

CHAPTER 1: GENERAL PROVISIONS

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Section 1-101 How Code Designated and Cited

The provisions embraced in the following chapters and sections shall constitute and be designated "The Code of the Town of Maxeys, Georgia, 2006," and may be so cited.

Section 1-102 Rules of Construction

In the construction of this Code and of all sections, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the Mayor and Town Council.

- 1. 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.
- 2. Gender - Singular and Plural.** Every word in any code provision or section 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.
- 3. Tenses.** The use of any verb in the present tense shall include the future when applicable.
- 4. Joint Authority.** All words purporting to give a joint authority to three (3) 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.
- 5. Delegation of Authority.** Whenever a provision requiring 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.
- 6. Computation of Time.** The time within which an act is to be done as provided in any code provision or section or in any order issue pursuant to any section, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day is a Saturday, Sunday or a legal 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. When the period of time prescribed is less than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.
- 7. Overlapping Provisions.** Where any provision of this Code imposes greater restrictions upon the subject matter than any general provisions imposed by this Code, the provision imposing the greater restriction or regulation shall be applicable.

Section 1-103 Definitions

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

1. **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.
2. **County.** The words "the county" or "this county" shall mean Oglethorpe County, Georgia.
3. **Court.** The word "court" shall mean the Municipal Court of the Town.
4. **Governing Authority, Governing Body.** The words "governing authority" or "governing body" shall mean the Mayor and Town Council of the Town of Maxeys, Georgia.
5. **Judge or Recorder.** The words "judge" or "recorder" shall mean the Judge of the Municipal Court of the Town.
6. **Mayor.** The word "mayor" shall mean the Mayor of the Town of Maxeys, Georgia.
7. **Mayor and Town Council.** The term "mayor and town council" shall mean the Mayor and Town Council of the Town of Maxeys, Georgia.
8. **Misdemeanor.** The term "misdemeanor" shall mean a violation of the state criminal law punishable by a fine not in excess of one thousand dollars (\$1,000.00) or confinement in a county or other jail for a term not exceeding twelve (12) months, or by both such fine and imprisonment.
9. **Municipality.** The word "municipality" shall be construed as synonymous with the term "city," "town," or "municipal corporation."
10. **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."
11. **Ordinance.** The word "ordinance" shall mean a legislative act of the municipal governing body of a general and permanent nature.
12. **Owner.** The word "owner" when applied to a building or to land, shall include any part owner, joint owner, tenant in common, joint tenant by the entirety, of the whole or a part of such building or land.
13. **Person.** The word "person" shall include a corporation, firm, agency, partnership, association, organization, government, and any other group acting as a unit, as well as an individual.
14. **Personal Property.** The term "personal property" shall include every specie of property except real property, as hereinafter defined.
15. **Preceding, Following.** The words "preceding" and "following" shall mean next before and next after, respectively.
16. **Property.** The term "property" means anything of value, including but not limited to real estate, tangible and intangible personal property, contract rights, services, choices in action, and other interests in or claims to wealth admission or transportation tickets captured or domestic animals, food and drink, and electric or other power.
17. **Real Property.** The words "real property" shall include lands, tenements, and hereditaments.
18. **Reasonable Time or Notice.** Reasonable time or notice shall be deemed to mean only such time as may be necessary for the prompt performance or the act required.
19. **Resolution.** The word "resolution" shall mean a legislative act of the municipal governing body of a special or temporary character.
20. **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 the pedestrians, but shall not include any unimproved areas between the curb line and improved walkways.
21. **Signature, Subscription.** The word "signature" or "subscription" shall include a mark intended as such when the person cannot write.
22. **State.** The words "state" or "this state" shall mean the State of Georgia.
23. **Street.** The word "street" shall mean and include any public way, road, highway, street, avenue, boulevard, parkway, alley, viaduct or bridge, and the approach thereto, within the Town.
24. **Tenant or Occupant.** The word "tenant" or "occupant," when applied to a building or to land, shall include any person holding a written or oral lease of, or who occupies the whole or a part of such building or land, either alone or with others.
25. **Town.** The words "the Town" or "this Town" shall mean the Town of Maxeys, Georgia.

