ORDINANCE NO. 2024-August 5th

AN ORDINANCE AMENDING THE TOWN CODE OF THE TOWN OF OCHLOCKNEE BY ADOPTING A NEW ADMINISTRATION ORDINANCE; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS, the Town of Ochlocknee desires to conduct the business of the Town and provide services to its citizens in the most efficient and effective manner possible; and

WHEREAS, in order to achieve the highest degree of efficiency in the administrative functions of the Town and carrying out services to its citizens, it is necessary to make certain amendments to the Code of Ordinances of the Town of Ochlocknee;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Ochlocknee, and it is hereby ordained by authority of the same:

Section 1. An Administration Ordinance, a copy of which is attached hereto as "Exhibit A," is hereby adopted.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SO ORDAINED, this 5 day of August, 2024.

TOWN OF OCHLOCKNEE

By: Ronell Searcy
Mayor, Ronell Searcy

Attest: Ashley Love
Clerk, Ashley Love

(SEAL)

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 "Code of Ordinances of the Town of Ochlocknee, Georgia," 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 Town 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 Town 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 Town 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. Except as otherwise provided by time period computations specifically applying to other laws, when a period of time measured in days, weeks, months, years, or other measurements of time except hours is prescribed for the exercise of any privilege or the discharge of any duty, the first day shall not be counted, but the last day shall be counted; and, if the last day falls on Saturday or Sunday, the party having such privilege or duty shall have through the following Monday to exercise the privilege or to discharge the duty. When the last day prescribed for such action falls on a public and legal holiday as set forth in O.C.G.A. § 1-4-1, the party having the privilege or duty shall have through the next business day to exercise the privilege or to discharge the duty. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

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 Town Council is used in this Code, it shall be construed to mean an affirmative vote of the majority of the entire Town Council.

Town . The words "the Town" or "this Town" shall mean the Town of Ochlocknee, Georgia.

Town Council, Council. The words "Town Council" or "the Council" shall mean the Town Council of the Town of Ochlocknee, Georgia.

Corporate limits. "Corporate limits" shall mean the corporate limits of the Town of Ochlocknee, Georgia.

Court. "Court" shall mean the court providing by law for the punishment of offenders against the laws or ordinances of the Town, 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 Thomas County, Georgia.

Governing authority, governing body. The words "governing authority" or "governing body" shall mean the Mayor and Town Council of the Town of Ochlocknee, Georgia.

Keeper and proprietor. The words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, receivers, trustees, personal representatives, clubs, and partnerships, whether acting by themselves or through a servant, agent, or employee.

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 Town of Ochlocknee, Georgia.

Mayor and Council. "Mayor and Council" shall mean the Mayor and Town Council of the Town of Ochlocknee, Georgia.

Month. The word "month" shall mean a calendar month.

Municipality. The word "municipality" shall be construed as synonymous with the term "Town," "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 Town of Ochlocknee" 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 "swear" and "sworn" shall be equivalent to the words "affirm" or "affirmed."

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, Town 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.

Personal property. The words "personal property" shall include every species of property except real property.

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.

Public place. The term "public place" shall mean any park, cemetery, schoolyard, or open space adjacent thereto, or any area available and/or accessible to the public, regardless of whether privately or publicly owned.

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.

Residence. The word "residence" shall be construed to 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. When a person eats at one place and sleeps at another, the place where such person sleeps shall be deemed his residence.

Schedule of fees and charges. The term "schedule of fees and charges" shall mean the official consolidated list maintained in the Town Clerk's office which lists rates for utility or other public enterprises, fees of any nature, deposit amounts, and various charges as determined from time to time by the Town Council.

Seal. The word "seal" shall mean the Town seal.

Shall, may. "Shall" is mandatory; "may" is permissive.

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 Town , 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.

Week. The word "week" shall be construed to mean a calendar week of seven days.

Written or in writing. The words "written" or "in writing" shall include printing and any other mode of representing words and letters.

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

Year. The word "year" shall mean a calendar year.

Section 1.4 **Headings of Sections**.

The catchlines 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 catchlines, are amended or re-enacted.

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

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

b. The repeal of an ordinance shall not affect any right accrued or offense committed or 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 **Ordinances Not Affected by Code**.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

a. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective of this Code.

b. Any ordinance or resolution promising or guaranteeing the payment of money for the Town or authorizing the issuance of any bonds of the Town or any evidence of the Town 's indebtedness.

c. Any contract or obligation assumed by the Town.

d. Any ordinance fixing the salary of any Town officer or employee.

e. Any right or franchise granted by the Town.

f. Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the Town.

g. Any appropriation ordinance.

h. Any ordinance which, by its own terms, is effective for a stated or limited term.

i. Any ordinance providing for local improvements and assessing taxes therefor.

j. Any zoning ordinance.

k. Any ordinance dedicating or accepting any subdivision plat or adopting

subdivision regulations.

l. Any ordinance describing or altering the boundaries of the Town.

m. The administrative ordinances or resolutions of the Town not in conflict or inconsistent with the provisions of this Code.

n. Any ordinance levying or imposing taxes not included in this Code.

o. Any ordinance establishing or prescribing street grades in the Town.

No such ordinance shall be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this chapter. 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.

Section 1.7 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 1.8 Amendments to Code; Effect of New Ordinance; Amendatory Language.

a. 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 chapter, 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.

b. 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 Ordinances, Town of Ochlocknee, Georgia, is hereby amended as follows: _____." The new provisions shall then be set out in full as desired.

c. In the event a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Code of Ordinances, Town of Ochlocknee, 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.

d. 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 1.9 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 Town of Ochlocknee to be misrepresented thereby, unless so authorized by ordinance or resolution or other official act of the Town Council. Any person, firm, or corporation violating this section shall be punished as provided in Section 1.10 hereof.

Section 1.10 General Penalty; Continuing Violations.

a. Whenever in this Code or in any ordinance of the Town any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Code or any ordinance the doing of an act is required and the failure to do such act is declared to be unlawful, and no specific penalty is provided therefor, and unless otherwise provided by state law, the violation of any such provision of this Code or any such ordinance shall be punished by a fine not exceeding $1,000 and imprisonment in the Town or county jail and work and labor on the streets or public works of the Town, whether within or without the corporate limits not exceeding 180 days, or both a fine and sentence of imprisonment and labor and all sentences may be in the alternative and fines may be imposed with the alternative of sentence to imprisonment and labor if the fines are not paid. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

b. The judge of the Municipal Court shall have the power and authority to:

1. Impose upon persons convicted in the Municipal Court the fines provided for in this Code, the ordinances of the Town, or as otherwise provided by law, with the alternative of other punishment allowed by law, if such fines are not paid;

2. Sentence such person to community service work; or

3. Impose a sentence consisting of any combination of the penalties provided for in this section.

c. The judge of the Municipal Court shall have full power and authority to declare the forfeiture of bonds given by offenders for their appearance before the Municipal Court upon the offender's failure to appear as provided for in such bond. The procedure for the forfeiture of such bonds shall be as is provided for the forfeiture of bonds and recognizance set forth in O.C.G.A. § 17-6-70, et seq.

Section 1.11 - 1.20 **Reserved.**