

# TITLE I: GENERAL PROVISIONS

## Chapter 10 – General Provisions



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**Chapter 10**

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### **CHAPTER 10: GENERAL PROVISIONS**

Section

10.01	Title of code
10.02	Interpretation
10.03	Application to future ordinances
10.04	Construction of code
10.05	Rules of interpretation; definitions
10.06	Severability
10.07	Reference to other sections
10.08	Reference to offices; name designations
10.09	Errors and omissions
10.10	Reasonable time
10.11	Repeal or modification of code section
10.12	Limitation periods
10.13	Ordinances unaffected
10.14	Ordinances which amend or supplement code
10.15	Section histories; statutory references
10.16	Preservation of penalties, offenses, rights and liabilities
10.99	General penalty

#### **§ 10.01 TITLE OF CODE**

All ordinances of a permanent and general nature of the county, as revised, codified, rearranged, renumbered and consolidated into component codes, titles, chapters and sections, shall be known and designated as the “The Code of Pike County, Georgia,” for which designation “Code of Ordinances,” “Codified Ordinances” or “Code” may be substituted. Code title, chapter and section headings do not constitute any part of the law as contained in the code.

#### **§ 10.02 INTERPRETATION**

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition and application shall govern the interpretation of this code as those governing the interpretation of state law.

#### **§ 10.03 APPLICATION TO FUTURE ORDINANCES**

All provisions of Title I compatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

#### **§ 10.04 CONSTRUCTION OF CODE**

(A) This code is a codification of previously existing laws; amendments thereto and newly enacted laws. Any previously existing law or amendment thereto reenacted by this code shall continue in operation and effect, as if it had not been repealed by this code. All rules

and regulations adopted under laws reenacted in this code shall remain in full force and effect unless repealed or amended subsequent to the enactment of this code.

- (B) Any appropriation repealed and reenacted by this code is continued only for the period designated in the original enactment of that appropriation.
- (C) The numerical order and position of sections in this code does not resolve a conflict between two or more sections.
- (D) Any irreconcilable conflict between sections shall be resolved by reference to the dates that the sections were originally enacted. The section most recently enacted supersedes any conflicting section or division.
- (E) All references within a section of this code to any section of previously existing laws refer to the numbers in the original enactment.
- (F) (1) The numerical designations and descriptive headings assigned to the various titles, chapters, subchapters or sections of this code, as originally enacted, or as added by amendment, are not law, and may be altered by the compilers of this or any subsequent codification, in any official publication, to more clearly indicate its content. These descriptive headings are for organizational purposes only and do not affect the meaning, application or construction of the law they precede.  
(2) Each note following a section of this code is for reference purposes only and is not a part of the section.
- (G) All references to any section of this code refer to all subsequent amendments to that section unless otherwise provided.

#### **§ 10.05 RULES OF INTERPRETATION; DEFINITIONS**

##### (A) Rules of interpretation.

This code shall be construed by the following rules unless the construction is plainly repugnant to the legislative intent or context of the provision.

- (1) Words and phrases shall be taken in their plain, ordinary and usual sense. Technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.
- (2) Words imputing joint authority to three or more persons shall be construed as imputing authority to a majority of persons, unless otherwise declared in the section giving the authority.
- (3) Where a section requires an act to be done which, by law, an agent or deputy may perform in addition to the principal, the performance of the act by an authorized deputy or agent is valid.
- (4) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

##### (B) Definitions.

For the purpose of this code of ordinances, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) COUNTY. Pike County, Georgia.
- (2) HIGHWAY. Bridges, roads and streets unless otherwise expressly provided.
- (3) MONTH. One calendar month.

- (4) PERSON. Extends to and includes person, persons, firm, corporation, co-partnership, trustee, lessee or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms PERSON or WHOEVER as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.
- (5) PRECEDING and FOLLOWING. When referring to sections or divisions in this code, the sections or divisions next following or next preceding that in which the words occur, unless some other section is designated.
- (6) WRITTEN and IN WRITING.
  - (a) Printing, lithographing or other modes of representing words and letters.
  - (b) Where the written signature of a person is required, the terms mean the proper handwriting of the person or the person's mark.
- (7) YEAR. One calendar year unless otherwise expressly provided.

**§ 10.06 SEVERABILITY**

- (A) If any section of this code now enacted or subsequently amended or its application to any person or circumstances is held invalid, the invalidity does not affect other sections that can be given effect without the invalid section or application.
- (B) Except in the case of a section or amendment to this code containing a non-severability provision, each division or part of every section is severable. If any portion or application of a section is held invalid, the invalidity does not affect the remainder of the section unless:
  - (1) The remainder is so essentially and inseparably connected with and so dependent upon the invalid provision or application that it cannot be presumed that the remainder would have been enacted without the invalid provision or application; or
  - (2) The remainder is incomplete and incapable of being executed in accordance with the legislative intent without the invalid provision or application.
- (C) This section applies to every section of this code regardless of whether a section was enacted before or after the passage of this code.

**§ 10.07 REFERENCE TO OTHER SECTIONS**

Whenever in one section, reference is made to another section hereof, reference shall extend and apply to the section referred to as subsequently amended, revised, recodified or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

**§ 10.08 REFERENCE TO OFFICES; NAME DESIGNATIONS**

- (A) Reference to offices. Reference to a public office or officer shall be deemed to apply to any office, officer or employee of the county exercising the powers, duties or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.
- (B) Name designations. Whenever any ordinance or resolution of the Council refers to any board, bureau, commission, division, department, officer, agency, authority or instrumentality of any government, and that name designation is incorrectly stated; or at the time of the effective date of that ordinance or subsequent thereto, the rights, powers, duties or liabilities placed with that entity are or were transferred to a different entity; then the named board, bureau, commission, department, division, officer, agency, authority or instrumentality, whether correctly named in the ordinance at its effective date or not, means

that correctly named entity, or the entity to which the duties, liabilities, powers and rights were transferred.

