

PART II
OFFICIAL CODE

Chapter 1

GENERAL PROVISIONS

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Sec. 1-1. Adoption of Code; name.

The codification of resolutions, general resolutions and ordinances passed by the board of commissioners is adopted as "The Official Code of Camden County, Georgia," and may be so cited. Such Code may also be cited as the "Camden County Code."

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code and of all resolutions and ordinances, the following definitions and rules of construction shall be observed, unless inconsistent with the manifest intent of board of commissioners or the context clearly requires otherwise:

Administrator. Unless otherwise specifically provided, the term "administrator" shall mean the person employed by the board of commissioners to fulfill the duties of county administrator as then defined.

Board of commissioners. The term "board of commissioners" shall mean the board of commissioners of Camden County, Georgia.

Bond. When a bond is required, an undertaking in writing shall be sufficient.

Code. The term "Code" shall mean the Official Code of Camden County, Georgia, as designated in

section 1-1.

Commissioner. The term "commissioner" shall mean one or more members of the board of commissioners.

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.

County. The term "county" or "the county" shall mean the County of Camden, Georgia.

County clerk. Unless otherwise specifically provided, the term "county clerk" shall mean the person employed by the board of commissioners to fulfill the duties of clerk of the board of commissioners as then defined.

Day. The term "day" means a calendar day of 24 hours.

Delegation of authority. Whenever a provision appears requiring the head of a department of the county 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.

Joint authority. All words giving joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers, except when such words are used to grant authority to the board of commissioners.

Keeper and proprietor. The terms "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.

Law. The term "law" shall mean and denote applicable federal law, the constitution and statutes of the state, the resolutions of the county, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

May. The term "may" is permissive.

Month. The term "month" means a calendar month.

Must. The term "must" is mandatory.

Names of officers, and departments. The name or title of any officer or department shall be read as though the words "of Camden County" were added to such name or title.

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.

Oath. The term "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 terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

O.C.G.A. O.C.G.A. means the Official Code of Georgia Annotated.

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

Owner. The term "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 a part of such building or land.

Penal resolutions, ordinances. The rules of construction and definitions of words as contained in the penal code of the state, insofar as they can be made applicable, are hereby adopted as governing the penal ordinances or resolutions of the county.

Person. The term "person" shall include a natural person, corporation, firm, partnership, association, organization, club, company, business, trust and any other group acting as a unit, or the manager, lessee, agent, servant, officer or employee of any of them, as well as an individual.

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

Preceding, following. The terms "preceding" and "following" shall mean next before and next after, respectively.

Premises. Whenever the term "premises" is used, it shall mean place or places.

Property. The term "property" shall include real and personal property.

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

Real property. The term "real property" shall include lands, tenements and hereditaments.

Residence. The term "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.

Road or street. The term "road" or "street" shall include all roads, streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in this county that have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

Schedule of fees and charges. The term "schedule of fees and charges" shall mean the official consolidated list maintained in the county clerk's office, which lists rates for utility or other public enterprises, fees of any nature, deposit amounts and various charges as determined by the board of commissioners.

Seal. The term "seal" shall mean the county seal.

Shall. The term "shall" is mandatory.

Sheriff. The term "sheriff" shall mean the sheriff of Camden County, Georgia.

Sidewalk. The term "sidewalk" shall mean any portion of a street between the curblin and the adjacent property line, intended for the use of pedestrians, but shall not include any unimproved areas between the curblin and improved walkways.

Signature or subscription. The term "signature" or "subscription" shall include a mark when the person cannot write.

State. The term "state" or "the state" shall mean the State of Georgia.

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

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

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

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

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.

Sec. 1-3. Incorporation of resolutions, ordinances.

Any resolution, general resolution or ordinance not presently included in the Official Code of Camden County, Georgia, and passed subsequent to the preparation of such codification is automatically included and incorporated in this Code by reference. Any resolution, general resolution or ordinance passed subsequent to January 7, 1997, shall automatically become a part of the Official Code of Camden County, Georgia.

Sec. 1-4. Form of Code; repository; maintenance.

