

## Chapter 1

### GENERAL PROVISIONS\*

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\***State law references**--Municipal home rule, Ga. Const. art. 9, sec. 2, par. 2; O.C.G.A. § 36-35-1 et seq.; exemplification of municipal minutes and other records, O.C.G.A. § 24-7-21; authority to adopt ordinances, resolutions or regulations, O.C.G.A. § 36-35-3.

Section 1-1      How Code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated "The Code of Thomasville, Georgia," and may be so cited.  
(Code 1958, § 1-1)

Section 1-2      Definitions and rules of construction.

In the construction of this Code and of all ordinances of the city, the following definitions and rules of construction shall be observed, unless it shall be otherwise expressly provided in any section or ordinance, or unless inconsistent with the manifest intent of the city council, or unless the context clearly requires otherwise:

*Charter* means the charter of the City of Thomasville, Georgia, as printed in Part I of this volume.

*City*. The words "the city" or "this city" shall mean the City of Thomasville, Georgia.

*Code* means the Code of Ordinances, City of Thomasville, Georgia, as designated in section 1-1.

*Corporate limits* means the legal boundary of the City of Thomasville, Georgia.

*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, the party having the privilege or duty shall have through the next business day to exercise the privilege or to discharge the duty.

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*Council, city council* mean the city council of the city.

*County.* The words "the county" or "this county" shall mean Thomas County, Georgia, unless otherwise indicated.

*Days.* The word "days" shall mean calendar days unless otherwise provided and "days" shall mean from 12:00 midnight until the following 12:00 midnight.

*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 find to firms, partnerships and corporations as well as to males or any other legal entity when applicable under federal or state law.

*Governor* means the Governor of Georgia.

*Joint authority.* All words giving joint authority to three (3) or more persons or owners shall be construed as giving such authority to a majority of such persons or officers.

*Keeper and proprietor* mean and include persons, firms, associations, corporations, clubs and partnerships, whether acting by themselves or as a servant, agent or employee.

*Mayor* means the mayor of the City of Thomasville, Georgia.

*Month* means 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.* Words used in the singular include the plural and the plural includes the singular number.

*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" and "affirmed."

*O.C.G.A.* means the Official Code of Georgia Annotated, as amended.

*Officers, departments, boards, etc.* Whenever reference is made to any officer, department, board, council, commission or other municipal agent, agency or representative, such reference shall be construed as if followed by the words "of the City of Thomasville," except as otherwise provided in this Code.

*Or, and.* "Or" may be read "and," and "and" may be read "or" if the sense requires it.

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*Other officials or officers.* Whenever reference is made to officials, boards, commissions, departments, council, etc., by title only, i.e., "city clerk," "chief of police," etc., they shall be deemed to refer to the officials, boards, commissions, departments, council, etc., of the City of Thomasville, Georgia.

*Owner,* applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such building or land.

*Person* includes a corporation, firm, partnership, association, organization and any other legal entity acting as a unit, as well as an individual.

*Personal property* includes every species of property except real property as defined in this section.

*Plural, singular.* Words importing the singular shall include the plural, and words importing the plural shall include the singular.

*Preceding, following* mean next before and next after, respectively.

*Property* includes real and personal property.

*Real property* includes lands, tenements and hereditaments.

*Residence* means 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 (1) place and sleeps at another, the place where such person sleeps shall be deemed his residence.

*Right-of-way* means land that is dedicated or otherwise legally established for public use.

*Roadway* means that portion of a street improved, designed or ordinarily used for vehicular traffic.

*Shall; may.* The word "shall" is always mandatory and not merely directory; "may" is permissive.

*Sidewalk* means any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians.

*Signature or subscription* includes a mark when the person cannot write.

*State* means the State of Georgia.

*Street* means and includes any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, bridge and the approaches thereto within the city.

*Tenant or occupant* applied to a building or land, shall include any person who occupies the whole or part of such building or land, whether alone or with others.

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

*Title of office.* The title of any office shall be construed to include the words, "of the City of Thomasville, Georgia."

*Writing, written* include printing and any other mode of representing words and letters.

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*Year* means calendar year.

