable shall be official standard time or daylight saving time, whichever is in current use in the city.

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 herein defined.

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, school yard or open space adjacent thereto or any area available or accessible to the general public.

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

Residence. The term "residence" shall 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.

Seal. The term "seal" or "city seal" shall mean the corporate seal of the city.

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" or "this state" shall mean the State of Georgia.

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

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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.

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

Week. The word “week” shall mean seven (7) calendar days.

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

Year. The word “year” shall mean a calendar year.

Sec. 1-4. Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections nor as any part of such sections nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Sec. 1-5. Provisions of Code considered as continuations of existing ordinances.

The provisions appearing in this Code, so far as they are the same as those of the Code of Ordinances, City of Forsyth, Georgia, adopted July 10, 1967, and of ordinances adopted subsequent thereto, and included herein, shall be considered as continuations thereof and not as new enactments.

Sec. 1-6. Miscellaneous ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall affect:

- (1) Any ordinance promising or guaranteeing the payment of money by or for the city or authorizing the issuance of any bonds of the city or any evidence of the city’s indebtedness or any contract or obligations assumed by the city;
- (2) Any ordinance granting any franchise or right;
- (3) Any ordinance appropriating funds, levying or imposing taxes or relating to an annual budget;
- (4) Any ordinance annexing territory to the city;
- (5) Any ordinance authorizing, providing for or otherwise relating to any specific public improvement or making any assessment therefor;
- (6) Any ordinance relative to zoning or to zoning map changes or zoning or rezoning specific property;

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- (7) Any ordinance dedicating, accepting or approving any plat or subdivision or providing subdivision regulations.
- (8) Any ordinance adopted for purposes which have been consummated; or
- (9) Any ordinance which is temporary, although general in effect, or special, although permanent in effect;

and 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.

Sec. 1-7. Code does not affect prior offenses, rights, etc.

No change to this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, or any prosecution, suit or proceeding pending or any judgment rendered, on or before the effective date of this Code.

Sec. 1-8. 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 cause of action arising under the ordinance repealed.

Sec. 1-9. 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 or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity 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 Council without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Sec. 1-10. Amendments to Code.

- (a) 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 the City of Forsyth, Georgia, is hereby amended to read as follows: . ." The new provisions may then be set out in full as desired.
- (b) In the event a new section not heretofore existing in the Code is to be added, the following language may be used: "That the Code of the City of Forsyth, Georgia, is hereby amended by adding a section to be numbered ____, which section reads as follows: . ." The new section may then be set out in full as desired.

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- (c) All sections, articles, chapters or provisions of this Code intended to be repealed should be specifically repealed by section, article or chapter number, as the case may be.

Section 1-11. Supplementation of Code.

- (a) By contract or by municipal personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the Council. A supplement to the Code shall include all substantive permanent and general parts of ordinances adopted 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 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 replaced 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, non-substantive 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 non-substantive changes necessary to preserve the original meaning 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. 1-12. 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 except by ordinance or resolution or other official act of the City Council, which will cause the law of the city to be misrepresented thereby.

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Sec. 1-13. Duties of city clerk with respect to Code; availability of copy for public inspection.

A copy of this Code shall be kept on file in the Office of the City Clerk preserved in loose-leaf form, or in such other form as the City Clerk may consider most expedient. It shall be the duty of the City Clerk to insert in their designated places all amendments, ordinances, resolutions or motions which indicate the intention of the Council to make the same a part of this Code, when the same have been printed or reprinted in page form, and to extract from the Code all provisions which may be repealed from time to time by the Council. Such copy of the Code shall be available for all persons desiring to examine the same. The code shall also be posted on the city website for public access.

Sec. 1-14. General penalty; continuing violations; violations as nuisances.

- (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 such Code or 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 such provision of this Code or any such ordinance shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment in the city jail or such other place as the City Council may, from time to time, designate for not more than 180 days, or by both such fine and imprisonment. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.
- (b) In addition to the penalties hereinabove provided, 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. Each day that such condition continues shall be regarded as a new and separate offense.

Charter reference – Jurisdiction, powers, § 4.13.

State law reference – Confinement of violators of ordinances, O.C.G.A. § 36-30-8.