- 26. **Town Council, Council.** The words "Town Council" or "the Council" shall mean the Town Council of the Town of Maxeys, Georgia.
- 27. **Week.** The word "week" shall mean seven (7) calendar days.
- 28. **Writing or Written.** The words "writing" and "written" shall include printing and any other mode of representing words and letters.
- 29. **Year.** The word "year" shall mean a calendar year.

Section 1-104 Section Headings

The underlined headings of the several sections and subsections of this Code are intended as mere captions to indicate the contents of the section or subsection and shall not be deemed or taken to be titles of such sections, nor as any part of the section or subsection, nor unless so expressly provided, shall they be so deemed when any of such sections or subsections, including the headings, is amended or re-enacted.

Section 1-105 Effect of Repeal or Expiration of Code Section or Ordinance

- 1. The repeal of a code section or ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued or any offense committed, any penalty or punishment incurred, or any proceeding commenced before the repeal took effect or the ordinance expired.
- 2. When any ordinance repealing a former code section, ordinance, clause or provision, shall be itself repealed, such repeal shall not be construed to revive such former code section, ordinance, clause, or provision, unless it shall be expressly so provided.

Section 1-106 Amending Code

- 1. All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code shall be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed chapters, sections, and subsections or any part thereof, by subsequent ordinances, such repealed portions 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 such subsequent ordinances until such time as the Code and subsequent ordinances omitted are readopted as a new Code by the Town Council.
- 2. Amendments to any of the provisions of this Code may be made by specific reference to the section number of this Code in the following language: "That section of the Code of Ordinances, Town of Maxeys, Georgia 2006, is hereby amended to read as follows" The new provisions may then be set out in full as desired.
- 3. In the event a new section not heretofore existing in the Code is to be added, the following language may be used. "The Code of Ordinances of the Town of Maxeys, Georgia 2006, is hereby amended by adding a section (or subsection chapter) to be numbered, which section reads as follows" The new provision shall then be set out in full as desired.
- 4. All sections, chapters, or provisions sought to be repealed must be specifically repealed by section, chapter, or provision number, as the case may be.

Section 1-107 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, except by ordinance or resolution or other official act of the Mayor and Town Council.

Section 1-108 Severability

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 otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Code.

Section 1-109 Penalty Where No Penalty Provided

1. Whenever in this Code or in any ordinance of the Town any act is prohibited or is declared to be unlawful, or whenever in such Code or ordinance the doing of any act is declared to be unlawful, and no specific penalty is provided therefore, the violation of such provision of this Code or any ordinance shall subject the person committing the violation to a fine not exceeding one hundred dollars (\$100.00) and costs or to imprisonment for a term not exceeding ten (10) days, or to both such fine and imprisonment, any or all of such penalties to be imposed at the discretion of the Judge of the Municipal Court.
2. 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 Town's Charter or Code.

Section 1-110 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:

1. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code.
2. 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.
3. Any contract or obligation assumed by the Town.
4. Any ordinance fixing the salary of any Town officer or employee.
5. Any right or franchise granted by the Town.
6. Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the Town.
7. Any appropriation ordinance.
8. Any ordinance which, by its own terms, is effective for a stated or limited term.
9. Any ordinance providing for local improvements and assessing taxes therefor.
10. Any zoning ordinance.
11. Any ordinance dedicating or accepting any subdivision plat.
12. Any ordinance describing or altering the boundaries of the Town.
13. The administrative ordinances or resolutions of the Town not in conflict or inconsistent with the provisions of this Code.
14. Any ordinance levying or imposing taxes not included in this Code.
15. Any ordinance establishing or prescribing street grades in the Town.
16. Any ordinance setting the rate of ad valorem taxes.

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; 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.