(Code 1958, § 1-2)

**State law references**--Computation of time, O.C.G.A. § 1-3-1; construction of definitions O.C.G.A. § 1-3-2; meaning of certain words, O.C.G.A. § 1-3-3.

Section 1-3 Catchlines of sections.

The catchlines of sections in this Code, printed in boldface type, italics or otherwise, 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 reenacted. The history notes appearing in parentheses after each section and the references and editor's notes scattered throughout the Code are for the benefit of the user of the Code and shall have no legal effect.

(Code 1958, § 1-3)

Section 1-4 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. In the case of repealed chapters, sections or 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 that this Code and subsequent ordinances numbered or omitted are re-adopted as a new Code of Ordinances by the city council.

(b) Amendments to any of the provisions of this Code shall 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 Thomasville, Georgia, is hereby amended to read as follows: . . .  
." The new provisions shall then be set out in full.

(c) If a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Code of Thomasville, Georgia, is hereby amended by adding a section (or article or chapter) to be numbered \_\_\_\_\_, which said section (or article or chapter) reads as follows: . . . ." The new section (or article or chapter) shall then be set out in full.

(d) All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be.

(Code 1958, § 1-4)

Section 1-5 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. Any person violating this section shall be punished as provided in section 1-6.

(Code 1958, § 1-5)

**State law reference**--Altering, falsifying or stealing public records unlawful, O.C.G.A. § 45-11-1.

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Section 1-6 Penalty for violation of Code; continuing violations.

Where no other penalty is provided, any person convicted of violating any provision of this Code shall be punished by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment for any time not exceeding six (6) months (only thirty days of which may be served in confinement). Any one (1) or more of these punishments may be imposed for the same offense. In all cases where penalties or forfeitures are provided for any act or omission, they shall be held to apply to each and every such act or omission, and when such act or omission is of a continuing character, they shall apply to each and every day's continuance thereof.

(Code 1958, § 1-6)

**State law references**--Penalty to be imposed in certain criminal and traffic cases and upon violation of bond, O.C.G.A. § 15-21-73; authority to confine persons convicted of violating ordinances, O.C.G.A. § 36-30-8; punishments authorized, O.C.G.A. § 36-32-1(c); limitations on home rule powers, O.C.G.A. § 36-35-6; revenues collected from fines and fees, O.C.G.A. § 47-17-60 et seq.

Section 1-7 Effect of repeal or expiration of ordinances.

(a) The repeal of an ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued, any offense committed, any penalty or punishment incurred on any proceeding commenced before the repeal took effect or the ordinance expired.

(b) When an ordinance which repealed another shall itself be repealed, the previous ordinance shall not be revived without express words to that effect.

Section 1-8 Provisions considered as continuations of existing ordinances.

The provisions appearing in this Code, so far as they are the same as ordinances adopted prior to this Code and included in this Code, shall be considered as continuations thereof and not as new enactments.

Section 1-9 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 city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness;
- (3) Any contract or obligation assumed by the city;
- (4) Any ordinance fixing the salary of any city officer or employee;
- (5) Any right or franchise granted by the city;
- (6) Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the city;

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- (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 city;
- (13) The administrative ordinances or resolutions of the city not in conflict or inconsistent with the provisions of this Code;
- (14) Any ordinance levying or imposing taxes not included herein;
- (15) Any ordinance establishing or prescribing street grades in the city;
- (16) Any personnel ordinance;

nor shall such ordinance 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 herein.

Section 1-10 Supplementation of Code.

(a) Supplements to this Code shall be prepared on a regular basis. A supplement to the Code shall include all substantive, permanent and general parts of ordinances passed by the City Council during the period covered by the supplement and all changes made thereby in the Code. Supplementation shall be accomplished so that the Code will be current through the date of the adoption of the latest ordinance included in the supplement, and such supplementation of the Code may be accomplished by electronic media.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code as published on the City of Thomasville website.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal nonsubstantive 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,

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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 nonsubstantive changes necessary to preserve the original meanings 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.

(2001 (1-10), Amended, 03/26/2001)

Section 1-11 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, such 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.