**§ 10.09 ERRORS AND OMISSIONS**

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected and the word or words supplied, omitted or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

**§ 10.10 REASONABLE TIME**

- (A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.
- (B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be a Saturday, Sunday or a state holiday, it shall be excluded.

**§ 10.11 REPEAL OR MODIFICATION OF CODE SECTION**

When a section of this code is repealed which repealed a former section or law adopted prior to the enactment of this code, the former section or law is not revived unless it so expressly provides. The repeal of any section shall not extinguish or release any penalty, forfeiture or liability incurred under the section unless the repealing section so expressly provides. The section shall be treated as still remaining in force for the purposes of sustaining any proper action or prosecution for the enforcement of the penalty, forfeiture or liability.

**§ 10.12 LIMITATION PERIODS**

The running of any period of limitations or any requirement of notice contained in any law, whether applicable to civil causes or proceedings, to the prosecution of offenses or for the recovery of penalties and forfeitures, contained in a law repealed and reenacted by this code shall not be affected by the repeal and reenactment. All suits, proceedings and prosecutions for causes arising or acts committed prior to the effective date of this code may be commenced and prosecuted with the same effect as if this code had not been enacted.

**§ 10.13 ORDINANCES UNAFFECTED**

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

#### **§ 10.14 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE**

- (A) If the legislative body shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.
- (B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of the chapter or section. In addition to the indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.
- (C) The Official Code of Pike County, Georgia shall be promptly updated upon the adoption of any ordinance that amends or supplements the code. The updates shall be made on a monthly basis. Updates shall be promptly provided to all individuals or entities that are provided with copies of The Code of Pike County, Georgia for use as an Official or Employee of Pike County, Georgia. In order to effectuate the updates, the hard copy versions of the Code and /or the flash/jump/thumb drive versions that are in the possession of the so authorized individuals or entities shall be made available to those implementing the updates to The Code and returned to the individual/entities immediately upon completion of the update. Updates to flash/jump/thumb drive versions of The Code may, however, be provided electronically. The website of Pike County shall also be updated monthly with the most current version of The Code.

#### **§ 10.15 SECTION HISTORIES; STATUTORY REFERENCES**

- (A) As histories for the code sections, the specific number and passage date of the original ordinance, and the most recent three amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-60; Am. Ord. 15, passed 1-1-70; Am. Ord. 20, passed 1-1-80; Am. Ord. 25, passed 1-1-85)
- (B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (Ga. Code, § 50-18-70) (Ord. 10, passed 1-17-80; Am. Ord. 20, passed 1-1-85)
- (2) If a statutory cite is set forth as a “statutory reference” following the text of the section, this indicates that the reader should refer to that statute for further information.

§ 39.01 PUBLIC RECORDS AVAILABLE. This county shall make available to any person for inspection or copying all public records unless otherwise exempted by state law. Statutory reference: For provisions concerning the inspection of public records, see Ga. Code, §§ 50-18-70 et seq.

#### **§ 10.16 PRESERVATION OF PENALTIES, OFFENSES, RIGHTS AND LIABILITIES**

- (A) All offenses committed under laws in force prior to the effective date of this code shall be prosecuted and remain punishable as provided by those laws. This code does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this code.
- (B) The liabilities, proceedings and rights are continued. Punishments, penalties or forfeitures shall be enforced and imposed as if this code had not been enacted. In particular, any agreement granting permission to utilize highway rights-of-way, contracts entered into or franchises granted, the acceptance, establishment or vacation of any highway and the election of corporate officers shall remain valid in all respects, as if this code had not been enacted.



**§ 10.99 GENERAL PENALTY**

- (A) Any such violation, upon conviction thereof, as prescribed by the laws of Georgia, shall be punishable by a fine or imprisonment, or both, not to exceed the maximum fine or the maximum imprisonment, or both, as prescribed by the pertinent laws of Georgia, as such laws (see Ga. Code, § 36-1-20(b)) now exist or as they may hereafter be amended; however, in no case shall the maximum punishment for any one violation exceed the maximum punishment as provided by the pertinent laws of Georgia in effect and existing at the time of such violation. (The maximum punishment which may now, at the effective date of the enactment of this code section, be imposed under and by virtue of the pertinent laws of Georgia, being Ga. Code, § 36-1-20(b), shall not exceed a fine of \$1,000 or imprisonment for 60 days, or both, which such maximum amount of the fine or the maximum number of days imprisonment, or both, may hereafter be changed, increased or decreased, from time to time, by the enactment of an amendment, or amendments, to the pertinent laws of Georgia.)
  - (B) The imposition of any such fine or imprisonment, or both, for any violation shall not excuse the violation or permit it to continue; and all such violators shall be required to correct or remedy such violations or defects within the time as prescribed by the court having jurisdiction of such matter, and, in the absence of any such completion time being fixed by the court, within a reasonable time after such violations occur.
  - (C) The application of any fine, imprisonment or other penalty shall not be construed to prevent the enforced removal of prohibited conditions or to postpone any action required.
  - (D) The remedies herein set out for the purpose of enforcing the provisions of this section shall not be deemed to be exclusive, but shall be cumulative of all other remedies, civil or criminal, provided by the laws of Georgia or by the ordinances of Pike County.
  - (E) Violations of this section shall be tried in the Magistrate Court of Pike County, Georgia pursuant to the provisions of Ga. Code, §§ 15-10-60 et seq.
- (Ratification of Code adopted 06-02; Updated Ratification adopted 2006; Updated Ratification adopted 05-13-09; Updated Ratification adopted 03-14-12)