A copy of the Official Code of Camden County, Georgia, shall be kept on file in the office of the clerk to the board of commissioners, preserved in looseleaf form, or in such other form as the clerk may consider most expedient. It shall be the express duty of the clerk or someone authorized by the clerk to insert in their

designated places all resolutions, general resolutions and ordinances which indicate the intention of the board of commissioners to make them a part of the Official Code of Camden County, Georgia, when they have been printed or reprinted in page form, and to extract from the Official Code of Camden County, Georgia, all provisions which may be repealed by the board of commissioners. This copy of the Official Code of Camden County, Georgia, shall be available for all persons desiring to examine it and shall be considered the Official Code of Camden County, Georgia.

Sec. 1-5. Catchlines of sections; history notes and references.

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, or 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.

State Law References: Notes and catchlines of Code sections not part of law, O.C.G.A. § 1-1-7.

Sec. 1-6. Severability of parts of Code.

It is the intention of the board of commissioners 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 they would have been enacted by the board of commissioners without the incorporation in the Code of any such unconstitutional phrase, clause, sentence, paragraph or section.

State Law References: Severability, O.C.G.A. § 1-1-3.

Sec. 1-7. References to titles of officers, employees, public bodies.

Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board of commission of the county.

Sec. 1-8. Interpretation of language.

All 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 the law shall be construed and understood according to such peculiar and appropriate meaning.

Sec. 1-9. Grammatical interpretation.

The following grammatical rules shall apply in the resolutions and resolutions of the county unless it is apparent from the context that a different construction is intended:

- (1) *Gender.* Each gender includes the masculine, feminine and neuter genders.
- (2) *Singular and plural.* The singular number includes the plural, and the plural includes the singular.

- (3) *Tenses.* Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

Sec. 1-10. Acts by agent.

When an act is required by resolution or ordinance, the act being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by a designated agent.

Sec. 1-11. Causing, permitting, abetting or concealing prohibited act.

Whenever in the resolutions or ordinances of the county any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.

Sec. 1-12. Construction of provisions.

The provisions of the resolutions or ordinances of the county and all proceedings under them are to be construed with a view to effect their objects and to promote justice.

Sec. 1-13. Effect of repeal or expiration of resolution.

(a) The repeal of a resolution or ordinance, or its expiration by virtue of any provision contained in the resolution or ordinance, 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 resolution expired and shall not repeal the repealing clause of a resolution or revive any resolution or ordinance that has been repealed by the resolution or ordinance.

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

Sec. 1-14. Resolutions and ordinances not affected by Code.

Nothing in this Code or the resolution or 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 resolution or ordinance promising or guaranteeing the payment of money for the county or authorizing the issuance of any bonds of the county or any evidence of the county's indebtedness.
- (3) Any contract or obligation assumed by the county.
- (4) Any resolution or ordinance fixing the salary of any county officer or employee.

- (5) Any right or franchise granted by the county.
- (6) Any resolution or ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the county.
- (7) Any appropriation resolution or ordinance.
- (8) Any resolution or ordinance which, by its own terms, is effective for a stated or limited term.
- (9) Any resolution or ordinance providing for local improvements and assessing taxes for such improvements.
- (10) Any zoning resolution or ordinance.
- (11) Any resolution or ordinance dedicating or accepting any subdivision plat or adopting any subdivision regulations.
- (12) Any resolution or ordinance describing or altering the boundaries of the county.
- (13) The administrative resolutions or ordinances of the county not in conflict or inconsistent with the provisions of this Code.
- (14) Any resolution or ordinance levying or imposing taxes not included in this Code.
- (15) Any resolution or ordinance establishing or prescribing street grades in the county.

No such resolution or ordinance shall be construed to revive any resolution or ordinance or part of a resolution or ordinance that has been repealed by a subsequent resolution or ordinance which is repealed by this chapter. All such resolutions or ordinances are recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

Sec. 1-15. Provisions considered continuations of existing resolutions.

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

Sec. 1-16. Amendments to Code.

(a) All resolutions or 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 in this Code. In the case of repealed chapters, sections and subsections or any part, by subsequent resolutions or ordinances, such repealed portions may be excluded from the Code by omission from affected reprinted pages. The subsequent resolutions or ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent resolutions or ordinances until such time that this Code and subsequent resolutions or ordinances numbered or omitted are readopted as a new code by the board of commissioners.

(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.

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

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

Sec. 1-17. Supplementation of Code.

