

TOWN OF GAY
TITLE 1
GENERAL PROVISIONS
Use of Code and Penalties

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

The ordinances embraced in the following chapters and sections shall constitute and be designated "Code of the Town of Gay, 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) *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.
- (2) *Council.* The word "council" shall mean the Council of the Town of Gay.
- (3) *County.* The words "the county" or "this county" shall mean the County of Meriwether.
- (4) *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.
- (5) *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.
- (6) *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.
- (7) *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.
- (8) *Limits or corporation.* The words "limits" or "corporation," shall mean the corporate limits (legal boundary) of the town.
 - (9) *Mayor.* Whenever the word "mayor" is used it shall mean the Mayor of the Town of Gay.
 - (10) *Month.* The word "month" shall mean a calendar month.
 - (11) *Municipality.* Wherever the word "municipality" appears in this code, it shall mean the Town of Gay, Georgia.
 - (12) *Name of officer.* Whenever the name of an officer is given, it shall be construed as though the words "of the Town of Gay" were added.
 - (13) *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.
 - (14) *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.
 - (15) *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.
 - (16) *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.
 - (17) *Person.* The word "person" shall extend and be applied to associations, firms, organizations, partnerships, corporations, trusts and/or companies as well as to individuals.
 - (18) *Personal property.* "Personal property" includes every species of property except real property, as herein defined.
 - (19) *Preceding, following.* The words "preceding" and "following" mean next before and next after, respectively.
 - (20) *Property.* "Property" includes real, personal and mixed estates and interests.
 - (21) *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.
 - (22) *Real property.* "Real property" shall include lands, tenements and hereditaments.
 - (23) *Shall.* The word "shall" is mandatory, not directory.
 - (24) *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.
 - (25) *Signature or subscription.* "Signature" or "subscription" includes a mark when the person cannot write.

- (26) *State*. The words "the state" or "this state" shall be construed to mean the State of Georgia.
- (27) *Street*. The word "street" shall be construed to embrace streets, avenues, boulevards, roads, public alleys, lanes, viaducts and all other public highways in the town.
- (28) *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 a part of, that building or land, either alone or with others.
- (29) *Time*. Words used in the past or present tense include the future as well as the past and present.
- (30) *Town*. The words "the town" or "this town" shall be construed as -if the words "of Gay" followed.
- (31) *Week*. The word "week" shall be construed to mean seven (7) days.
- (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, 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 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 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 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) Any violation of this Code, unless otherwise specified, shall be subject to the limitations specified in state law for city ordinance violations and misdemeanors, which shall be subject to a maximum penalty of up to a \$1,000.00 fine and up to six (6) months in jail for each offense. Each day that a violation of this code continues to occur shall be considered as a continuing violation and shall be subject to a separate offense for each day of the violation. **(Repealed and replaced 8/19/21)**
- (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 were called for or permitted under the provisions of the town'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 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 town to fulfill the intent of the governing body but all such changes shall be approved in advance by the town attorney.

Sec. 1-1-7 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 this code in any manner except by ordinance or other official act of the mayor and council which will cause the law of the town 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 Reading of ordinances. (Added to Title 1 as of 06/09/2008)

- (a) Each ordinance shall be read at two (2) consecutive meetings of the city council, except an emergency ordinance, which shall be defined as an ordinance required to meet a public emergency affecting life, health, property or public peace. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally except that it shall be plainly designated as an emergency ordinance and shall contain a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance shall automatically stand repealed seventy (70) days following the date upon which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance of the same manner specified in this section for adoption of emergency ordinances.
- (b) Reading of the ordinance shall consist of the reading of the title or caption of the ordinance at the meeting at which the ordinance is introduced and reading of the title or caption of the ordinance at the meeting at which the vote to adopt or reject the ordinances is taken, at either such meeting, the reading of the entire ordinance shall be required when ordered by the mayor or by a majority of the members voting therefor.
- (c) An ordinance may be amended, corrected or revised or a substitute ordinance introduced and amended, corrected or revised at any time after the first reading but prior to the vote on its adoption or rejection.