(a) By contract or by county personnel, supplements to this Code shall be prepared at least on an annual basis. A supplement to the Code shall include all substantive, permanent and general parts of resolutions or ordinances passed by the board of commissioners during the period covered by the supplement and all changes made by the supplement in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete; and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest resolution or ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by their omission from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person authorized to prepare the supplement) may make formal, nonsubstantive changes in resolutions and parts of resolutions 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 resolution or 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, where necessary to accommodate new material, change existing section or other subdivision numbers.
- (4) Change the words "this resolution" 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 resolution or ordinance incorporated into the Code).
- (5) Make other nonsubstantive changes necessary to preserve the original meanings of resolution or ordinance sections inserted into the Code, but in no case shall the codifier make any change in

the meaning or effect of resolution material included in the supplement or already embodied in the Code.

Sec. 1-18. Altering Code.

It shall be unlawful for any person in the county to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages, or portions of pages, or to alter or tamper with such Code in any manner whatsoever that will cause the law of the county to be misrepresented unless so authorized by resolution or ordinance or other official act of the board of commissioners. Any person violating this section shall be punished as provided in section 1-19.

State Law References: Altering, falsifying or stealing public records unlawful, O.C.G.A. § 45-11-1.

Sec. 1-19. General penalty; continuing violations; authority granted to court.

(a) O.C.G.A. § 36-1-20 gives the board of commissioners, for the purpose of protecting and preserving the public health, safety and welfare, authorization to adopt resolutions and ordinances for the governing and policing of the unincorporated areas of the county, violations of which resolutions and ordinances may be punished by fine or imprisonment, or both.

(b) The Georgia General Assembly, in 1991, amended O.C.G.A. § 36-1-20, relating to resolutions and ordinances for governing and policing unincorporated areas of the county, so as to increase the maximum fine from \$500.00 to \$1,000.00.

(c) O.C.G.A. § 36-1-20 gives jurisdiction over violations of county resolutions and ordinances to the magistrate court of the county.

(d) O.C.G.A. § 36-1-20 is incorporated as a part of the Official Code of Camden County, Georgia.

(e) Whenever in this Code or in any resolution or ordinance of the county any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Code or any resolution or ordinance the doing of any act is required and the failure to do such act is declared to be unlawful, and no specific penalty is provided, and unless otherwise provided by state law, the violation of any such provision of this Code or any such resolution or ordinance shall be punished by a fine not to exceed \$1,000.00 and imprisonment in the county prison or in the county jail and work and labor on the streets or public works of the county, whether within or without the corporate limits, not exceeding 60 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 resolution or ordinance shall continue shall constitute a separate offense.

(f) The judge of the magistrate court shall have the power and authority to:

(1) Impose upon persons convicted in the magistrate court the fines provided for in this Code, the resolutions and ordinances of the county, 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.

(g) The judge of the magistrate court shall have full power and authority to declare the forfeiture of bonds given by offenders for their appearance before the 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. (Ord. of 12-22-1993; Ord. of 5-7-2002(1))

State Law References: Imposition of additional penalty for certain drug offenses, O.C.G.A. § 15-21-100; imposition of additional penalty for offense of driving under the influence of alcohol or drugs, O.C.G.A. § 15-21-112; additional penalty to be imposed in criminal and traffic cases to provide training to law enforcement officers and prosecuting officials, O.C.G.A. ch. 15-23; additional penalty assessments for jail construction and staffing, O.C.G.A. § 15-21-93; punishment for misdemeanors generally, O.C.G.A. § 17-10-3; deposit of driver's license for violations of laws pertaining to traffic and motor vehicles, O.C.G.A. § 17-6-11; payments to peace officers annuity and benefit fund from revenues collected from fines and fees, O.C.G.A. § 47-17-60 et seq.; alternative punishments for violations involving a traffic offense, O.C.G.A. § 17-10-3(e).

Sec. 1-20. Liability for violations by corporations and other associations.

(a) Any violation of this Code by any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization, while acting within the scope of his office or employment, shall in every case also be deemed to be a violation by such corporation, association or organization.

(b) Any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization shall be subject and liable to punishment as well as such corporation or unincorporated association or organization for the violation by it of any provisions of this Code, where such violation was the act or omission, or the result of the act, omission or order, of any such person.